

<p>CARNEGIE FORUM 305 WEST PINE STREET LODI, CALIFORNIA</p>	<p><b>AGENDA</b> <b>LODI</b> <b>PLANNING COMMISSION</b></p>	<p>REGULAR SESSION WEDNESDAY, OCTOBER 14, 2009 @ 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 – “September 23, 2009”
3. PUBLIC HEARINGS
  - a. Request for Planning Commission approval of a Use Permit to allow a Type 2 (Winery) Alcoholic Beverage Control License at 139 South Guild Avenue, Suite 102. (Applicant: Arthur and Mary Koth; File Number: 09-U-10)
  - b. Request for Planning Commission approval of a Use Permit to allow a Type 2 (Winery) Alcoholic Beverage Control License at 1205 East Vine Street. (Applicant: Hello Wine. File Number: 09-U-11)
  - c. Review and comment on the comprehensive Draft General Plan

**NOTE: The above items are quasi-judicial hearings and require disclosure of ex parte communications as set forth in Resolution No. 2006-31**

4. PLANNING MATTERS/FOLLOW-UP ITEMS
5. ANNOUNCEMENTS AND CORRESPONDENCE
6. ACTIONS OF THE CITY COUNCIL
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 2<sup>nd</sup> Floor, 221 West Pine Street, Lodi, California 95240 – Phone: (209) 333-6702.

**LODI PLANNING COMMISSION  
REGULAR COMMISSION MEETING  
CARNEGIE FORUM, 305 WEST PINE STREET  
WEDNESDAY, SEPTEMBER 23, 2009**

***DRAFT***

1. CALL TO ORDER / ROLL CALL

The Regular Planning Commission meeting of September 23, 2009, was called to order by Chair Cummins at 7:00 p.m.

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

Absent: Planning Commissioners – None

Also Present: Community Development Director Konradt Bartlam, Deputy City Attorney Janice Magdich, Assistant Planner Immanuel Bereket, and Administrative Secretary Kari Chadwick

2. MINUTES

“September 9, 2009”

MOTION / VOTE:

The Planning Commission, on motion of Commissioner Kiser, Olson second, approved the Minutes of September 9, 2009 as written. (Commissioners Heinitz and Kirsten abstained because they were 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 Use Permit to allow a Type-41 On-Sale Beer and Wine Alcoholic Beverage Control License at OZ Japanese Restaurant located at 2414 West Kettleman Lane.

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

Hearing Opened to the Public

- Young Jang, applicant, came forward to answer questions.

Public Portion of Hearing Closed

MOTION / VOTE:

The Planning Commission, on motion of Commissioner Mattheis, Hennecke second, approved the request of the Planning Commission for a Use Permit to allow a Type-41 On-Sale Beer and Wine Alcoholic Beverage Control License at OZ Japanese Restaurant located at 2414 West Kettleman Lane subject to the conditions in the resolution. The motion carried by the following vote:

Ayes: Commissioners – Heinitz, Hennecke, Kirsten, Kiser, Olson, Mattheis, and Chair Cummins

Noes: Commissioners – None

- b) Notice thereof having been published according to law, an affidavit of which publication is on file in the Community Development Department, Chair Cummins called for the public hearing to consider the request to amend a previously approved Use Permit 07-U-01 to allow additional time for the construction of onsite parking lot at 1800 S. Cherokee Lane. (Applicant: Chris Ray, on behalf of Wine Country Cardroom & Restaurant).

Director Bartlam gave a brief report based on the staff report. Mr. Bartlam stated that the plans have been received by the building department for the parking lot improvements.

Commissioner Heinitz asked if the area between the parking lot and Cherokee lane, the streetscape, was going to get improved with this project. Mr. Bartlam stated that the curb, gutter, and sidewalk is not being required to be improved at this time because staff did not feel that the area warranted it, but the strip of property between the parking area and the street will get some landscaping and be maintained.

Commissioner Mattheis asked about the landscaping running in front of the current building. Mr. Bartlam stated that the landscaping does continue along the curb already. Mattheis asked if there have been any issues with parking since the applicant has already increased the number of tables. Mr. Bartlam stated that staff has not seen any issues at this point, but there is expected to be some overflow issues once the applicant starts construction on the parking lot.

Commissioner Kiser asked about phasing of the project. Mr. Bartlam stated that phasing really isn't an option in this case.

Commissioner Olson asked if 90 days was the maximum number of days that can be allowed for the extension. Mr. Bartlam stated that the Commission may grant an extension of time that they choose, but be aware that if the time is not long enough then the applicant will have to come back and ask for more time.

Commissioner Mattheis asked about the requirement of the applicant submitting an interim parking plan, has that been presented to staff. Mr. Bartlam stated that it has not been submitted yet, but will be reviewed at the same time as the building permit.

Commissioner Kiser asked if a parking agreement with Lodi Honda is still an option during the construction phase. Mr. Bartlam stated that that would be a good question for the applicants to address.

Hearing Opened to the Public

- Stephen Snider, applicant, came forward to answer questions. Mr. Snider stated that a contractor has been chosen and a plan has been submitted for the building permit. He stated that the company is currently in negotiations with the adjacent property owner to utilize their land while the work is being completed. Mr. Snider stated that he would like to have 120 days on the extension.
- Commissioner Kiser stated that he is relieved to hear that there is an effort being made to utilize the adjacent property while the property is being improved. He also feels that the time should be extended through January 2010 because of possible rain delays.
- Commissioner Mattheis asked if Mr. Snider knew how long the building permit process was going to take. Mr. Snider stated that Mr. Bartlam indicated two to three weeks.
- Commissioner Heinitz stated that he does not have a problem with the time extension, but he would like to see the project done right. He would like to see an effort made to improve the visual element along the sidewalk side of the parking area. Mr. Snider stated that every effort is being made to make the entire area visually pleasing.

Public Portion of Hearing Closed

- Discussion between the Commissioners regarding the number of days to extend the permit occurred.

MOTION / VOTE:

The Planning Commission, on motion of Commissioner Kiser, Heinitz second, approved the request of the Planning Commission to allow additional time for the construction of onsite parking lot at 1800 S. Cherokee Lane to extend through January 31, 2010. The motion carried by the following vote:

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

- c) 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 to certify the proposed Mitigated Negative Declaration 09-MND-02 as adequate environmental documentation for the proposed dewatering facility to be located at the White Slough. (Applicant, City of Lodi: File # 09-MND-02).

Assistant Planner Bereket gave a brief PowerPoint presentation based on the staff report.

Hearing Opened to the Public

No one from the public came forward.

Public Portion of Hearing Closed

MOTION / VOTE:

The Planning Commission, on motion of Commissioner Mattheis, Kiser second, approved the request of the Planning Commission to certify the proposed Mitigated Negative Declaration 09-MND-02 as adequate environmental documentation for the proposed dewatering facility to be located at the White Slough subject to the conditions in the resolution. The motion carried by the following vote:

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

- d) 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 review and comment on the comprehensive Draft General Plan.

Director Bartlam gave a brief PowerPoint presentation based on the staff report. He stated the timeline breakdown of the events that have occurred to this point. Staff is looking forward to receiving the administrative draft EIR some time this week. Mr. Bartlam stated that this is an initial public hearing and no action by the Commission is required at this time.

Hearing Opened to the Public

No speakers came forward.

Public Portion of Hearing Closed

- Chair Cummins asked his fellow Commissioners how they felt about the ban on gated communities on page 13. Commissioner Kiser felt that gated communities are a positive idea. Commissioner Heinitz stated that depending on the CC&Rs that regulate the area these types of communities can go either way. There are several gated and non-gated communities in Lodi that show as both good and bad examples for this style of community. Commissioner Mattheis stated that gated communities divide up neighborhoods. It takes away the walkable community. Director Bartlam stated his agreement with Commissioner Mattheis and also added that gated communities can give a false sense of security. There are just as many if not more break-ins in gated communities because people don't keep as watchful an eye out which falls back on the false sense of security. These types of communities also necessitate the neighborhood/community to maintain their own streets and sidewalks and for several reasons that does not always work out. Chair Cummins asked for examples. Commissioner Heinitz gave a couple of example where this has occurred.
- Commissioner Kiser asked about section CD-P40 on page 16 of the policies regarding the LEED requirements. Director Bartlam stated that some sort of green building construction guidelines are recommended based on the direction that the State is heading. This in not forcing LEED certification, but to be LEED equivalent.
- Commissioner Olson asked how staff is going to handle training for all the sustainable policies when there are so many cuts in budgets. Director Bartlam stated that these policies will take years to implement and the timeline spreadsheet that will be presented will show the prioritization of each item. Olson stated her desire to not see the building industry get back on their feet only to be stopped at the front desk. Mr. Bartlam stated that that is not the intention of these policies.
- Commissioner Kirsten asked for clarification on LEED equivalent. Mr. Bartlam stated that staff will prepare a stand alone summary for the Commission to help clarify this issue.
- Director Bartlam pointed out C-G10 on page 26 regarding the reduction of greenhouse gases is a specific requirement by the state, and on pg 32 C-P36 is how staff feels this should be implemented.
- Commissioner Mattheis stated his pleasure over the policies and how they are being presented. He would like to see the language in the policy under Growth Management LU-G1 (\*GM-P1) on page 5 strengthened to promote the area south of Lodi as an agricultural area; on pg 7 LU-G1 (\*GM-P11) has the verbiage of where feasible, isn't this giving too many outs. Mr. Bartlam stated that not all projects are going to be able to meet this requirement do to unusual circumstances. Mattheis would like to see the yellow sidewalks downtown go away. Bartlam mentioned that the Downtown Summit on October 16<sup>th</sup> would be a great place to bring that issue up. Mattheis referred to page 14, CD-P29, under Mixed Use Centers isn't 10% of land being devoted to non-residential area a little small. Mr. Bartlam stated that he felt 10% is a good minimum, and wouldn't want to see the number go much higher. He then pointed out the Turner/Lower Sacramento Road intersection and surrounding area as a good example of a mixed use center. It isn't the best example of walkability but that is something that can be worked on in future developments with the new standards. Mattheis stated his agreement with Mr. Bartlam regarding page 16 LEED Certification. He believes it is all hype and is a large burden on the applicants and would like to see how staff plans on implementing equivalent policies. Page 30, C-P23; He is in favor of historic designations so long as the policies are not so restrictive that the areas or structures do not become such protected icons so as to not allow for adaptable reuse of the items.
- Commissioner Hennecke asked about page 5 regarding Growth Management; should we be implementing policies outside of the areas that are controlled by the City of Lodi. Mr. Bartlam stated that in every environmental document that has come before the Commission

