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| <p>CARNEGIE FORUM 305 WEST PINE STREET LODI, CALIFORNIA</p> | <p>AGENDA LODI PLANNING COMMISSION</p> | <p>REGULAR SESSION WEDNESDAY, JANUARY 13, 2010 @ 7:00 PM</p> |
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For information regarding this agenda please contact:

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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 – “December 9, 2009”
3. PUBLIC HEARINGS
 - a. Request for Planning Commission approval of a Use Permit to allow a Type 21 Off-Sale General ABC license at 205 West Lockeford Street. (Applicant: William L. Rankin, on behalf of Quick Stop Markets, Inc. File Number: 9-U-14)

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
5. ANNOUNCEMENTS AND CORRESPONDENCE
6. ACTIONS OF THE CITY COUNCIL
 - a. Council Summary Memo
7. GENERAL PLAN UPDATE/DEVELOPMENT CODE UPDATE
8. ACTIONS OF THE SITE PLAN AND ARCHITECTURAL REVIEW COMMITTEE
9. ART IN PUBLIC PLACES
10. COMMENTS BY THE PUBLIC
11. COMMENTS BY THE PLANNING COMMISSIONERS & STAFF
12. ADJOURNMENT

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

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

Right of Appeal:

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

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

**LODI PLANNING COMMISSION
REGULAR COMMISSION MEETING
CARNEGIE FORUM, 305 WEST PINE STREET
WEDNESDAY, DECEMBER 9, 2009**

1. CALL TO ORDER / ROLL CALL

The Regular Planning Commission meeting of December 9, 2009, was called to order by Chair Cummins at 7:01 p.m.

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

Absent: Planning Commissioners – Heinitz

Also Present: Community Development Director Konradt Bartlam, Deputy City Attorney Janice Magdich, Assistant Planner Immanuel Bereket, Public Works Director Wally Sandelin, General Plan Update Consultants Rajeev Bhatia and Jean Eisberg with Dyett & Bhatia and Administrative Secretary Kari Chadwick

2. MINUTES

“October 14, 2009” & “October 28, 2009”

MOTION / VOTE:

The Planning Commission, on motion of Commissioner Kirsten, Olson second, approved the Minutes of October 14, 2009 and October 28, 2009 as written. (Commissioner Hennecke abstained from the October 28, 2009 minutes because he was not in attendance of the subject meeting)

3. PUBLIC HEARINGS

- a) Notice thereof having been published according to law, an affidavit of which publication is on file in the Community Development Department, Chair Cummins called for the public hearing to consider the request for a Tentative Parcel Map to divide one parcel in to two lots at 502 East Oak Street and request for a Variance to reduce required front yard setback from 20-feet to 10-feet for proposed single family dwelling at 504 East Oak Street. (Applicant: Baumbach and Piazza, Inc. on behalf of Service First of Northern California, Inc. File # 09-P-02).

Assistant Planner Bereket gave a brief PowerPoint presentation based on the staff report. Staff recommends approval of the project as presented.

Commissioner Kirsten asked for clarification regarding the variance for the flag lot from 20' to 10' and why there isn't a requirement for a variance for the front lot from 20' to 18'. Mr. Bereket stated that the front lot will go through the Administrative Deviation process. Kirsten asked if the reduced set back was consistent along that section of Oak Street. Bereket stated that is was.

Commissioner Mattheis asked about the potential of having all of the dwellings front on a street rather than having one front on an alley. Director Bartlam stated that the there has been some discussion regarding that idea, but these are two separate projects.

Hearing Opened to the Public

- Steve Peachin, Baumbach & Piazza, came forward to answers questions. Mr. Peachin stated that the configuration of the lots come from meetings with the Applicant, City Staff, and himself. The two projects are being done through two different agencies and it will be difficult to alter or try to combine them.

- Commissioner Olson asked about the types of funds to be used. Mr. Peachin introduced Sharon Siams with Service First to answer the funding questions.
- Sharon Siams, Service First, came forward to answer Commissioner Olson's question. Ms. Siams stated that the corner lot, 500 East Oak Street, is the lot that is being worked on through the City of Lodi HOME Program and 502 East Oak Street is being worked through the Neighborhood Stabilization Program (NSP) with the County.
- Commissioner Olson asked about the type of funding and the qualifications of the applicants. Ms. Siams stated that there will be income qualifications and the applicants will be responsible for getting their own loans through a private lender. Olson asked if there are any covenants placed on the homes. Siams stated that according to NSP they are required to keep them for 30 years because the funds are special Housing & Urban Development (HUD) funds. Olson asked if the applicant sells before then are they required to sell to a targeted income group. Siams stated that that is one of the requirements.
- Commissioner Kirsten asked what the photos of the newer homes in the staff report represented. Ms. Siams stated that the photos represent what style of home will be put on the properties. Kirsten stated that he would like to see more of a period style of home that would have a positive effect on the character of the neighborhood. Ms. Siams stated that she would take the suggestion back to the architect.

Public Portion of Hearing Closed

- Commissioner Mattheis stated his support for the project and added his agreement with Commissioner Kirsten regarding the look of the homes. He doesn't want to place any conditions on the project that would make the home more expensive, but feels that there could be some minor changes that would make the look of the homes more suburban rather than contemporary, like they are part of an older neighborhood. Mattheis suggested taking the verbiage "To the extent feasible" out of condition number five. Mr. Bartlam stated that this application is for a parcel map and the architectural review doesn't fall under the purview of the application. Mattheis stated that the condition is in the Resolution and he would like to see the verbiage altered if the other Commissioners agree.
- Commissioner Kiser stated his agreement with the other two Commissioners regarding the look of the homes matching the homes in the surrounding area.
- Commissioner Kirsten stated his support of the project except for the architecture and would like to see the language "To the extent feasible" stricken also.
- Commissioner Hennecke stated his support for the project and added his agreement with the other Commissioners regarding the architecture.

Commissioner Mattheis made the motion to approve the project with the deletion of "To the extent feasible" in number five under the Community Development conditions.

MOTION / VOTE:

The Planning Commission, on motion of Commissioner Mattheis, Kiser second, approved the request of the Planning Commission for a Tentative Parcel Map to divide one parcel in to two lots at 502 East Oak Street and request for a Variance to reduce required front yard setback from 20-feet to 10-feet for proposed single family dwelling at 504 East Oak Street subject to the conditions in the resolution with the deletion of the language above. The motion carried by the following vote:

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

- b) Notice thereof having been published according to law, an affidavit of which publication is on file in the Community Development Department, Chair Cummins called for the public hearing to consider the Review and comment on the comprehensive Draft Environmental Impact Report & Draft General Plan.

Director Bartlam gave a brief introduction of the program and then introduced Rajeev Bhatia and Jean Eisberg from the consultant firm of Dyett and Bhatia. Mr. Bhatia stated that this Draft Environmental Impact Report (DEIR) is a broad look at the program level. There will be subsequent environmental documents that will need to be done for individual projects. Mr. Bhatia introduced Jean Eisberg to continue with the PowerPoint presentation based on the information in the Staff report and PowerPoint presentation.

Mr. Bartlam continued the presentation beginning at the General Plan Land Use PowerPoint section. There are no changes proposed for the General Plan Land Use Plan, but there are changes to the proposed policies based on the environmental review.

Commissioner Hennecke asked why there was not a definition supplied for the Armstrong Agricultural Cluster Zoning area. Mr. Bartlam stated that it is not defined on the map, but is included within the discussion in the document. The intent is to show that the area is set for future study and staff does not want to presuppose what the outcome of the study might be and what may occur in that area in the future. It is an attempt in the General Plan to recognize the ongoing discussion and staff can not say what that outcome will be. Mr. Bhatia stated that if it is the Commission's wish a definition can be brought back. Hennecke stated that that was not necessary. He only asked the question because it was the only area not specifically defined.

Commissioner Olson asked about infill in the downtown being affected by the Federal Government's definition regarding Historical Resources and she would like to make sure that that avenue has been explored. Mr. Bartlam stated that the downtown has maybe three or four properties listed on the registry. There was some discussion that occurred at the meeting in September regarding taking additional Historical Resources inventory and that will become one of the follow up measures that will occur over the life of the plan. Olson stated that she did not think that section was fully developed.

Commissioner Mattheis asked about the level of Service E. Most EIRs wouldn't find that level acceptable; it would be like gridlock. Is it meant to be more of a policy of common sense? Mr. Bartlam stated that that is correct; an example is the type of intersection at Lower Sacramento Road and Kettleman Lane and the potential of more of these types happening as the plan grows. In the initial traffic runs there were around six to ten more of this type of intersection that could have been required given the level of service standard. Service level D will be our accepted level of service, but on occasion a level E may be looked at where it may have more benefit to a complete street. Where a level of service for an intersection doesn't take into consideration whether a pedestrian can cross the street in a single cycle. Mr. Bhatia stated that on page 3.2-16 of the DEIR there are pages of intersections that are at Level D and lower.

Commissioner Olson stated her concerns over the street widths. Mr. Bartlam stated that there is no proposal in the DEIR to change the dimension of streets. If there is a desire to change the street standards then staff can come back to the Commission with a presentation on that as a separate item. Olson stated that when this is looked at later down the road this issue should be considered so that response times can be met and law suit avoided.

Commissioner Kiser stated his support for having wider streets for public safety purposes and does not want to see this issue fall through the cracks. Mr. Bartlam stated that this is not the venue to look at the specific street standards. The documents are not proposing any changes to the street standards. He also reminded the Commission that he is only with the City for an interim basis and placed the burden of not letting this item fall through the cracks back on the Commission to let the next Director know their concerns. Mr. Bhatia pointed out on pages 4-22 & 23 that there are no street dimensions stated in the DEIR.

Commissioner Hennecke asked if staff still planned on bringing back a presentation regarding the manner in which the street standards are enforced. Mr. Bartlam stated that he has discussed this with Director Sandelin and a presentation will be brought back to the Commission.

Director Bartlam continued with his presentation. He pointed out additional letters (on blue sheets) that have been received since the packet was delivered to the Commissioners. The DEIR is still in the public review period and will be until January 11, 2010.

Commissioner Mattheis asked about the water analysis and the agricultural mitigation. The water levels are at a break even point at the best case scenario. He would like staff to walk through the water analysis section. Mr. Bartlam introduced Wally Sandelin, Public Works Director, to answer this question. Mr. Sandelin stated that water presentation in the DEIR shows that the City has secured reliable supplies in normal years and modestly reliable supplies in dry years. Coupled with the policies within the DEIR there can only be development if the water levels allow for it. There are opportunities through conservation and estimates used in preparing the demand numbers that are relatively conservative such that the city doesn't have any long term worries of meeting future development need. Mattheis asked about the future safe yield and how that works and is added into the ground water capacity. Mr. Sandelin stated that when staff prepared the 2005 Urban Water Management Plan there was a very sophisticated Ground Water Model that was prepared as a decision maker on how we treat the ground water contamination through the PCE/TCE clean-up program. Through that analysis staff was able to identify on a large scale basis what the in-flow of water was to our ground water supply, what the out-flow was, what our extraction was through the wells, and determine the annual safe yield was 15,000 acre feet per year under the existing footprint of the City. That was converted then to a long term safe yield based on an enlarged footprint of the City. Mattheis asked if the 15% conservation goals are primarily through the water meters. Mr. Sandlin stated that the water meters will only be a part of it. There are other possibilities through policy changes like taking the watering days down to one day a week. Mattheis asked about establishing an agricultural mitigation program on page 3.3-10 regarding mitigation measures and fees. This is a new program that would have to be created, is that correct. Mr. Bartlam stated that for the last couple of EIRs the agricultural mitigation has been done on a case-by-case basis. For each of the EIRs the mitigations proposed were different due to the different consulting firms preparing the documents, different staff reviewing them, and different project applicants that would ultimately have to implement the measures. The problem was that those measures were only as good as those projects and didn't take into account the rest of the development that might occur. Staff felt that it was time that the City have a comprehensive program for all developments and that way every project that has an impact by virtue of expanding into the agricultural area is captured. Mattheis asked why not have more definite language in the form of a ratio; for instance a 1 to 1. Mr. Bartlam stated that staff felt that would be best served in the implementation policy; for example if there was going to be land preserved in the Armstrong Road Study Area that might have more of an incentive than say land in another area. Mr. Bhatia stated that on page 7-34 of the plan staff did try to prioritize the areas of interest.

Commissioner Kirsten asked if there is an acknowledgement of the effect that the projected infill would have on the current infrastructure. Mr. Bartlam stated that the program level of the DEIR does take into account for the current infrastructure. Mr. Bhatia added that on page 3.13-19 there is a breakdown of where there may be upgrades needed to the sewer lines. Mr. Bartlam stated that the traffic analysis also took infill into consideration. Mr. Sandelin stated that on the heels of the General Plan adoption the Public Works Department will be preparing detailed master plans for water, sewer, storm drainage infrastructure and then will prepare a revised Impact Mitigation Fee Program for the City Council to consider.

Commissioner Olson asked about the wetlands portion and why it is so low. Mr. Bartlam stated that wetlands are more prominent in areas where there is more grazing land verses vineyards and orchards which is what you find in and around Lodi. Olson asked who is doing those delineations. Mr. Bhatia stated that the exhibit on page 3.4-5 shows that the entire planning area was taken into consideration not just the proposed adoption area and it is in that area that you find most of the wetlands.