over the past five or six years the city has been requiring mitigation measures for preserving agricultural land outside of the City limits. The intent is to deal with this as a city policy rather than it being a hit or miss negotiation item. Further he stated that the EIR is going to be requiring it as a mitigation measure because if you are going to be off-setting the impacts it needs to be outside the City growth area. Hennecke would like to see the mitigation set up as a fee and not focus on this area for land substitution. Hennecke stated that he would like to have the language tightened up regarding the street width and resident parking T-P11 pg 19. He does not care for the narrow streets where there is barely room for two cars to pass each other while cars are parked on the street. Commissioner Kiser agreed with Hennecke. Mr. Bartlam stated that there is a correlation between livable/walkable neighborhoods and the widths of the streets with the intent of slowing down the vehicles. Commissioner Mattheis likes the narrow streets because it slows down the traffic. Kiser stated that he would like to know how the Fire Department feels at this time about this issue. Chair Cummins asked if the street is measured with cars parked on the street. Bartlam stated that if parking is allowed on the street there is an 8' width taken into account for the parked cars then the curb to curb width takes that into consideration. He asked the Commissioners to do some homework and come back with specific examples that they fell are reasonable street width for future developments. Director Bartlam stated that the language is what we are here to fine tune.

- Vice Chair Hennecke stated that the street that he lives on is a wider street with parking on both sides and is still a very walkable area with plenty of pedestrian traffic.

Director Bartlam thanked the Commission for their input and stated that he anticipates having the General Plan on the agenda for the next few meetings. He would really like to see more public input, so let's get the word out. The plan is to have the General Plan on the agenda for at least the next few meetings giving the public as much of a chance as possible to give their input.

**\*NOTE:** During the formatting of the policy attachment included in the packet the number was altered from it's original state, so both numbers have been included in the minutes for the publics convenience.

4. PLANNING MATTERS/FOLLOW-UP ITEMS

None

5. ANNOUNCEMENTS AND CORRESPONDENCE

None

6. ACTIONS OF THE CITY COUNCIL

None

7. GENERAL PLAN UPDATE/DEVELOPMENT CODE UPDATE

Director Bartlam stated that there are a few new zoning designations that will be coming along with the new General Plan and the policies to implement those new designations need to be in place, so staff will be working to get those implemented along with the General Plan.

8. ACTIONS OF THE SITE PLAN AND ARCHITECTURAL REVIEW COMMITTEE

None

9. ART IN PUBLIC PLACES

Commissioner Kirsten gave a brief report regarding the items that were discussed at the latest meeting.

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 8:35 p.m.

ATTEST:

Konradt Bartlam  
Planning Commission Secretary

*Use Permit - Type 2 ABC (Winery) - Mokelumne Glen Winery  
139 S. Guild Ave., Suite 102*

Item 3a.

**CITY OF LODI  
PLANNING COMMISSION  
Staff Report**

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**MEETING DATE:** October 14, 2009

**APPLICATION NO:** Use Permit: 09-U-10

**REQUEST:** Request for Planning Commission approval of a Use Permit to allow a Type 2 (Winery) Alcoholic Beverage Control License at 139 South Guild Avenue, Suite 102. (Applicant: Arthur and Mary Koth, on behalf of Mokelumne Glen Winery; File Number: 09-U-10)

**LOCATION:** 139 South Guild Avenue, Suite 102  
(APN: 049-260-02)  
Lodi, CA 95420

**APPLICANTS:** Arthur and Mary Koth  
8441 East Schmiedt Road  
Lodi, CA 95240

**PROPERTY OWNER:** Gary R. Buzunis  
417 River Meadows Dr  
Woodbridge, CA 95258

**RECOMMENDATION:**

Staff recommends that the Planning Commission approve the Use Permit request to allow a Type 2 (Winery) Alcoholic Beverage Control License at 139 South Guild Avenue, Suite 102, subject to the conditions on the attached resolutions.

**PROJECT/AREA DESCRIPTION**

**General Plan Designation:** HI, Heavy Industrial

**Zoning Designation:** M-2, Heavy Industrial

**Property Size:** 2,680 sq. ft. The site is fully developed, but tenant improvements will be required to accommodate the proposed use.

The adjacent zoning and land use are as follows:

**North:** M-2, Heavy Industrial. The uses north of the project site are a mixture of industrial and commercial uses with residences scattered throughout.

**South:** M-2, Heavy Industrial. There are a variety of commercial uses to the south, including retail stores, offices, service businesses and heavy industrial uses.

**East:** M-2, Heavy Industrial. The area east of the project is mostly developed with heavy industrial uses.

**West:** M-2, Heavy Industrial. The area west of the project is mostly developed with heavy industrial uses.

**SUMMARY**

The project proponents, Arthur and Mary Koth, are requesting a Use Permit to allow a Type 2 (Winery) Alcoholic Beverage Control License at 139 South Guild Avenue, STE 102. The project proponent are requesting a Type 2 ABC license, which allows on and off sale of wine, wine display and wine tasting. The Type 2 license is required by the Alcohol Beverage Control (ABC) for the operation of a winery and wine tasting. The applicants intend to use this location to promote the sale of their products they currently produce in the county.

## **BACKGROUND**

The winery will be located at 139 South Guild Avenue, Suite 102. The tenant space measures approximately 2,680 sq. ft. Available City records indicate that the building has been used for heavy industrial uses since its construction in late 2001. The building will have a small office, a warehouse (storage) and wine tasting area. Wine bottles will be delivered to the site in cases by pick up trucks. The proposed use meets off-street parking requirements. The area surrounding the site is all zoned M-2, heavy Industrial and is developed with a variety of commercial and industrial uses.

## **ANAYLSIS**

The applicants are requesting approval of a Use Permit to allow wine tasting operation at 139 South Guild Avenue, Suite 102. The applicants, who grow their own grapes and crush grapes elsewhere in the County, would like to use this tenant space to offer wine tasting and sale of their products. As part of their Use Permit request, the applicants will utilize the wine tasting space for various events such as wine dinners catered by outside vendors; private mixers; wine tasting and parties for organizations and businesses who want to rent space; and to host feature wine tasting events that may include educational components. The Type 2 license is required by the Alcohol Beverage Control (ABC) for the operation of a winery and wine tasting. According to the project description provided by the applicant, the winery is small family owned winery that produces approximately 1000-1200 cases of wine per year. The subject property and all the surrounding properties are zoned M-2, Heavy Industrial and permit a variety of industrial uses, including wineries. There will be no crushing of wine at this location. The applicants applied for building permit to allow Tenant Improvement and their application is pending.

According to the applicant's project description, wine tasting hours are Saturdays and Sundays from 11:00 a.m. to 5:00 p.m. Private parties and wine tasting services would be offered on scheduled basis but no later than 7 pm. Parking spaces are provided within the shared parking lot available within the project parcel. Because the proposed wine tasting operation takes place primarily on weekends, staff does not anticipate any parking related issues.

Section 17.72.040 of the Lodi Municipal Code 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 State Department of Alcoholic Beverage Control primarily controls issuance based on concentration of licenses within a particular Census Tract. Census Tract 44.01 covers the project area. According to the State Department of Alcoholic Beverage Control guidelines, the project area is not over concentrated and the Planning Commission or City staff does not need to make a finding of public need or convenience in order to approve an additional Type 2 (Winery) Alcoholic Beverage Control License. Therefore, approval of this Use Permit would not require a determination that public convenience or necessity would be served by the issuance of this Use Permit.

Staff has contacted various City departments for review and approval. Their requirements for approval have been added to the attached resolution. The proposed use is consistent with the City's vision of making Lodi a wine tasting tourist destination point. The wine industry is a large part of this vision and adds a character of the City by promoting local wineries and viticulture. All of the wine making operations will take place within the building space. The only operation that will take place outside is the unloading of the wines from the trucks where they will be transported into the building. This unloading should be minimal and of no significant effect to the surrounding area. The tenant space is served by the City's utility services. It is staff's opinion that the proposed location for the winery is appropriate. The area is industrial in nature. Since there no crushing is being proposed as part of this Use Permit, there will be wine waste to be concerned about. The applicant's request is no different than other wine making operations the Planning Commission has approved in the past. We, therefore, are recommending that the Use Permit be approved, subject to the attached resolution.

**ENVIRONMENTAL ASSESSMENT**

The project was found to be categorically exempt according to the California Environmental Quality Act, Article 19 15321 Class 21 (a) (2). The project is classified as an “Enforcement Action by Regulatory Agencies” because it is the “adoption of an administrative decision or order enforcing...the lease, permit, license, certificate, or entitlement for use or enforcing the general rule, standard, or objective.” The project was also found to be categorically exempt according to the California Environmental Quality Act, Article 19 15332 Class 32 (a) (b) (c) (d) and (e). The project is classified as in-fill development meeting the conditions described therein. No significant impacts are anticipated and no mitigation measures have been required. No significant impacts are anticipated and no mitigation measures have been required.

**PUBLIC HEARING NOTICE:**

Legal Notice for the Use Permit was published on September 30, 2009. 21 public hearing notices were sent for both meetings to all property owners of record within a 300-foot radius of the subject property as required by California State Law §65091 (a) 3.