Hearing Opened to the Public

- John Beckman, Building Industry Association (BIA) Executive Officer, came forward to comment. Mr. Beckman pointed out the letter that he sent to the Commission. Several of the Commissioners asked for a moment to read the letter.
- Chair Cummins asked about Mr. Beckman's opinion on gated communities. Mr. Beckman does not think that they should be prohibited. There is a way to put criteria in the EIR to reduce their impacts and that can discourage them.
- Commissioner Kirsten asked why Mr. Beckman thinks that a point system would be a better idea for development verse the proposed phasing. Mr. Beckman stated that the development in phase two should not be penalized because phase one has not reached the 75% threshold of completion. For Instance; the zoning designations in phase one may not have the same market demand as the designations in phase two and by prohibiting development in phase two until the threshold is met then you have interfered with the free market system. By using a point system you allow development in phase two to occur, but you penalize it with the point system. Now the development has been adjusted to the City's will without causing an economic hardship to the market. Kirsten asked for more clarification on how the point system works; are the different uses given different points? Mr. Beckman stated that in this case the projects in phase one are given 100 points and the projects in phase two are given 25 and there are a bunch of different other points given for type of project, the desirability of the project and various amenities the project has to offer. The point system is meant to encourage desirable development and discourage undesirable or not as highly valued development and with the phasing system you give a large bonus to projects in phase one and a very small number of points to projects in phase two. This point system is what has been used in the past and has worked very effectively. Kirsten asked if Mr. Beckman was familiar with other cities using this type of system to limit the leap-frog effect of growth. Mr. Beckman stated that he has not seen the prohibitions included in this plan in any other city.
- Commissioner Kiser asked why couldn't under the applicant under the point system come to the Planning Commission to change the zoning. Mr. Beckman stated that what Commissioner Kiser is referring to is changing the zoning within a geographic area from one zoning designation to another. What he is referring to is the phasing of one geographic area verses another geographic area not changing the zoning within a geographic area. Kiser asked for more clarification on the difference. Mr. Beckman stated that if the project that is requesting a zoning change is in phase one there would still be a change in the points that are given to that project based request, but they will still get bonus points for being in phase one verses phase two.
- Commissioner Olson stated that the comment regarding LU-P28 and the problem with having the word "prices" shouldn't the problem be with the word "full"? Mr. Beckman stated that the full range of housing types is healthy for the community. When you mandate prices you get into legal and economic problems with continued development. If you mandate the price a product can be sold at you may limit the quantity of that product that gets built. Olson stated that if you take out the word "full" you will still have a development that has a range of types and prices which most developments do anyway. Mr. Beckman agreed. Olson stated her disagreement with the State Green-housing Standards comment. She stated that other jurisdictions have standard that are not the same as the State. Mr. Beckman stated that not where Building Codes are concerned. The City Council must make specific findings based on climatology, seismatology, and soil types that are specific to that region to justify adopting building codes that are different from the State mandated codes. Olson asked that if a city wanted to mandate a certain percentage of development have solar or some other standard to offset energy usage or some other usage it can't be done unless the state mandates it? Mr. Beckman stated that he doesn't believe that mandating solar falls under the building codes, but if you wish to change the distance that the studs in a wall are from each other or if the city wants to change the amount of insulation for green purposes that is required in those walls those are building issues. Olson asked if the areas that adopt requirements that differ from the State have challenges

coming from BIA. Mr. Beckman stated that in the Palm Springs area there have been some challenges.

- Commissioner Kiser stated that he as a contractor can go from one city to another and find different requirements.
- Director Bartlam added that the proposed edits to the Growth Management Policy which is in the packet adds to the last sentence "in order to respond to market changes and demand for various land use types exemptions may be made to allow for development in future phases before thresholds in previous phases have been reached". This starts to address Mr. Beckman's prime concern, but staff is not recommending any changes to the Ordinance which is where the point scoring activities occur. The phasing that is proposed is for all land use designations. Green-building standards if adopted by the State as part of the mandated Building Codes will become a part of the city codes. The purpose of the policy is to look beyond the Building Codes and look at building orientation, energy efficiency, the use of street trees, and things of that nature which don't enter into the building code equation. Mr. Bartlam offered to go through the BIA letter point by point if the Commission wished.
- Chair Cummins asked for more discussion regarding the gated communities. Mr. Bartlam stated that the intent of the policy is the make the city one big connective neighborhood and gated communities do not follow along with that idea. Should the Commission wish to eliminate the policy eliminating the gated communities it would not be detrimental to the DEIR or General Plan. After talking with various people from the community several good examples of gated communities have been mentioned, like; the Wine & Roses project and the Rivergate project off Turner Road at the end of Sacramento Street.
- Jane Wagner-Tyack came forward to comment. Ms. Wagner-Tyack handed out and read a letter (attached) to the Commission expressing her concerns. Commissioner Mattheis asked Ms Wagner-Tyack if she was using table 3.13-5 on page 3.13-13 regarding the water supply and demand because the figure in the table differs from the number she used in her letter. Ms. Wagner-Tyack stated that the number she used could be a typo. Mattheis asked staff for clarification on the water issue for peace-of-mind in the case where the city may suffer several dry years in a row. Mr. Bartlam stated that the analyses in the DEIR are conservative numbers and don't take into account any water conservation measures. Mr. Sandlin stated that the County and the partner agencies in the County prepared many years ago an integrated Regional Water Management Plan acknowledging the fact that over the past years that we have over drafted the region's ground water to the tune of 200,000 acre feet per year. Every partner agency of that plan has a component of their share. Lodi's share that has been taken on by purchasing 6000 acre feet per year from the Woodbridge Irrigation District (WID) which we hope will be delivered to the City in 2011. Now if you take our current situation of using 17,000 acre feet per year and then subtract the 6000 that will come from WID that leaves 11,000 that the City will have to pump from a resource that could reasonable supply 15,000. This means that the City will be leaving 4000 in the ground. The idea is to use the surface water in the years of plenty and draw on the banked ground water in the years of drought. Mr. Bartlam stated that there have already been conservation measures put in place and more conservative policies can be implemented along the way. Mr. Bhatia added that this is an item that will have to be monitored throughout the life of the General Plan. Ms. Wagner-Tyack stated that she would like to see the projections brought into line with what the growth will be so there would not be any discrepancies with these numbers. Mr. Bartlam stated that there are fairly liberal estimates on growth and conservative estimates on supply reflected in the table.
- Bruce Frye came forward to comment on the Alternative Plans A and B. Mr. Frye asked what the designation for the area north of Armstrong Road is. Mr. Bartlam with the assistance of the PowerPoint slides stated that in Alternative A the designation is Planned Residential Reserve (PRR) which is consistent with the current General Plan. In Alternative B there is a proposed Rural Residential designation which is different than any of the other alternatives. This will extend from the city limits south to the half mile line then the Study area continues south from that. During the discussions on the alternatives there were two separate groups that came forward; one group that consisted of Mr. Frye and his neighbors

who wanted an alternative (A) that would provide for the opportunity for the City Council to allow for a designation down to Armstrong Road, and the other group wanted to have an alternative (B) that would allow for the Delta College campus. Mr. Frye would like to see Alternative A used. Mr. Frye suggested that Policy CP-2 needs to have “surrounding cities” included in the verbiage to go along with the San Joaquin County. All agriculture should be included not just grapes. The Agricultural Conservation Program should be worked on with the stake holders which includes the San Joaquin Farm Bureau who have worked with the County along with the City of Stockton on their program. The surface water usage should be addressed in more detail because the ground water levels are being affected by the wells which affects the surrounding area farmers. Mr. Frye asked if the Urban Water Management Plan (UWMP) is reviewed every five years. Mr. Sandelin stated that that is correct. It will be updated in 2010. Mr. Frye asked if the General Plan used the 2005 version. Mr. Bartlam stated that the proposed General Plan takes information from the 2005 UWMP, but it has been updated with information that was derived as part of the General Plan Process. The 2010 UWMP once updated will coincide with the General Plan provided the General Plan is adopted in 2010. If the General Plan takes a longer amount of time, then the 2010 UWMP will be based on the current General Plan. Mr. Bartlam stated that the UWMP update in 2010 will occur weather or not the General Plan gets adopted. It is staffs hope that they will go hand-in-hand. Mr. Frye stated that there is a Bill (HR2421) from a year ago that is before the Federal Government that would take the Navigatable Waters out of the Clean Water Act which would make any puddle on any persons property weather it be privately owned or City owned under the jurisdiction of the Federal Government.

- Mike Manassero came forward to comment on the DEIR. He stated his agreement with Mr. Frye’s comments.
- Ann Cerney came forward to comment on the DEIR. Ms. Cerney stated that she would like to make two points regarding the agriculture and soil resources information in Table ES-3 on page E-7. The mitigation of agricultural land is addressed only to the extent to say that it can not be mitigated. If this is supposed to be a Policy Document then it should have specifics in it. With the last few annexations the citizens have had to demand that the developers make a one for one acre mitigation through lawsuits or the threat of a lawsuit. Ms. Cerney feels very strongly about the mitigation of agricultural land. The LU-P28 policy should have the word price in it. It is important to have low income housing.

Public Portion of Hearing Closed

- Commissioner Mattheis stated that there should be minimum mitigation language placed in the Agricultural Language. Mr. Bartlam stated that the language could be whatever the Commission wishes to recommend to the City Council. If the numbers get boiled down too tight you could end up in a trap of your own making. Should a developer choose to mitigate Agricultural Land with a one for one ratio then maybe they get an incentive for choosing an area that is important to the City possibly the area south of Lodi and those questions need to be answered before a fee can be determined because there has to be a direct relationship. Mattheis stated that he would like to see the language have some teeth. Mr. Bartlam stated that in figure 7-5 of the General Plan the area immediately south of Lodi is proposed to have a higher priority for agricultural mitigation. The thought is if someone is interested in preserving land in that area, however that might occur, they may get an incentive to do that by either a lower fee or lower ratio. Mr. Bartlam added that he does not have a problem with the ratio being one for one. Mattheis stated that he supports the preferred plan designations verses the language for the southern portion of the plan being left as Urban Reserve. It is too easy for the land to be taken and used for development with the Urban Reserve designation. With regards to the BIA letter he is satisfied with the explanations given by staff for the concerns expressed. He would like to have language added if the gated communities are going to be allowed that says “limited to areas that do not interrupt the fabric of the City” or something to that effect. Mattheis stated his pleasure with the Plan as presented.
- Vice Chair Hennecke requested a brief recess.

Chair Cummins called for a brief recess (9:28)

Chair Cummins called the meeting back to order (9:34)

- Vice Chair Hennecke asked what is expected of the Commission tonight. Mr. Bartlam stated that if the Commission is comfortable with the Draft General Plan then a recommendation to Council to that affect is in order. If not it can be brought back for more discussion. Hennecke asked about the street widths needing to be addressed now. Mr. Bartlam stated that that is not a General Plan issue. Those standards are in place and there is no proposal in the General Plan to change those, but if the Commission is interested in reviewing those standards they can be brought back.
- Commissioner Olson would like to see the language for gated communities changed and have the word prohibited removed. Staff referred back to Commissioner Mattheis' language stated earlier; "limited to areas that do not interrupt the connectivity of the fabric of the City".
- Commissioner Hennecke asked for clarification on what limiting connectivity means. Mr. Bhatia stated that when and if there is a gated community application that comes before the Commission it will be up to the Commission to determine weather or not it interrupts the connectivity of the City. Mattheis added that if an application for a gated community comes before the Commission and is surrounded by residential it would limit the connectivity of the City fabric however if it is bordered by a canal on one side and backs up to a major thoroughfare on another that would not limit the connectivity. Hennecke asked if it is necessary to address it to that level. He believes that each plan should be looked at individually and the determination made at that time. Mattheis disagreed and would like to see the language altered.
- Commissioner Mattheis asked if now is the time to enter the one to one ratio for Agricultural Land Mitigation. Mr. Bartlam stated that that language could be added at this time and could easily be inserted into the opening language of the policy.

MOTION / VOTE:

The Planning Commission, on motion of Chair Cummins, Kiser second, recommend that the City Council approve a new General Plan for the City of Lodi and approve the policy changes recommended in the Draft Environmental Impact Report prepared for the General Plan Update subject to the conditions in the resolution along with the changes stated above. The motion carried by the following vote:

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

4. PLANNING MATTERS/FOLLOW-UP ITEMS

None

5. ANNOUNCEMENTS AND CORRESPONDENCE

Director Bartlam reminded the Commission that this will be the final meeting for this year and wished the Commission on behalf of staff a Happy Holiday.

6. ACTIONS OF THE CITY COUNCIL

Director Bartlam referenced the memo in the packet and stated that staff is available for questions. He pointed out that Councilmember Katzakian is our new Mayor.

7. GENERAL PLAN UPDATE/DEVELOPMENT CODE UPDATE

Mr. Bartlam stated that staff is working very hard to put together the new designations that will need to be implemented along with the general plan. Staff is hoping to bring something back to the Commission regarding those designations at the second meeting in January.

8. ACTIONS OF THE SITE PLAN AND ARCHITECTURAL REVIEW COMMITTEE

Commissioner Kiser gave a brief report regarding the Kohl's Item that the Committee reviewed at it's meeting early this evening.

9. ART IN PUBLIC PLACES

Commissioner Kirsten stated that the Commission is up to date and that the next meeting will be next week.

10. COMMENTS BY THE PUBLIC

None

11. COMMENTS BY STAFF AND COMMISSIONERS

None

12. ADJOURNMENT

There being no further business to come before the Planning Commission, the meeting was adjourned at 9:45 p.m.

ATTEST:

Konrad Bartlam
Planning Commission Secretary

Comments to Planning Commission Regarding Draft General Plan and Draft EIR Water and Infrastructure

12/9/09

Jane Wagner-Tyack

145 South Rose Street, Lodi

1. Issues raised in 10/20/09 email to Mr. Bartlam

- The graphic on page 3-9 of the Draft General Plan is misleading because it minimizes the contribution of groundwater (well water) to Lodi's water supply. The graphic should show that we rely primarily on groundwater, that the time frame for recharge is quite long, and that the water does not necessarily become available in the future in the same place where it entered the ground originally. At a minimum, the title of the graphic should be changed.
- On page 3-10, right-hand column, third paragraph, the Draft General Plan says, "As the city grows, the available safe yield of the underlying groundwater will increase." This is a puzzling statement for which there appears to be no justification. At a minimum, the statement requires some explanation.

The Draft EIR actually addresses this by explaining (page 3.13-1) that the City will reduce its groundwater pumping from over 17,000 acre feet in 2008 "to a safe yield of approximately 15,000 acre-feet per year. This safe-yield estimate reflects an acreage-based relationship. Therefore, as the City's land area increases, the estimated safe yield of the underlying aquifer will likely increase."

Given the unpredictability of groundwater, this seems like a tenuous solution to Lodi's water supply needs. In addition, the connection between more city acreage and more access to groundwater constitutes a perverse incentive tending to encourage unsustainable urban growth and loss of agricultural land. As a policy, this should be discouraged.

- On page 3-17, the Draft General Plan says "Use of gray water or rainwater for non-potable uses may require installation of dual plumbing systems." Pages 3-33 – 3-34 (GM-P12) says "Support on-site gray water and rainwater harvesting systems for households and businesses" – I encourage the city to pursue these alternatives.

A careful reading of the Draft General Plan makes it clear that water supply and wastewater treatment options do not support projected growth. Rather than point out relevant sections in that draft, I have noted them below in comments on the Draft EIR.

2. Comments on the Draft EIR

- The correct formal name of the Delta is the Sacramento-San Joaquin Delta. The area is also correctly referred to as the San Francisco Bay-Delta Estuary.
- Camanche Reservoir is misspelled.
- This page refers to Figure 3.7-1 regarding Groundwater Basins, but the figure itself doesn't specifically identify groundwater sub-basins, only watersheds. The title of the graphic is "Regional Watersheds and Waterways." The identification of groundwater basins needs to be more clear.