**ALTERNATIVE PLANNING COMMISSION ACTIONS:**

- Approve the Requests with Alternate Conditions
- Deny the Requests
- Continue the Requests

Respectfully Submitted,

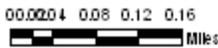
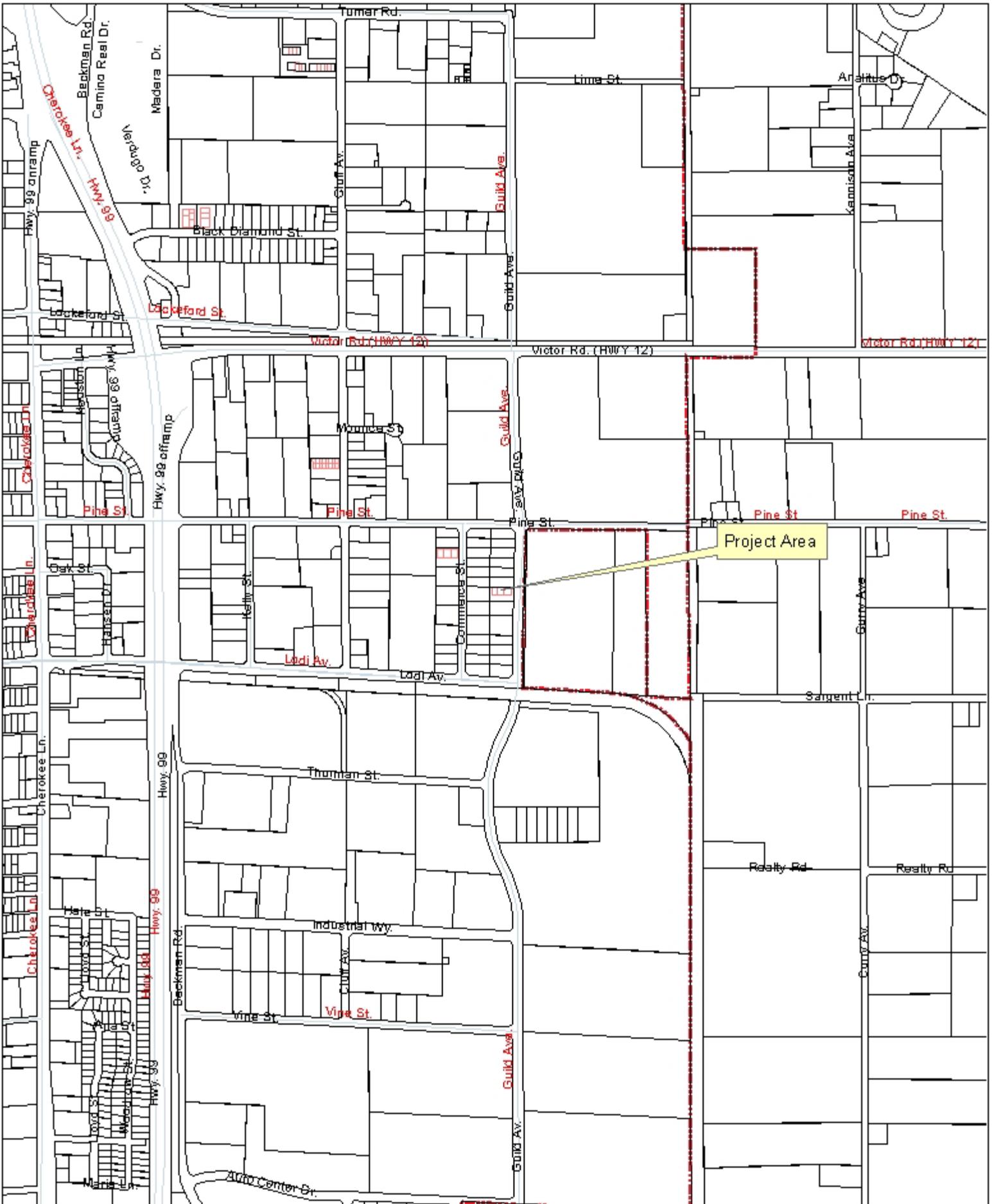
Concur

Immanuel Bereket  
Assistant Planner

Konradt Bartlam  
Community Development Director

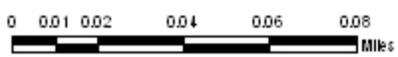
**ATTACHMENTS:**

1. Vicinity Map
2. Aerial Map
3. Site Plan
4. Floor Plan
5. Draft Resolutions



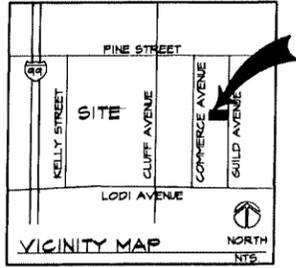
**Vicinity Map**  
 Mokelumne Glen Vineyards  
 139 South Guild Avenue, Suite 102  
 Lodi, CA 95420



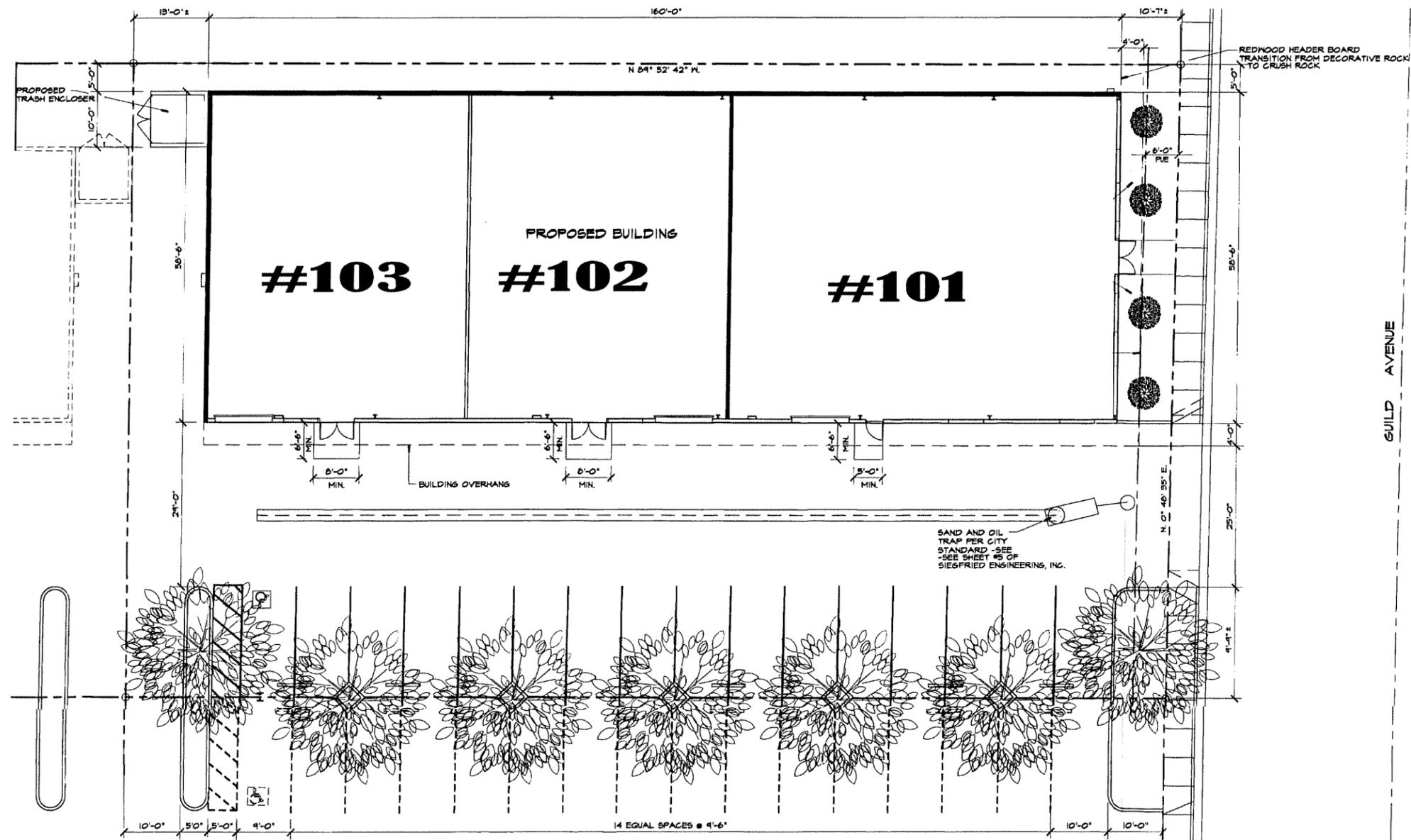


**Aerial Map**  
Mokelumne Glen Vineyards  
139 South Guild Avenue, Suite 102  
Lodi, CA 95420





# PROPOSED SERVICE CENTER FOR **MCB** GUILD AVENUE - PHASE 1 LODI, CALIFORNIA



**SITE PLAN**

REVISION	BY

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

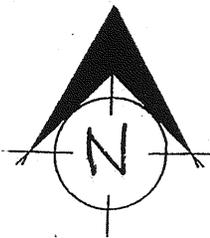
TITLE:  
**SITE PLAN**

PROJECT:  
 PROPOSED SERVICE CENTER FOR:  
**MCB**  
 PROJECT LOCATION: GUILD AVENUE, PHASE I  
 LODI, CALIFORNIA



DRAWN HPF
CHECKED MS
DATE 7/28/00
SCALE AS NOTED
JOB NO. 00081
SHEET





2 (N) 3068 DRS. W/ LEVER HANDLE  
& DR. CLOSURE 5#s MAX.

DISH WASHER

DBL SINK

UTILITY

COUNTER

STORAGE

WATER HEATER  
(RELOCATED) (E)  
2668

30" x 48"  
SP.