In categories related to hydrology, water quality, and infrastructure, the Draft EIR identifies the impact of the General Plan as "less than significant" and reports that no mitigation is required, in some cases because "[the] impact would be mitigated by existing State and local regulations and proposed General Plan policies." This wording undoubtedly meets regulatory requirements, but I urge you to exercise common sense in addressing the spirit as well as the letter of the regulations with respect to water supply and wastewater treatment. Specifically:

- "Upon construction of the new surface water treatment plant, the City would have a long-term water supply of 27,000 acre feet per year available from its current safe yield of groundwater and the future surface water supplies." The Draft General Plan (page 3-10) assumes that even with a 15% reduction in residential demand due to the installation of water meters, "the total city-wide demand at reasonable development [would be about] 29,380 acre-feet per year." **That is a shortfall of 2,380 acre-feet per year under a best-case scenario for both supply and demand.**
- The Draft General Plan, (page 3-23) and the Draft EIR (3.13-20 and 21) list inadequacies in the City's wastewater facilities. The Sewer Outfall from the City to the WSWPCF does not have adequate capacity for the PWWF [peak wet weather flows] at reasonable development of the General Plan. The City is already aware that expansion of WSWPCF will be required in the near future, and a tertiary filtration facility is part of that plan.

Wastewater discharge by cities in the Delta region has come under increasing scrutiny, not just because it affects the quality of export water (which we might like to assume is not our problem) but because it adversely affects fish and other species and their habitat in the Delta and the Estuary. This is our problem. Although I don't know the details, I believe the California Sportfishing Protection Alliance has already challenged Lodi's treatment of some of its wastewater. **The City should be aware that pressure is increasing from the State for cities in the Delta region to treat their wastewater discharge to a very high level—likely higher than we have planned for.**

Recommendations

The City should aggressively pursue gray water systems, rainwater harvesting and cisterns, dry wells, and water recycling in addition to rigorous water conservation, including increased use of drought-tolerant landscaping by the City itself. The dual plumbing systems necessary for gray water and harvested rainwater use are allowed under this General Plan. The City should revisit the issue of the cost-effectiveness of delivering recycled water to potential demand locations. The existing Water Conservation Ordinance needs to be strictly enforced, and the City itself should be following the Ordinance. Efforts at public education need to be increased, with the City considering incentives as well as penalties with respect to wise water use.

The Draft EIR makes it clear that there is no lack of State regulations and local plans and ordinances addressing water issues, and General Plan policies require planning for water supply and availability before development takes place. Necessary infrastructure must be provided in a “timely” manner—but in practice, we know that budgetary constraints do not allow the City to meet this requirement in every case.

It is the job of city planners to take growth projections, however they are arrived at, and give decision-makers a plan that provides for that projected growth. It is possible to make assumptions and update demand and supply calculations in ways that support that projected growth. However, it falls to Lodi decision-makers to connect the dots in this General Plan without relying on optimistic assumptions or estimates. The Draft General Plan and Draft EIR clearly show that water availability and wastewater treatment place inescapable constraints on Lodi’s growth. I urge you to require a General Plan that acknowledges actual, realistic limits on water availability, wastewater treatment, and the City’s ability to provide necessary water infrastructure, allowing for growth only within those realistic limits.

The Final EIR requires responses to public comments. I look forward to seeing these comments addressed there.

Item 3a.

**CITY OF LODI
PLANNING COMMISSION
Staff Report**

MEETING DATE: January 13, 2010

APPLICATION NO: Use Permit: 09-U-14

REQUEST: Request for Planning Commission approval of a Use Permit to allow a Type 21 Off-Sale General ABC license at 205 West Lockeford Street. (Applicant: William L. Rankin, on behalf of Quick Stop Markets, Inc. File Number: 9-U-14)

LOCATION: 205 West Lockeford Street
APN: 041-161-15
Lodi, CA 95240

APPLICANT: Quick Stop Markets, Inc.
4567 Enterprise Street
Fremont, CA 94538

PROPERTY OWNER: Adachi Investment LLC
1991 Sun Mor Avenue
Mountain View, CA 94040

RECOMMENDATION

Staff recommends that the Planning Commission approve the request of William L. Rankin, on behalf of Quick Stop Markets, Inc., for a Use Permit to allow a Type-21 Off-Sale General Alcoholic Beverage Control (ABC) license at 39 205 West Lockeford Street, subject to the conditions in the attached resolution.

PROJECT AREA DESCRIPTION

General Plan Designation: GC, General Commercial
Zoning Designation: C-2, General Commercial
Property Size: 22,126 sq. ft.

The adjacent zoning and land use characteristics:

| | General Plan | Zone | Land Use |
|-------|--|------------------------------|------------------|
| North | ER, Eastside Residential | RE-1, Eastside Residence | Residences |
| South | DC, Downtown Commercial | C-2, General Commercial | Commercial Shops |
| East | NCC, Neighborhood Community Commercial | C-1, Neighborhood Commercial | Commercial Shops |
| West | NCC, Neighborhood Community Commercial | C-1, Neighborhood Commercial | Commercial Shops |

SUMMARY

The applicant, Mr. William L. Rankin, on behalf of Quick Stop Markets, Inc., is requesting approval of a Use Permit to allow a Type-21 Alcoholic Beverage Control (ABC) License in conjunction with a gas station operation. The gas station, known as Quick Stop Markets, is located at 205 West Lockeford Street. The applicant currently holds a Type-20 Off-Sale Beer and Wine Alcoholic Beverage license and would like to upgrade to Type-21 Off-Sale General

Alcoholic Beverage Control license. The gas station with a convenience store and sale of alcoholic beverages are permitted uses at this location.

BACKGROUND

Quick Stop Markets has operated at this location since September of 1988. Development plans for the property were reviewed and approved by the Site Plan and Architectural Review Committee in early 1987. The applicant has had an ABC License Type-20 since 1988 and has not had problems related to the alcoholic license. The project proponent owns and operates similar stores throughout California including their store on Cherokee Lane, which currently holds a Type-21 Off-Sale General Alcoholic Beverage Control license. The applicant has won the Department of Alcoholic Beverage Control's annual lottery for the right to apply for a Type 21 off-Sale General ABC License. Available City records indicate the property has no outstanding zoning or building code violations.

ANALYSIS

As previously noted, the applicant presently holds an Alcoholic Beverage Control License Type 20, which authorizes the sale of beer and wine for consumption off the premises where sold. Type 20 prohibits the sale of distilled spirits. Minors are allowed on the premises. The applicants would like to upgrade their ABC License to Type 21, which authorizes the sale of beer, wine, and distilled spirits for consumption off the license premises where sold. Typically, gas stations and neighborhood stores hold Type 20 and Type 21 ABC licenses.

The project site is zoned General Commercial (C-2). In the C-2 zoning district, conveniences store and gas stations are permitted uses. Under the C-2 zoning district, the applicant may sell alcohol for on and off-site consumption with the granting of a Use Permit by the Planning Commission, pursuant to §17.72.040 of the Lodi Municipal Code, which requires a Use Permit for new Off-Sale and On-Sale alcohol licenses as well as changes in license type. The City established the Use Permit requirement to gain local control over whether or not a license is appropriate for a particular location. The Department of Alcoholic Beverage Control primarily controls issuance based on concentration of licenses within a particular Census Tract.

The project area belongs to Census Tract 42.03. Census Tract 42.03 covers the area west of Union Pacific Rail Road Company (UPRR), north of Lockeford Street along Union Pacific Rail Road Company (UPRR) rail-line, east of Ham Lane, and south of Turner Road. According to ABC, Census Tract 42.01 contains 2 existing off-sale licenses with 3 licenses allowed based on the ABC criteria. One of the two (2) licenses belongs to the applicants. The applicants will be required to cancel their current Type 20 License in order to upgrade to Type 21 License. The net result will be the same. Because this census tract is not over-concentrated, the Planning Commission and/or City staff does not need to make a finding of public necessity and/or convenience in order to approve the Use Permit.

Staff sent copies of the application to various City departments for comments and review. Their comments and requirements have been incorporated into the attached resolution. At present, no change to the site plan is proposed. If approved, the applicant would add a small behind-the-counter display area (storage rack). The applicants would be required to submit specifications of the proposed storage rack in accordance with the California Building Code. Staff has contacted the Lodi Police Department for their requirement for approval of the proposed off-sale beer, wine and distilled spirits

application and they do not anticipate alcohol related problems. The Lodi Police Department recommends approval subject to the conditions outlined in the attached resolution (see attachment 5).

In staff's opinion, the proposed sale of alcohol for off-site consumption will not result in any adverse conditions and that the intent of the proposed use is in conjunction with a convenience market in that a convenience market is permitted by-right in the C-1 zoning district. Staff recommends conditions of approval that will allow the City to reconsider the Use Permit if there is a significant increase in police or other public services provided to the site following the effective date of this Use Permit. The proposed project is consistent with the use on the site and compatible with the General Plan and Zoning Ordinance land uses. Staff believes that the required findings necessary for the approval of a Use Permit have been made in the attached resolution. Therefore, recommends approval the Use Permit subject to the conditions outlined in the attached resolution.

ENVIRONMENTAL ASSESSMENTS:

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

PUBLIC HEARING NOTICE:

Legal Notice for the Use Permit was published on January 2, 2010. 57 public hearing notices were sent to all property owners of record within a 300-foot radius of the subject property as required by California State Law §65091 (a) 3. No protest letter has been received.

ALTERNATIVE PLANNING COMMISSION ACTIONS:

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

Respectfully Submitted,

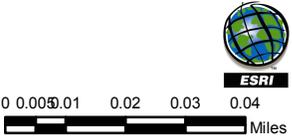
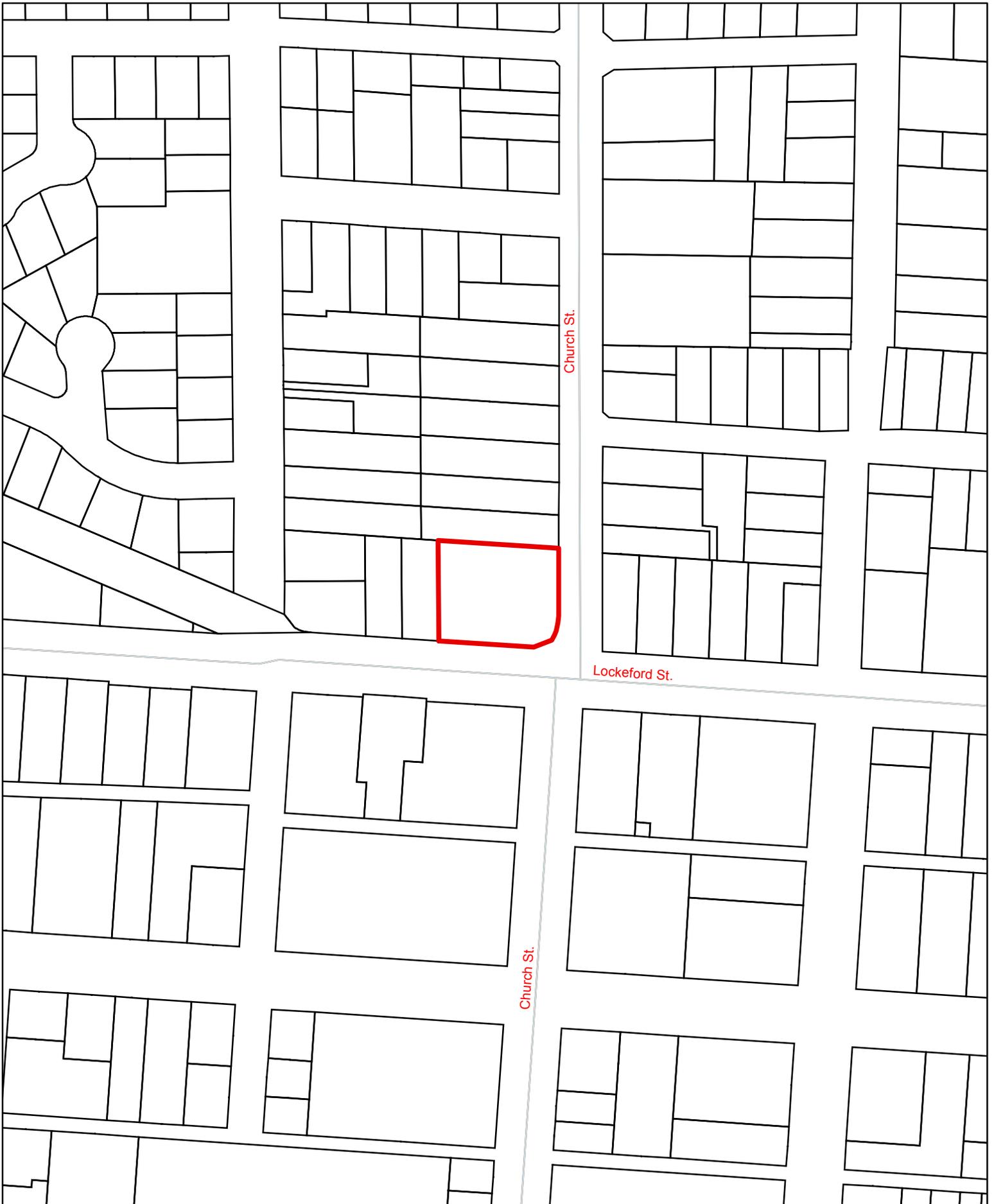
Concur,

Immanuel Bereket
Assistant Planner

Konradt Bartlam
Community Development Director

ATTACHMENTS:

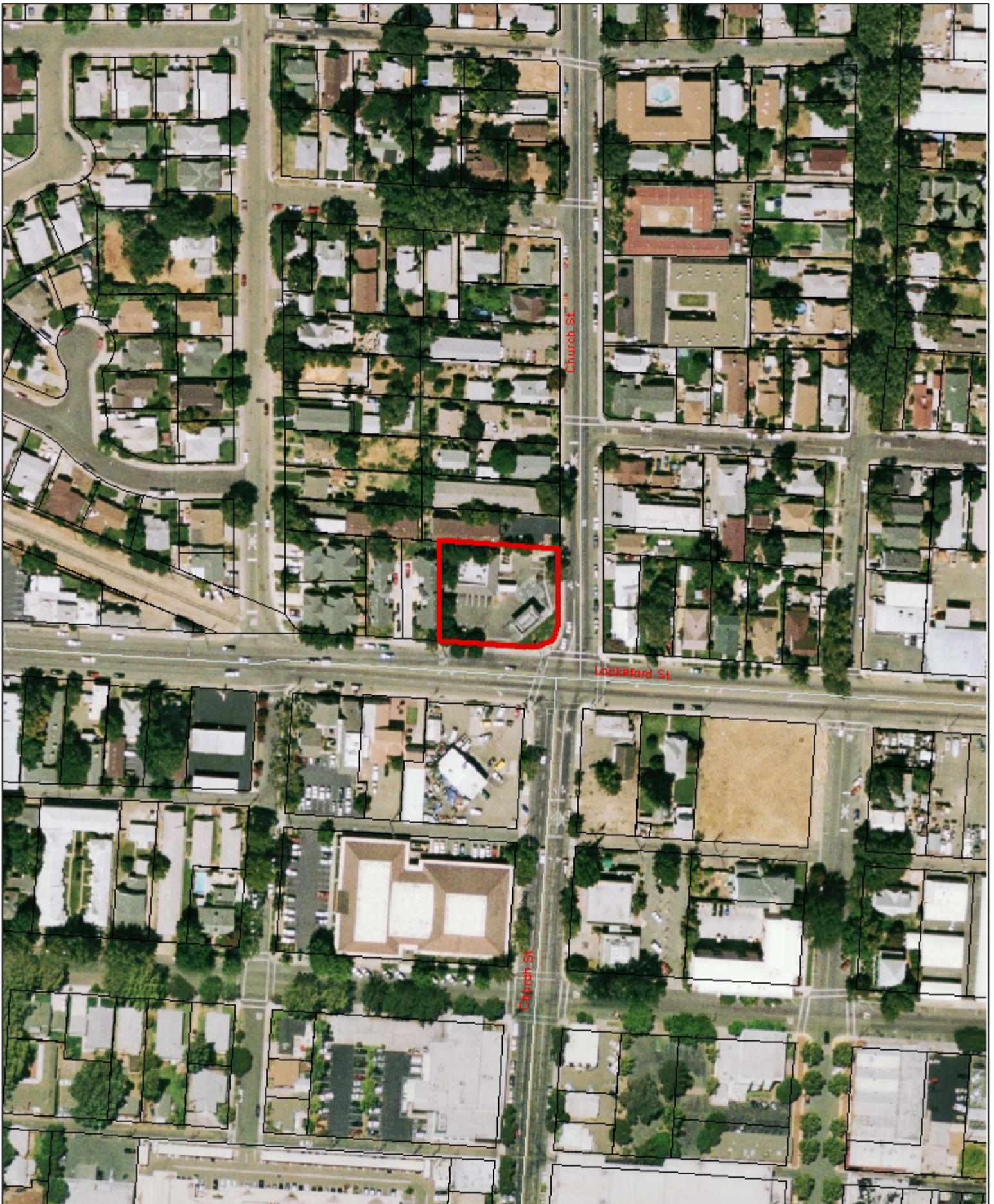
1. Vicinity Map
2. Aerial Photo
3. Site Plan
4. Existing Alcoholic Beverage Control Licenses
5. Police Department Correspondence
6. Draft Resolution



VICINITY MAP
205 West Lockeford Street
Lodi, CA 95240

Legend

 Project Area



0 0.000001 0.02 0.03 0.04 Miles

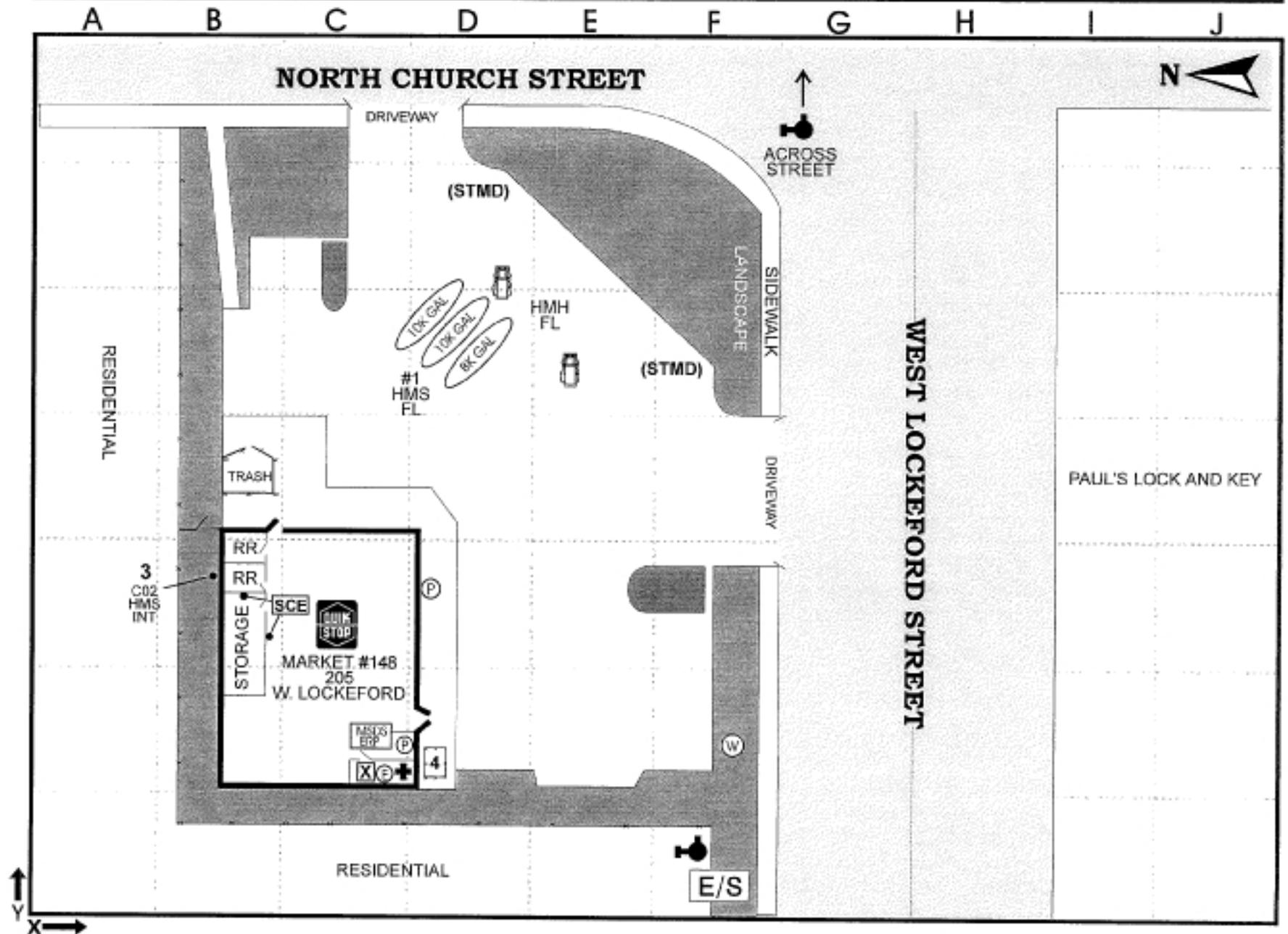
AERIAL MAP
205 West Lockeford Street
Lodi, CA 95240

Legend

 Project Area

BUSINESS NAME: QUIK STOP MARKET #148

SITE ADDRESS: 205 WEST LOCKEFORD,
LODI, CA 95240



California Department of Alcoholic Beverage
Control
For the County of SAN JOAQUIN - (Off-Sale
Licenses)
and Census Tract = 0042.03

Report as of 12/1/2009

| | License Number | Status | License Type | Orig. Iss. Date | Expir Date | Primary Owner and Premises Addr. | Business Name | Mailing Address | Geo Code |
|----|------------------------|--------|--------------|-----------------|------------|---|-------------------------|--|----------|
| 1) | 340593 | ACT | 20 | 5/12/1998 | 4/30/2010 | RUNDUHA INC 20 W TURNER RD LODI, CA 95240 Census Tract: 0042.03 | SHORTSTOP | PO BOX 1523 LODI, CA 95241 | 3902 |
| 2) | 474917 | ACT | 20 | 3/17/2009 | 6/30/2010 | QUIK STOP MARKETS INC 205 W LOCKEFORD ST LODI, CA 95240-2011 Census Tract: 0042.03 | QUIK STOP MARKET NO 148 | 4567 ENTERPRISE ST FREMONT, CA 94538-7605 | 3902 |

--- End of Report ---

Immanuel Bereket

From: Gary Benincasa
Sent: Friday, November 13, 2009 10:08 AM
To: Immanuel Bereket
Subject: 205 W. Lockeford Street

Manny,

We have reviewed the Use Permit Application relative to the ABC upgrade for Quick Stop Markets, Inc. We have no concerns or recommendations for change.