UNISEX (E)

5" Ø MIN.  
CLEAR

COUNTER

SERVICE AREA

TYP. (N) 2x4x9° STUDS @  
16" O.C. W/ 1/2" GYP. BP.

COUNTER

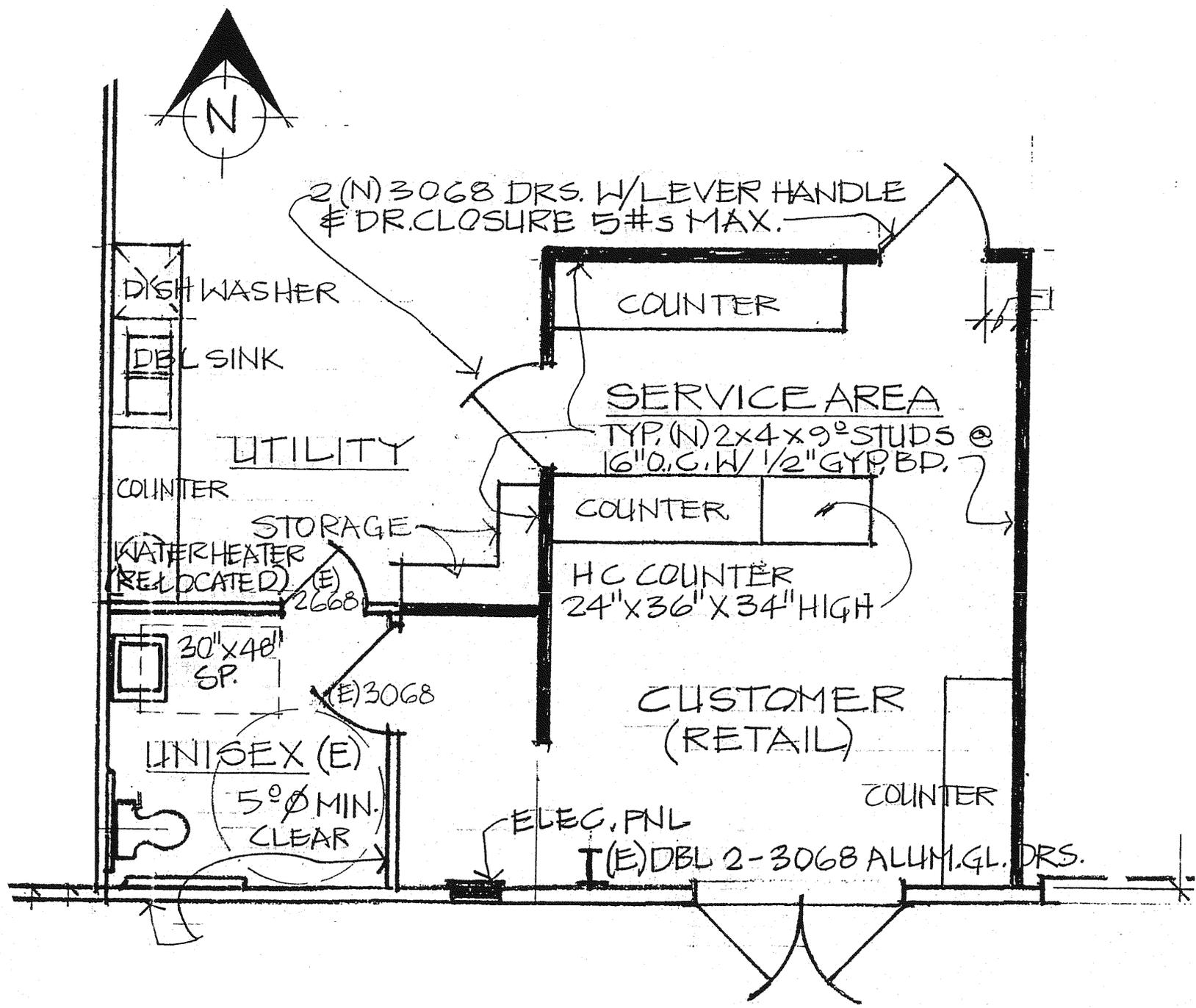
HC COUNTER  
24" x 36" x 34" HIGH

CUSTOMER  
(RETAIL)

COUNTER

ELEC. PNL

(E) DBL 2-3068 ALUM. GL. DRS.



**RESOLUTION NO. P.C. 09-**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LODI APPROVING THE REQUEST OF MOKELUMNE GLEN WINERY FOR A USE PERMIT ALLOW A TYPE-2 (WINERY) ABC LICENSE ALCOHOLIC BEVERAGE CONTROL LICENSE AT 139 SOUTH GUILD AVENUE, SUITE 102**

**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 are Arthur and Mary Koth, 8441 East Schmiedt Road, Lodi CA 95240; and

**WHEREAS**, the project is located at 139 South Guild Avenue, Suite 102 (APN: 049-260-02), Lodi CA 95240; and

**WHEREAS**, the project parcel has a General Plan designation of M-2, Heavy Industrial and is zoned M-2, Heavy Industrial; and

**WHEREAS**, the project parcel is owned by Gary R. Buzunis, 417 River Meadows Drive, Woodbridge, CA 95258; and

**WHEREAS**, the requested Use Permit to allow on-site wine tasting and retail thereof is an enforcement action in accordance with the City of Lodi Zoning Ordinance; and

**WHEREAS**, Census Tract 44.01 in which the proposed wine tasting and wine retail is located currently has no over concentration of ABC licenses allowing on premise consumption of alcoholic beverages; 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." The project was also found to be categorically exempt according to the California Environmental Quality Act, Article 19 15332 Class 32 (a) (b) (c) (d) and (e). The project is classified as in-fill development meeting the conditions described therein. No significant impacts are anticipated and no mitigation measures have been required. No significant impacts are anticipated and no mitigation measures have been required.
2. The proposed use is consistent with the City's vision of making Lodi a wine tasting tourist destination point.
3. The wine tasting room will add to the character of the City by promoting local wineries and viticulture.
4. The proposed use is expected to be compatible with the surrounding use and neighborhood.
5. No land use problems or issues are anticipated as a result of this project.

**NOW, THEREFORE, BE IT DETERMINED AND RESOLVED** by the Planning Commission of the City of Lodi that Use Permit Application No. 09-U-10 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 serving 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 2. The Type 2 License shall be limited to on-site sale and wine tasting operation during the hours that the establishment is open for business or as otherwise modified by the Community Development Director.
4. Prior to the issuance of a Type-2 license, the project proponent and on-site manager shall complete Licensee Education on Alcohol and Drugs as provided by the State Department of Alcoholic Beverage Control.
5. The conditions of the Use Permit are subject to review by staff and the Planning Commission for compliance.
6. No variance from any City of Lodi adopted code, policy or specification is granted or implied by the approval of this resolution.
7. The wine tasting operation shall be conducted in a manner that will not adversely impact neighboring properties or businesses.
8. All delivery truck cueing shall take place off of the public right-of-way.
9. All temporary and permanent signage proposed in connection with the wine tasting and retail operation shall be reviewed subject to building permit and be approved by the Community Development Department.
10. That applicants shall be allowed to use the wine tasting space for various events such as wine dinners catered by outside vendors, private mixers, wine tasting and parties for organizations and businesses who want to rent space, and to host feature wine tasting events that may include educational components.
11. Live Entertainment, if such activities as defined by Lodi Municipal Code § 17.73 Live Entertainment occur, shall be limited to Thursday, Friday and Saturday evenings between the hours of 6:00 p.m. and 10:00 p.m., recognized holidays, special events and private functions are exempt. Live Entertainment shall be limited to the interior of the building.
12. The applicant shall submit complete and adequate Tenant Improvement plans to the Building Division for review and approval. The said plans shall be based on the City of Lodi Building Regulations and currently adopted 2007 California Building Code.

**Dated: October 14, 2009**

I certify that Resolution No. 09- was passed and adopted by the Planning Commission of the City of Lodi at a regular meeting held on October 14, 2009 by the following vote:

AYES:           Commissioners:

***DRAFT***

NOES: Commissioners:

ABSENT: Commissioners:

ATTEST: \_\_\_\_\_  
Secretary, Planning Commission

# Item 3b.

**CITY OF LODI  
PLANNING COMMISSION  
Staff Report**

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**MEETING DATE:** October 8, 2009

**APPLICATION NO:** Use Permit: 09-U-11

**REQUEST:** Request for Planning Commission approval of a Use Permit to allow a Type 2 (Winery) Alcoholic Beverage Control License at 1205 East Vine Street. (Applicant: Hello Wine. File Number: 09-U-11.)

**LOCATION:** 1205 East Vine Street  
(APN: 043-250-09)  
Lodi, CA 95240

**APPLICANT:** The same as above.

**PROPERTY OWNER:** Classic Cache LP  
840 South Cluff Avenue  
Lodi, CA 95240

**RECOMMENDATION**

Staff recommends that the Planning Commission conditionally approve the Use Permit request to allow a Type 2 (Winery) Alcoholic Beverage Control License at 1205 East Vine Street 2 West Lockeford Street, subject to the conditions on the attached resolutions.

**PROJECT/AREA DESCRIPTION**

**General Plan Designation:** LI, Light Industrial

**Zoning Designation:** M-1, Light Industrial

**Property Size:** .55 Acres. The project area itself measures 1,437 sq. ft.

The adjacent zoning and land use are as follows:

**North:** M-1, Light Industrial. The property north of the project site is owned by Lodi Unified School District and is currently being used as an office and storage.

**South:** M-1, Light Industrial and PUB, Public. There is an active warehouse and an undeveloped land for a future park directly south of the project site.

**West:** M-1, Light Industrial. The area on the west is developed with various industrial uses including storage and warehouse.