Gary

Captain Gary Benincasa

215 W. Elm St.

Lodi, CA 95240

(209) 333-6726

gbenincasa@pd.lodi.gov

RESOLUTION NO. P.C. 10-

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LODI FOR THE APPROVAL OF THE REQUEST OF WILLIAM L. RANKIN, ON BEHALF OF QUICK STOP MARKETS, INC., FOR A USE PERMIT TO ALLOW FOR AN OFF-SALE BEER, WINE AND DISTILLED SPIRITS ALCOHOLIC BEVERAGE CONTROL LICENSE AT 205 WEST LOCKEFORD STREET

WHEREAS, the Planning Commission of the City of Lodi has heretofore held a duly noticed public hearing, as required by law, on the requested Use Permit, in accordance with the Lodi Municipal Code, Section 17.72.070; and

WHEREAS, the project proponent is William L. Rankin, on behalf of Quick Stop Markets, Inc., 4567 Enterprise Street, Fremont CA 94538; and

WHEREAS, the project property owner is Adachi Investment LLC, 1991 Sun Mor Avenue, Mountain View, CA 94040; and

WHEREAS, the project area is located at 205 West Lockeford Street, Lodi, CA 95240 (APN 041-161-15); and

WHEREAS, the property has a General Plan designation of GC, General Commercial and is zoned C-2, General Commercial; and

WHEREAS, the requested Use Permit to allow the selling of beer, wine and distilled spirits for off-site consumption in conjunction with operation of a convenience store at a gas station is an enforcement action in accordance with the City of Lodi Zoning Ordinance; and

WHEREAS, Census Tract 42.03 in which the business is located currently does not have an over concentration of licenses allowing the sale of beer, wine, and distilled spirits for consumption off the license premises where sold; and

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

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

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

1. The project was found to be categorically exempt according to the California Environmental Quality Act, Article 19 15321 Class 21 (a) (2). The project is classified as an "Enforcement Action by Regulatory Agencies" because it is the "adoption of an administrative decision or order enforcing...the lease, permit, license, certificate, or entitlement for use or enforcing the general rule, standard, or objective." No significant impacts are anticipated and no mitigation measures have been required.
2. The sale of alcoholic beverages for off-premise consumption as part of a convenience store is a permitted use in the General Commercial (C-2) zoning District.
3. The sale of alcoholic beverages for off-premise consumption is a normal part of business operations and provides a convenience for customers of the business.
4. The sale and consumption of alcohol can sometimes result in customer behavior problems that can require police intervention.
5. Steps can be taken by the Applicant/Operator to reduce the number of incidents resulting from the over-consumption of alcohol including the proper training and monitoring of employees serving alcohol; the careful screening of IDs of customers to avoid sales to under-aged individuals; limiting the number of drinks sold to individual customers to avoid over-consumption; providing properly trained on-site security to monitor customer behavior

both in and outside of the establishment; and working with the Lodi Police Dept. to resolve any problems that may arise.

6. The proposed use can be compatible with the surrounding use and neighborhood if the business is conducted properly and if the Applicant/Operator works with neighboring businesses and residents to resolve any problems that may occur.
7. The sale of alcoholic beverages at this location can meet the intent of the General Commercial zoning district and can provide a public convenience or necessity for customers of the business.

NOW, THEREFORE, BE IT DETERMINED AND RESOLVED by the Planning Commission of the City of Lodi that Use Permit Application No. 09-U-14 is hereby approved, subject to the following conditions:

1. The developer will defend, indemnify, and hold the City, its agents, officers, and employees harmless of any claim, action, or proceeding to attack, set aside, void, or annul this Use Permit, so long as the City promptly notifies the developer of any claim, action, or proceedings, and the City cooperates fully in defense of the action or proceedings.
2. The Applicant/Operator 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.
3. The Applicant/Operator shall operate and abide by the requirements and conditions of the State of California Department of Alcoholic Beverage Control License Type 21. The Type 21 License shall be limited to the sale of beer, wine, and liquor (distilled spirits) for consumption off the license premises where sold during the hours that the business is open.
4. Starting from the effective date the business commences the sale of beer, wine and distilled spirits, this Use Permit shall be subject to a one year, and two year review by Community Development Director. If the Director determines it necessary, the Director shall forward the review to the Planning Commission to review the business's operation for compliance with the conditions of the Use Permit, and in response to any complaints thereafter. Additional reviews may be prescribed by the Community Development Director, the Police Department and/or Planning Commission as needed during and after the first two years of probationary period.
5. The Lodi Police Department may, at any time, request that the Planning Commission conduct a hearing on the Use Permit for the purpose of amending or adding new conditions to the Use Permit or to consider revocation of the Use Permit if the Use Permit becomes a serious policing problem.
6. The Use Permit shall require the Applicant/Operator to secure an Alcoholic Beverage Control License Type 21 Off-Sale General – Package Store.
7. Prior to the issuance of a Type 21 ABC license, the Applicant/Operator shall complete Licensee Education on Alcohol and Drugs as provided by the State Department of Alcoholic Beverage Control.
8. Any changes to the interior layout of the business operation shall be subject to review and approval by the Planning Department and shall require appropriate City permits.

10. 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 building.
11. The operator of the business shall police the area surrounding the business to prevent patrons from congregating/loitering outside the premises and to prevent excessive noise or other objectionable behavior. Noise levels shall be monitored to insure that noise shall not violate the City's Noise Ordinance Section 9.24.020 and Section 9.24.030.
12. Noise emanating from the property shall be within the limitations prescribed by the City's Noise Ordinance and shall not create a nuisance to surrounding residential neighborhoods, and/or commercial establishments.
13. The exterior of all the premises shall be maintained in a neat and clean manner, and maintained free of graffiti at all times.
14. The operation of the business shall comply with all applicable requirements of the Municipal Code.
15. No variance from any City of Lodi adopted code, policy or specification is granted or implied by this approval.

Dated: January 13, 2010

I certify that Resolution No. 10- was passed and adopted by the Planning Commission of the City of Lodi at a regular meeting held on January 13, 2010 by the following vote:

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

ATTEST: _____
Secretary, Planning Commission

Item 6a.



MEMORANDUM, City of Lodi, Community Development Department

To: City of Lodi Planning Commissioners
From: Rad Bartlam, Community Development Director
Date: Planning Commission Meeting of 1/13/2010
Subject: Past meetings of the City Council and other meetings pertinent to the Planning Commission

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

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

| Date | Meeting | Title |
|-----------------|---------|--|
| January 6, 2010 | Regular | Receive Presentation Regarding the Draft Environmental Impact Report and Draft General Plan (CD) |