**East:** M-1, Light Industrial. The property east of the project site is an active warehouse with light manufacturing.

**SUMMARY**

The applicant is requesting approval to open a small winery operation, tasting room and to sell wine by the bottle or case in an existing building located at 1205 East Vine Street. The applicants currently own and operate a winery in Lockeford, CA. They'd like to relocate their business within the City of Lodi. The business is owned and operated by Mr. John Caracciolo Jr. The primary function of the winery is to crush their own grapes. There will be retail sales of individual bottles and wine tasting services are offered. Further, the applicants intend to sell their products to distributors, restaurants and stores by case lot. The applicants expect to

produce 1000-1200 cases of wine per year. Staff has notified all property owners within 300 feet of the site for this public hearing and has not received any opposition.

## **BACKGROUND**

The winery will occupy the entire existing building. The building was recently constructed after the Planning Commission approved a Tentative Parcel Map on November 2007. The tenant space is a shell building and the applicants will be required to apply for a tenant improvement permit. The applicant's conceptual floor plan shows a small office, a tasting room, a warehouse, and a barrel storage room. Grapes will be delivered to the site in 1/2 ton vessels using pick-ups and small flatbed trucks. The trucks will directly back up to the staging/crush area through the roll-up door facing the parking lot. The proposed use meets off-street parking requirements. The area surrounding the site is all zoned light industrial and is developed with a variety of commercial and light industrial uses. All the winemaking operation will be enclosed in the existing building. Inside of the building will be steel storage tanks, areas for barrels, and a small office.

## **ANALYSIS**

The applicant is requesting approval of a Use Permit to allow winemaking, wine tasting and a small retail wine sales operation at 1205 East Vine Street. According to the project description provided by the applicant, the winery will only produce approximately 1000-1200 cases of wine. There will be wine tasting services and retail sales out of the site. The subject property and all the surrounding properties are zoned M-1, Light Industrial and permit a variety of industrial uses, including wineries. All the winemaking operation will be enclosed in the existing building. Inside of the building will be steel storage tanks, areas for barrels, and a crushing area. The grape crushing will involve bringing the grapes into the winery by 1/2 ton bins using small flatbed trucks. Given the limited capacity of the winery, the number of trucks should be limited. The wine tasting operation will be Tuesday – Saturday from 12:00 pm to 8 pm, Sundays 12:00 pm to 5:00 pm and closed on Mondays. The proposed hours are similar to other wine tasting rooms the Planning Commission has approved in the past. The property will be renovated to accommodate the proposed use (condition Number 14).

Section 17.72.040 of the Lodi Municipal Code 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 State Department of Alcoholic Beverage Control primarily controls issuance based on concentration of licenses within a particular Census Tract. Census Tract 44.01 covers the project area. According to the State Department of Alcoholic Beverage Control guidelines, the project area is not over concentrated and the Planning Commission or City staff does not need to make a finding of public need or convenience in order to approve an additional Type 2 (Winery) Alcoholic Beverage Control License. Therefore, approval of this Use Permit would not require a determination that public convenience or necessity would be served by the issuance of this permit.

With respect to parking, the project parcel was part of a Tentative Parcel Map 07-P-08, which was approved by the Planning Commission on J November 28, 2007. As part of the Parcel Map 07-P-08 the Planning Commission approved in 1993, provisions were made to provide shared driveways and parking access easement with a parcel to the east. The shared access and parking easement has been recorded (attachment 4). Further, traffic circulation is not a concern since the site has two access points, one off Cluff Avenue and the other is from Vine Street. Onsite traffic aisles exceed the minimum two-way drive-ises. Parking for the project site is provided both onsite and the adjacent parcel. The amount of parking stalls available exceeds the requirement.

Staff has contacted various City departments for review and approval. Their requirements for approval have been added to the attached resolution. The proposed use is consistent with the City's vision of making Lodi a wine tasting tourist destination point. The wine industry is a large part of this vision and adds a character of the City by promoting local wineries and viticulture. All of the wine making operations will take place within the building space. The only operation that will take place outside is the unloading of the grapes from the trucks where they will be transported into the building. This unloading should be minimal and of no significant effect to the surrounding area. It is staff's opinion that the proposed location for the winery is appropriate. The area is industrial in nature. Skins and seeds from the crushing operation will be hauled off-site to the Central Valley Waste facility or to a farm for composting within 12 hours (condition number 8). The applicant's request is no different than other wine making operations the Planning Commission has approved in the past. We, therefore, are recommending that the Use Permit be approved, subject to the attached resolution.

### **ENVIRONMENTAL ASSESSMENT**

The project was found to be categorically exempt according to the California Environmental Quality Act, Article 19 15321 Class 21 (a) (2). The project is classified as an "Enforcement Action by Regulatory Agencies" because it is the "adoption of an administrative decision or order enforcing...the lease, permit, license, certificate, or entitlement for use or enforcing the general rule, standard, or objective." The project was also found to be categorically exempt according to the California Environmental Quality Act, Article 19 15332 Class 32 (a) (b) (c) (d) and (e). The project is classified as in-fill development meeting the conditions described therein. No significant impacts are anticipated and no mitigation measures have been required. No significant impacts are anticipated and no mitigation measures have been required.

### **PUBLIC HEARING NOTICE:**

Legal Notice for the Use Permit was published on September 30, 2009. 9 public hearing notices were sent for both meetings to all property owners of record within a 300-foot radius of the subject property as required by California State Law §65091 (a) 3.

### **ALTERNATIVE PLANNING COMMISSION ACTIONS:**

- Approve the Requests with Alternate Conditions
- Deny the Requests
- Continue the Requests

Respectfully Submitted,

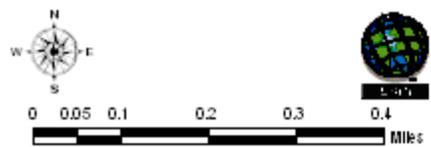
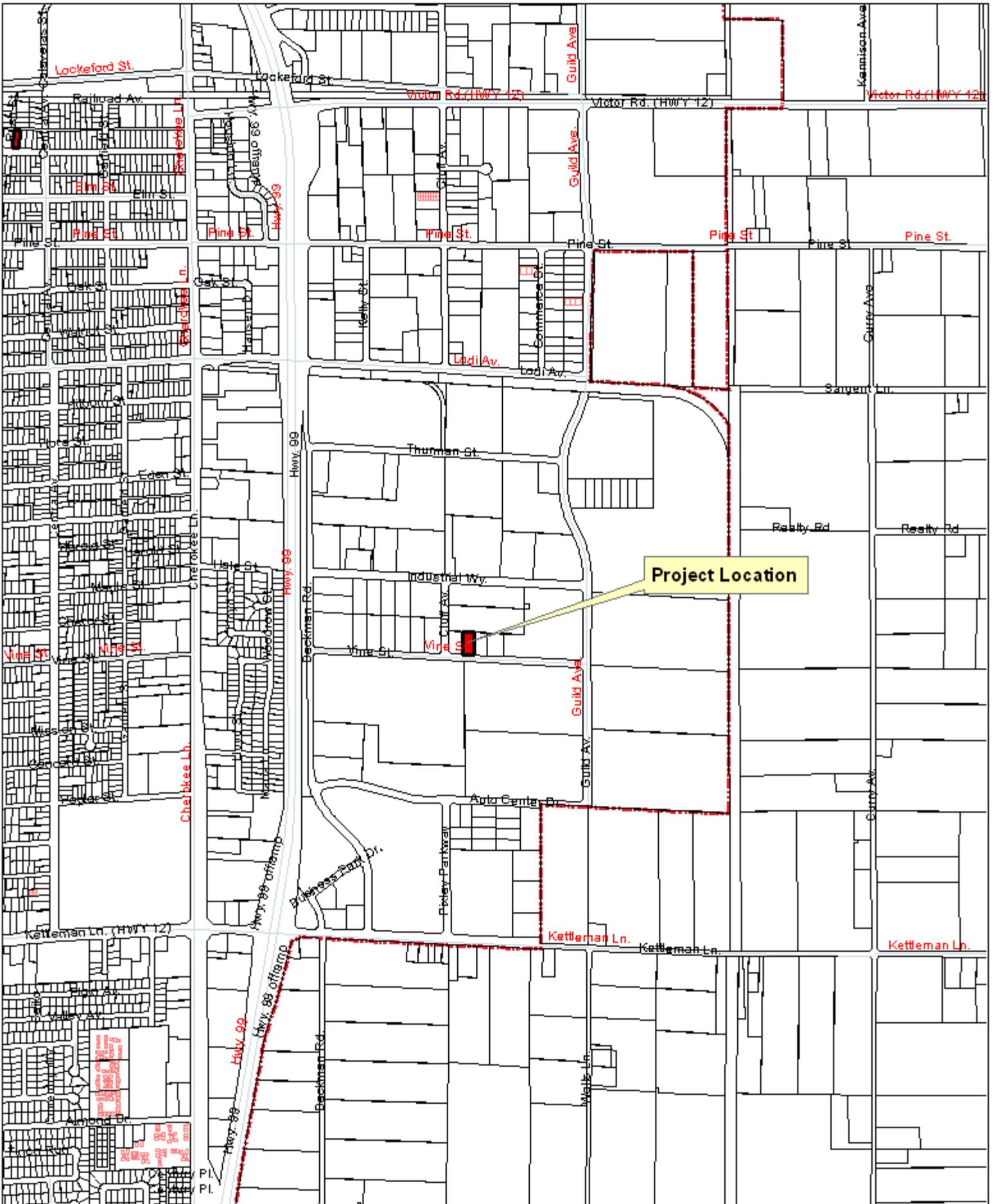
Concur

Immanuel Bereket  
Assistant Planner

Konradt Bartlam  
Community Development Director

### **ATTACHMENTS:**

1. Vicinity Map
2. Site Plan
3. Shared Access and Parking Agreement
4. Draft Resolutions



**Vicinity Map**  
 Hello Wines  
 1205 East Vine Street, SUITE H  
 Lodi, CA 95240

**Legend**  
 second



**Private non-exclusive shared driveway  
and parking access easement**

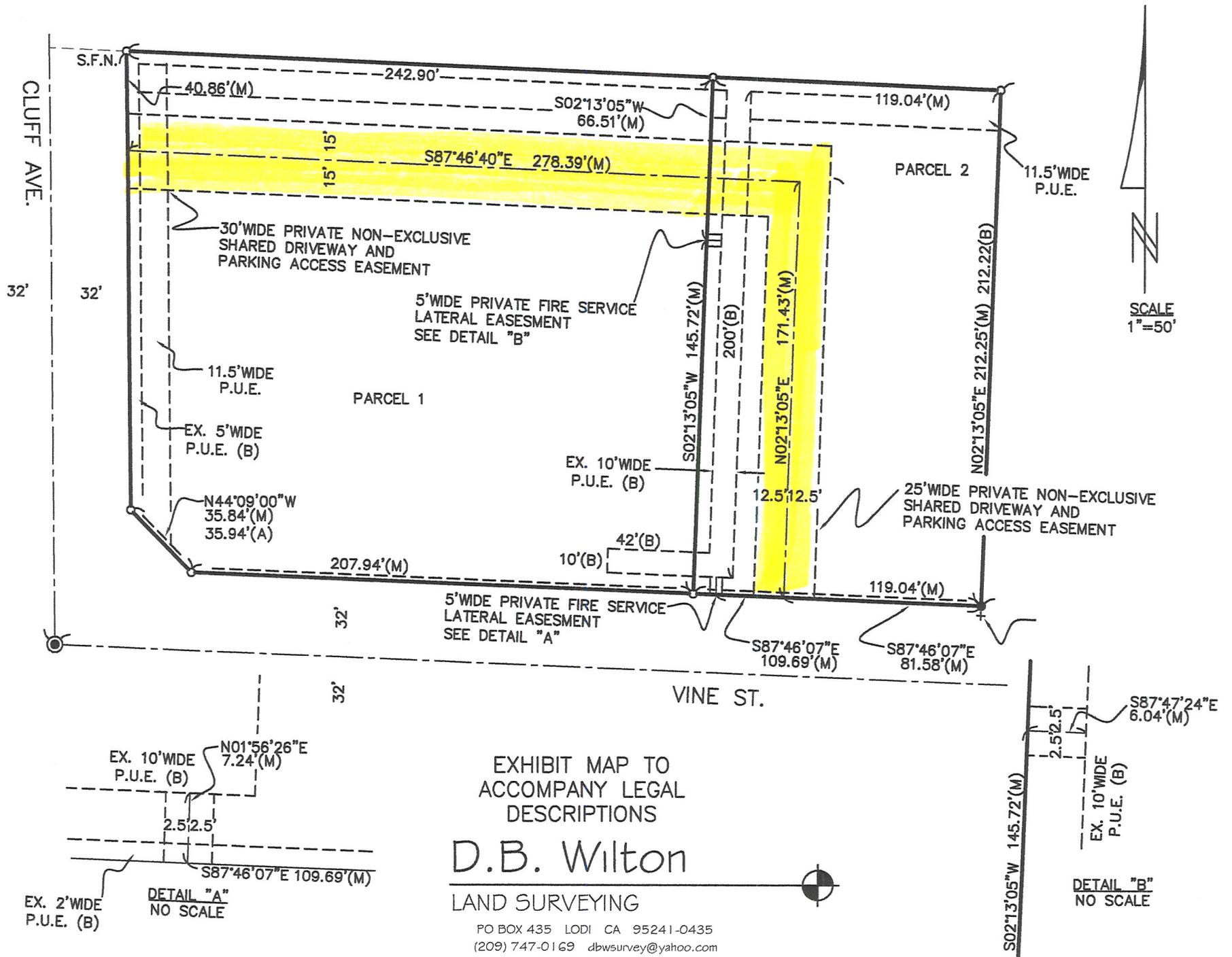
**RECEIVED**  
**MAR 18 2008**  
**COMMUNITY DEVELOPMENT DEPT**  
**CITY OF LODI**

A portion of the Southwest quarter, of the Northeast quarter of Section 7, T. 3 N. R. 7 E. M. D. B. & M., located in the City of Lodi, San Joaquin County, State of California, more particularly described as follows;

An easement for the purposes of ingress and egress which is of variable width, whose centerline is more particularly described as follows;

COMMENCING from the Southeast corner of Parcel "B" as shown on that certain Parcel Map in Book 14 on Page 153, San Joaquin County Records, said point being marked by a  $\frac{3}{4}$ " rebar capped "RCE 12685", said point also being located on the North right of way of Vine Street, Thence along said right of way North  $87^{\circ} 46' 07''$  West a distance of 81.58 feet to the TRUE POINT OF BEGINNING, thence leaving said right of way the beginning of a 25 foot wide easement, North  $02^{\circ} 13' 05''$  East a distance of 171.43' to the beginning of a 30 foot wide easement, North  $87^{\circ} 46' 40''$  West a distance of 278.39 to the East right of way of Cluff Avenue and the end of the aforementioned centerline. The sidelines of said easement to be extended or shortened to meet at angle points and to terminate at the East right of way of Cluff Avenue and the North right of way of Vine Street.





**RESOLUTION NO. P.C. 09-**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LODI APPROVING THE REQUEST OF HELLO WINE FOR A USE PERMIT ALLOW A TYPE-2 (WINERY) ABC LICENSE FOR HELLO WINE ALCOHOLIC BEVERAGE CONTROL LICENSE AT 1205 EAST VINE STREET**

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

**WHEREAS**, the project proponent is Hello Wine., 1205 East Vine Street (APN: 043-250-090), Lodi CA 95240; and

**WHEREAS**, the project is located at 1205 East Vine Street, Lodi CA 95240; and

**WHEREAS**, the project parcel has a General Plan designation of L-I, Light Industrial and is zoned M-1, Light Industrial; and

**WHEREAS**, the project parcel is owned by Classic Cache LP., 1205 East vine Street, Lodi, CA 95240; and

**WHEREAS**, the requested Use Permit to allow wine crushing, on-site wine tasting and retail thereof is an enforcement action in accordance with the City of Lodi Zoning Ordinance; and

**WHEREAS**, Census Tract 44.01 in which the proposed wine crushing, wine tasting and wine retail is located currently has no over concentration of ABC licenses allowing on premise consumption of alcoholic beverages; 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.” The project was also found to be categorically exempt according to the California Environmental Quality Act, Article 19 15332 Class 32 (a) (b) (c) (d) and (e). The project is classified as in-fill development meeting the conditions described therein. No significant impacts are anticipated and no mitigation measures have been required. No significant impacts are anticipated and no mitigation measures have been required.
2. The proposed use is consistent with the City’s vision of making Lodi a wine tasting tourist destination point.
3. The wine tasting room will add to the character of the City by promoting local wineries and viticulture.
4. The proposed use is expected to be compatible with the surrounding use and neighborhood.
5. No land use problems or issues are anticipated as a result of this project.

**NOW, THEREFORE, BE IT DETERMINED AND RESOLVED** by the Planning Commission of the City of Lodi that Use Permit Application No. 09-U-11 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 serving 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 2. The Type 2 License shall be limited to on-site sale and wine tasting operation during the hours that the business is open for business, Tuesday – Saturday from 12:00 pm to 9 pm, Sundays 12:00 pm to 5:00 pm and closed on Mondays or as otherwise modified by the Community Development Director. The on-site sale and consumption of wine shall occur only during the said hours.
4. Prior to the issuance of a Type-2 license, the project proponent and on-site manager shall complete Licensee Education on Alcohol and Drugs as provided by the State Department of Alcoholic Beverage Control.
5. The conditions of the Use Permit are subject to review by staff and the Planning Commission for compliance.
6. No variance from any City of Lodi adopted code, policy or specification is granted or implied by the approval of this resolution.
7. The wine tasting operation shall be conducted in a manner that will not adversely impact neighboring properties or businesses.
8. All winery waste shall not be stored outside and shall be properly disposed of within 12 hours of crush activity.
9. All delivery truck cueing shall take place off of the public right-of-way.
10. All temporary and permanent signage proposed in connection with the wine making and wine tasting operation shall be reviewed and approved by the Community Development Department.
11. That applicants shall be allowed to use the wine tasting space for various events such as wine dinners catered by outside vendors, private mixers, wine tasting and parties for organizations and businesses who want to rent space, and to host feature wine tasting events that may include educational components.
12. Live Entertainment, if such activities as defined by Lodi Municipal Code § 17.73 Live Entertainment occur, shall be limited to Thursday, Friday and Saturday evenings between the hours of 6:00 p.m. and 10:00 p.m., recognized holidays, special events and private functions are exempt. Live Entertainment shall be limited to the interior of the building.
13. The applicant shall submit complete and adequate Tenant Improvement plans to the Building Division for review and approval. The said plans shall be based on the City of Lodi Building Regulations and currently adopted 2007 California Building Code.

Dated: October 14, 2009

I certify that Resolution No. 09- was passed and adopted by the Planning Commission of the City of Lodi at a regular meeting held on October 14, 2009 by the following vote:

***DRAFT***

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

ATTEST: \_\_\_\_\_  
Secretary, Planning Commission

# Item 3c.



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

**To:** Planning Commission  
**From:** Konradt Bartlam  
**Date:** October 14, 2009  
**Subject:** Review and Comment on the Comprehensive Draft General Plan.

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**Recommended Action:** Provide comment on the Draft General Plan.

**Background:** The Draft General Plan was released to the public on September 10, 2009. The Planning Commission held its first Public Hearing on September 23<sup>rd</sup>. At that meeting no comment was received from the public, but the Commission provided a variety of comment on the proposed policies as follows:

GM-P1 Relative to the Armstrong Road area  
GM-P11 Relative to water conservation  
CD-P20 Relative to gated developments  
CD-P29 Relative to Mixed Use Centers  
CD-P40 Relative to green building standards  
T-P11 Relative to the width of streets  
C-P8 Relative to an agricultural conservation program  
C-P23 relative to historic resources

The two areas of follow up that I am providing for the Commission's review relates to the discussion on green building standards and more specifically the concerns regarding the Leadership in Energy and Environmental Design (LEED) program as well as the discussion on street widths. The attached summary provides information on the Green Building Council, the LEED program and criticisms/challenges that local governments face. The final attachment is the City's current street standards.

With this additional review it is my desire to solicit any additional feedback the Commission may have. It is not our intent for the Commission to take any formal action other than provide direction regarding any questions or changes that may arise. Along with this Draft General Plan an Environmental Impact Report (EIR) is being prepared. This document is not completed as yet, but will be finished in draft form following this hearing and will be part of subsequent Planning Commission reviews. The Draft EIR may recommend changes to the policies presented or suggest new policies altogether.

I presented the Parks, Recreation and Open Space Element to the Parks and Recreation Commission at their meeting on October 6<sup>th</sup>. The Commission had a variety of questions, but were supportive of the document as presented. They were desirous of having one additional Implementing Policy added pertaining to financing alternatives. Staff will draft language and present the new Policy to the Commission once completed.

Respectfully Submitted,

Konradt Bartlam  
Community Development Director

Attachment:

## **Leadership in Energy and Environmental Design (LEED) Summary**

### **DEFINITION**

The U.S. Green Building Council (USGBC) is a 501(c)(3) non-profit organization committed to a prosperous and sustainable future. USGBC works toward its mission of market transformation through its LEED green building certification program. LEED is an ecology-oriented building certification program. LEED concentrates its efforts on improving performance across five key areas of environmental and human health: energy efficiency, indoor environmental quality, materials selection, sustainable site development, and water savings.

LEED rests on a collection of special rating systems that apply to all kinds of structures, including schools, retail, and healthcare facilities. Rating systems are available for new construction and major renovations as well as existing buildings. The program is designed to inform and guide professionals who work with structures to create or convert spaces to environmental sustainability, including architects, real estate professionals, facility managers, engineers, interior designers, landscape architects, construction managers, private sector executives, and government officials.

On its Web site, the USGBC says that LEED defines "a nationally accepted benchmark for the design, construction, and operation of high-performance green buildings" and "provides building owners and operators with the tools they need to have an immediate and measurable impact on their buildings' performance." According to the American Institute of Architects, the 69 LEED points that make up the program's specific design points and considerations can be reviewed in a two-hour meeting, during which time the design team and the owner can decide what level of LEED compliance is desirable for their building project.

### **BECOMING CERTIFIED**

To receive LEED certification, a developer applies to the USGBC, documenting the building's compliance with LEED goals. Depending on the nature and use of the building, it must meet a basic set of prerequisites; to that, numerous credits are added, depending on the building's specific design and construction. Innovation is encouraged. The application process uses a series of online, active PDF documents that largely automate the LEED Green Building Rating System.

A building can qualify for one of four levels: Certified (scores 40% to 50% of non-innovation points), Silver (50% to 60%), Gold (60% to 80%) or Platinum (over 80%). Project proponents are required to pay certification review fees upfront. The fees are refunded for buildings that achieve Platinum certification. Certification fees range from 6-9 percent of the total project cost.

### **BRIEF HISTORY**

LEED began in 1994 spearheaded by Natural Resources Defense Council (NRDC) senior scientist Robert K. Watson who, as founding chairman of the LEED Steering Committee until 2006, led a broad-based consensus process which included non-profit organizations, government agencies, architects, engineers, developers, builders, product manufacturers and other industry leaders. Early LEED committee members also included USGBC co-founder Mike Italiano, architects Bill Reed and Sandy Mendler,

builder Gerard Heiber and engineer Richard Bourne. As interest in LEED grew, in 1996, engineers Tom Paladino and Lynn Barker co-chaired the newly formed LEED technical committee.

From 1994 to 2006, LEED grew from one standard for new construction to a comprehensive system of six interrelated standards covering all aspects of the development and construction process. LEED also has grown from six volunteers on one committee to more than 200 volunteers on nearly 20 committees and nearly 150 professional staff.

## **DISADVANTAGES**

One of the major criticisms faced by LEED and green building systems is the extra cost associated with them.

- The building costs associated with green buildings are higher than those of conventional buildings.
- There is the additional cost of undertaking the LEED certification, which ranges from 6-9 percent of the total project cost.
- Higher cost of initial design and construction.
- One reason for the higher cost is that sustainable construction principles may not be well understood by the design professionals undertaking the project. This could require time to be spent on research.
- There is often lack of abundant availability of manufactured building components which meet LEED standards.
- Hiring experts for the commission and certification process itself. This added cost comes in the form of USGBC correspondence, LEED design-aide consultants, and the hiring of the required Commission Authority (CxA) - all of which would not necessarily be included in an environmentally responsible project unless it were also seeking a LEED rating.
- The limitations of LEED proceed from its design. The categories aren't weighted, meaning that bike rack can get you the same point as buying 50% of your energy from renewable sources.
- There are no regional adjustments; saving water earns a point in Seattle just as it does in Tucson or Los Angeles.

## **CRITICISMS**

Although the deployment of the LEED standard has raised awareness of green building practices, its scoring system is skewed toward the ongoing use of fossil fuels. More than half of the available points in the standard support efficient use of fossil fuels, while only a handful are awarded for the use of sustainable energy sources. In response to this criticism, the USGBC has stated support for the 2030 Challenge, an effort that has set a goal of using no fossil fuel greenhouse gas emitting energy to operate by 2030.

In addition to focusing on efficient use of fossil fuels, LEED focuses on the end product. For example, because leather does not emit VOCs they are deemed healthy for environments, disregarding the use of extremely harmful chemicals in the process of tanning leather. Other products that do not use harmful chemicals and focus on more sustainable production do not earn any additional points for their attention to environmental concerns.

Despite its status as not-for-a-profit organization, LEED is a private firm with an estimated annual budget of \$50 million. There are 116 staff which is funded through the payment of fees for certification. The council's revenue has been growing at 30% or more a year.

There have been various publications pointing the inherent flaws of LEED Certification and its process. The most recent report is written by Jay Stein and Rachel Reiss, researchers with E Source Technology Assessment Group, and it is published by Platts, the energy research arm of The McGraw-Hill Cos. The gist of their argument is there's no real reason to believe a platinum building produces more environmental benefits than a gold building or to aim for gold certification where there is no measurable benefit between gold and silver certified buildings.

- There are buildings that have been LEED Certified yet failed to qualify for the Energy Star label granted by the Environmental Protection Agency. An example provided that a building's cooling system, a major gas guzzler, was one culprit. Another was its design: to get its LEED label, it racked up points for things like native landscaping rather than structural energy-saving features and simple design mechanisms.
- The council's own research suggests that a quarter of the new buildings that have been certified do not save as much energy as their designs predicted and that most do not track energy consumption once in use. And the program has been under attack from architects, engineers and energy experts who argue that because building performance is not tracked, the certification may be falling short in reducing emissions tied to global warming.

#### **LOCAL EXPERIENCE/CHALLENGES**

- If building codes/development standards/General Plans etc, adopt LEED certification standards by reference only, the public codes will be subject to change by every decision of the private USGBC. Park City, Utah was the first City to reverse its decision to adopt LEED certification standards as requirements due to this reason.
- LEED was intended to be a "cutting edge" standard. It was never intended as a base-line requirement or as a prerequisite for a permit. LEED was intended to "push the envelope" and highlight the best of the best. Building codes, Development codes, General Plans etc are properly intended to establish a minimum standard for safety and other purposes. It is unclear how compatible these two goals can be in the long run.
- LEED requirements can be in conflict with building codes, development codes, General Plans etc in critical code categories. Institutions that mandate sustainability requirements often are unaware of the unintended consequences and impacts to the design and development process, and the resulting increases in time for approval and overall project costs.
- Final LEED Certification is granted only after the subject building's construction has been completed or even after the building's mechanical systems have been operated for some period. Exactly what should happen if the building is not ultimately certified at the mandated level is unclear. Some agencies are requiring up to a \$2 million bond as a Certification Compliance Guarantee. There is no

clear appeal process for disputes regarding final certification approval except through the USGBC itself.

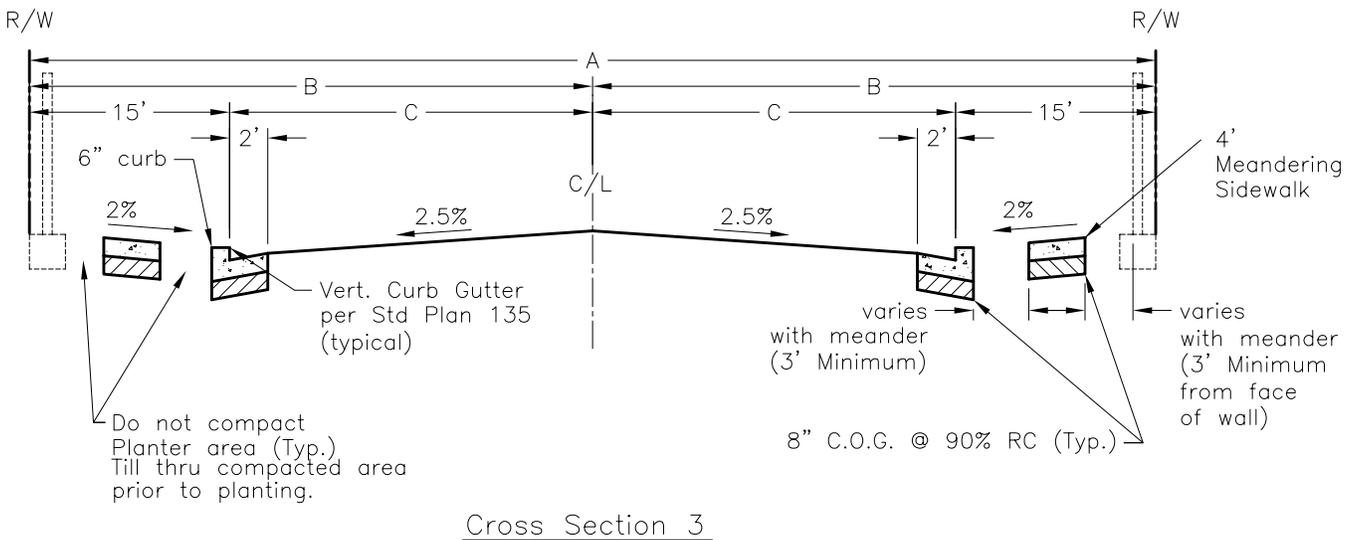
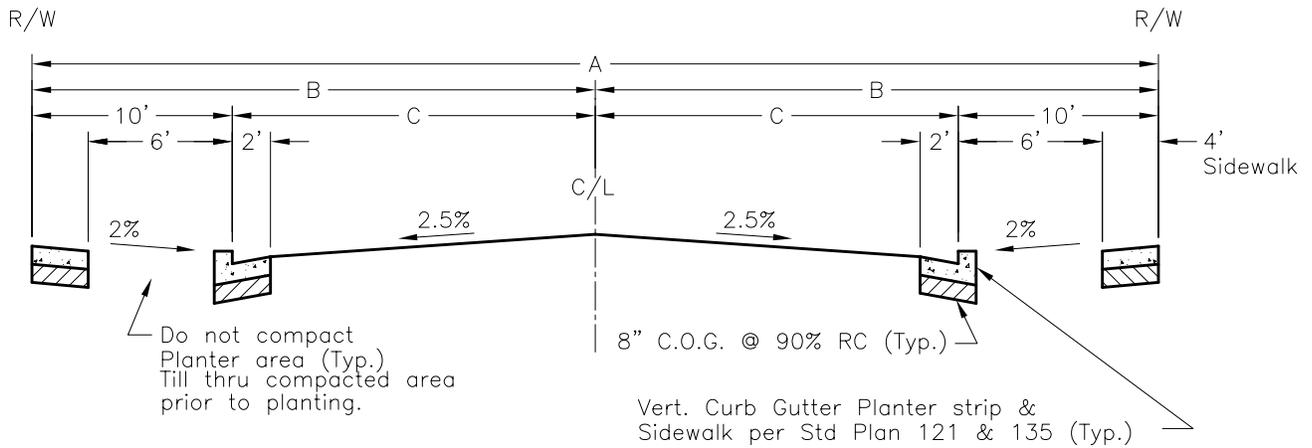
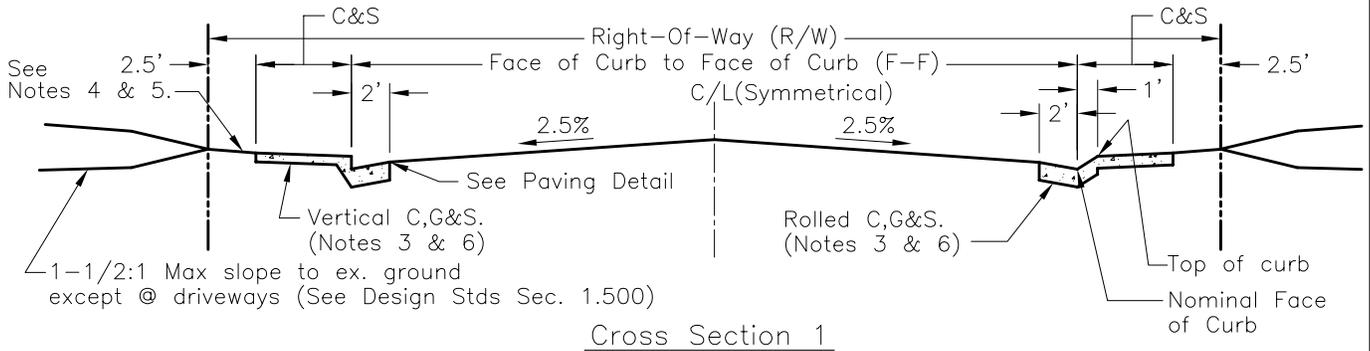
- Although USGBC does not charge directly for its certification standards (beyond a registration fee), the lengthy process can be an expensive one for developers. USGBC trains and licenses third party certification experts who do charge for their services. Although costs can vary greatly, achieving LEED certification can add approximately \$50,000 to the development of a small retail project. This additional expense does not cover all increases including those associated with design, material or equipment changes driven by the LEED guidelines. In addition, adopting LEED certification as part of a municipal building code effectively gives a monopoly to LEED AP certified examiners. (Side note: Eagle Credit Union building located at 1401 Lakeshore Drive, Lodi, CA briefly entertained the idea of obtaining a LEED Certification as long as the City provided the a LEED AP person to oversee the certification process. In the end, they decided not to get LEED Certification because of the added cost and delay to the project. They application cost was \$23,000 and plus hourly rate for LEED AP person to oversee the process at a cost of \$74 per hour for an estimated 350 hours needed for the commission of the project).
- USGBC faces serious internal capacity limitations. More than 14,000 projects have been registered yet only about 1,700 have been processed (certified) to date. The Certification process is now seriously overloaded and USGBC is having difficulty handling the demand even as it continues to change the rules for new projects. Because the USGBC has insufficient staff resources for the influx of new certification requests, most requests are handled by other third-party consulting firms – and their individual decisions to accept or reject various sustainable designs are effectively final. As demand increases, the USGBC process could collapse under the weight of its own success with no foreseeable agency to replace it or maintain the process.
- The entire LEED certification process is undergoing significant changes for 2009. This is partially in response to the relatively poor performance of LEED certified buildings in terms of energy efficiency. But it also demonstrates that LEED certification is a moving target that can greatly complicate compliance efforts. All those Cities that have adopted LEED Standards into their City codes have had to change them every time.



# CITY OF LODI

PUBLIC WORKS DEPARTMENT

# STREET SECTIONS



Sheet 1 of 2

Dr.	No.	Date	Revision	Appr.	Approved By:	STD PLAN
KT	1	2/05	ADDED CROSS SECTION 3		<i>F. Wally Sandelin</i>	101
WS						
Date					2/2/05	
12/00					Date	

Approved By:  
*F. Wally Sandelin*  
 F. Wally Sandelin  
 City Engineer  
 R.C.E. 39895

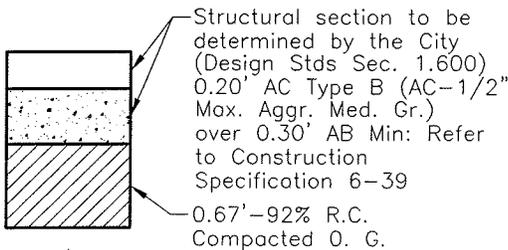
2/2/05  
Date

101

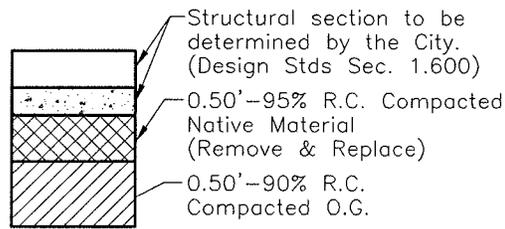


Section Dimension Table

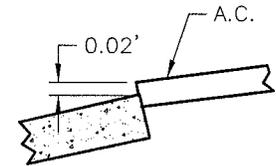
<u>Street Classification</u>	<u>(A) R/W</u>	<u>(2xC) F-F</u>	<u>Min. C&amp;S</u>	<u>Cross Section</u>	<u>Structural Section</u>
Minor Residential	50'	34'	5.5' Rolled	1	A
Minor Residential	50'	30'	4.0' sidewalk SW w/ 0.5' Vertical curb	2	A
Standard Residential	55'	39'	5.5' Rolled	1	A
Standard Residential	55'	35'	4.0' sidewalk SW w/ 0.5' Vertical curb	2	A
Minor Collector	60'	44'	5.5' Vertical	1	B
Major Collector	68'	52'	5.5' Vertical	1	B
Industrial (Local)	66'	52'	4.5' Vertical	1	B
Secondary Arterial	80'	64'	5.5' Vertical	1	B
Four-Lane Undivided					
Minor Arterial	94'	78'	5.5' Vertical	1	B
Four-Lane Divided					
Major Arterial	118'	102'	5.5' Vertical	1	B
Six-Lane Divided					
Minor Arterial w/ RW frontage wall	108'	78'	4.0' meandering SW w/ 0.5' Vertical curb	3	B



A



B



Paving Detail at TOE

Structural Section

Notes:

1. See City Public Improvement Design Stds. Sec. 1 for general design requirements.
2. Widening at intersections to provide additional lanes may be required.
3. See Std. Plans 135 and 136 for Vertical and Rolled C,G&S respectively.
4. The area between the R/W and back of sidewalk and between face of walk and back of curb shall be graded to 0.02' per ft. Where wider sidewalk is required (ie. commercial areas, around hydrants, poles etc) sidewalk specifications apply.
5. Private use of the R/W subject to Encroachment Permit requirements and Design Standards Sections 1.400 & 1.500.
6. See Design Stds. Section 1.500 for curb & gutter type criteria.

Dr. KT	No.	Date	Revision	Appr.	Approved By:		STD PLAN
	1	2/05	ADDED MEANDERING WALK		<i>F. Wally Sandelin</i>	2/2/05	101
Ch. WS					F. Wally Sandelin City Engineer R.C.E. 39895	Date	
Date 7/08							