

LODI PLANNING COMMISSION

Teleconference Meeting

Streaming Link: <https://www.facebook.com/CityofLodi/>

AGENDA – Regular Meeting

Date: JUNE 24, 2020

Time: Regular Session @ 7:00 PM

SPECIAL TELECONFERENCE NOTICE

Pursuant to Executive Order N-29-20:

The Brown Act, Government Code Section 54953, contains special requirements that apply when members of a legislative body participate in a public meeting by telephone. Certain of these requirements have been suspended by Paragraph 3 of Executive Order N-29-20, executed by the Governor of California on March 17, 2020 to mitigate the spread of the coronavirus known as COVID-19. In particular, the Executive Order suspends that provision of the Brown Act that requires noticing, posting of agendas, and public access to each location where a member will be participating telephonically, as well as provisions that require physical presence of members of the legislative body or the public for purposes of a quorum or to hold a meeting. Executive Order N-29-20 allows an agency to conduct a teleconference meeting that provides members of the public telephonic or other electronic participation in place of making a physical location for the public to observe the meeting and provide public comment, consistent with other provisions of the Brown Act.

The following members of the City of Lodi Planning Commission are listed to permit them to appear telephonically at the Planning Commission Meeting on June 24, 2020: Commissioners William Cummins (Chair), Crystal Hicks (Vice Chair), Tiffany Gomes, Julieann Martin, Debbie Olson, and Mitchell Slater.

Public Comment:

As always, members of the public can send written comments to the Planning Commission prior to the meeting by emailing pccomments@lodi.gov. These emails will be provided to the members of the Planning Commission and will become part of the official record of the meeting.

Members of the public who wish to verbally address the Planning Commission during the meeting should email those comments to pccomments@lodi.gov. Comments must be received before the Chair announces that the time for public comment is closed. Staff will read three minutes of each email into the public record. **IMPORTANT:** identify the Agenda Item Number or description in the subject line of your email. Example: Public Comment for Agenda Item Number 4a Grocery Outlet.

Pursuant to the Americans with Disabilities Act (ADA) and Executive Order N-29-20, if you need special assistance to provide public comment in this meeting, please contact the Office of the Community Development Department at (209) 333-6711 or pccomments@lodi.gov at least 48 hours prior to the meeting in order for the City to make reasonable alternative arrangements for you to communicate your comments. If you need special assistance in this meeting for purposes other than providing public comment, please contact the Office of the Community Development Department at (209) 333-6711 or pccomments@lodi.gov at least 48 hours prior to the meeting to enable the City to make reasonable arrangements to ensure accessibility to this meeting (28 CFR 35.160 (b) (1)).

Viewing:

Members of the public may view and listen to the meeting at: <https://www.facebook.com/CityofLodi/>

For information regarding this agenda please contact:
Kari Chadwick @ (209) 333-6711
Community Development Secretary

1. ROLL CALL
2. MINUTES – None
3. COMMENTS BY THE PUBLIC (NON-AGENDA ITEMS)

If you wish to address the Commission, please refer to the Special Teleconference Notice at the beginning of this agenda. Individuals are limited to one appearance during this section.

4. PUBLIC HEARINGS

- a. Request for the Planning Commission approval of a new 38,660-square-foot 4-story hotel by Tru Hilton Hotel at 1337 E Kettleman Lane (Applicant: David Burkett; File Number: 2020-022 U; CEQA Determination: Exempt Per Section 15061 (b) (3))

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

5. PLANNING MATTERS/FOLLOW-UP ITEMS
6. ANNOUNCEMENTS AND CORRESPONDENCE
7. ACTIONS OF THE CITY COUNCIL
8. ACTIONS OF THE SITE PLAN AND ARCHITECTURAL REVIEW COMMITTEE
9. ACTIONS OF THE LODI ARTS COMMISSION
10. COMMENTS BY THE PLANNING COMMISSIONERS & STAFF (NON-AGENDA ITEMS)
11. ADJOURNMENT

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

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

Right to Appeal:

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

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



**CITY OF LODI
PLANNING COMMISSION
Staff Report**

MEETING DATE: June 24, 2020

APPLICATION NO: PL2020-022

REQUEST: Planning Commission approval of a new 38,660-square-foot 4-story hotel by Tru Hilton Hotel at 1337 E Kettleman Lane (Applicant: David Burkett; File Number: 2020-022 U; CEQA Determination: Exempt Per Section 15061 (b) (3))

LOCATION: 1337 E Kettleman Lane
APN: 049-310-75

APPLICANT: David Burkett
1217 J Street
Modesto, CA 95354

PROPERTY OWNER: Bhavesh Patel
458 33rd Avenue
San Francisco, CA 94121

RECOMMENDATION

Staff recommends the Planning Commission approve a conditional use permit for the operation of a hotel¹ at 1337 E Kettleman Lane, subject to the proposed conditions of approval.

PROJECT/AREA DESCRIPTION

General Plan Designation: Industrial
Zoning Designation: M (Industrial)
Property Size: 65,346 sq. ft. / 1.50 acres

SUMMARY

The applicant, David Burkett, is proposing to construct a new 79-room Hilton “Tru” hotel and associated parking, landscaping and other improvements on a currently vacant parcel at 1337 E Kettleman Lane, directly adjacent to the existing Holiday Inn Express. The proposed design of the hotel was scheduled for review by the Site Planning and Architectural Review Committee on May 13th and is not part of the Planning Commission’s deliberations.

Per the Lodi Zoning Code, hotels in the M (Industrial) zone require the approval of a conditional use permit.²

¹ Although the current applicant is proposing to operate a Hilton-branded hotel at this site, the conditional use permit would “run with land.” Any future user could operate a hotel at this location unless the CUP is revoked.

² Note: The applicant has also requested approval of a conditional use permit for the sale of alcohol at this location. A separate staff report has been prepared for the alcohol proposal.

BACKGROUND

The following sections describe the site and its setting:

- General Plan and Zoning
- Existing Land Use
- Existing Land Use

General Plan and Zoning

The site is designated Mixed Use Corridor on both the General Plan Land Use Map and the Zoning Map, as shown below.

Table A: Adjacent General Plan Zoning Designations and Land Uses

	General Plan	Zoning Classification	Existing Land Use
North	Industrial and Open Space	M (Industrial) and OS (Open Space)	Holiday Inn Express hotel, vacant, Pixley Park
South*	Lodi General Plan: Business Park, Commercial, Industrial San Joaquin County GP: General Agriculture	Lodi Zoning: None San Joaquin County Zoning: AG-40	Agriculture
East*	Lodi GP: Industrial San Joaquin County GP: Mixed Use	Lodi Zoning: None San Joaquin County Zoning: AU-20	Agriculture
West	Industrial and Commercial	M (Industrial) and GC (General Commercial)	Retail commercial center
Project Site	Industrial	M (Industrial)	Vacant

* Areas to the south and east are in the unincorporated area of San Joaquin County. Lodi General Plan designations show the City's land use policy if the area were annexed and within the corporate boundaries. County of San Joaquin General Plan and Zoning apply to these areas and currently define permitted land use types.

Figure 1: Lodi General Plan



The Industrial General Plan land use designation is described as follows:

The Industrial classification includes a mix of heavy manufacturing, warehousing, general service, storage, and distribution activities. This category includes the General Mills factory and existing uses along the railroad and east of SR-99. Industrial sites are available within and adjacent to the existing cluster of industrial uses in the east side of the city. The maximum FAR for this designation is 0.6.

Figure 2: Lodi Zoning



The M (Industrial) zoning district is described as follows:

The M zoning district is applied to areas appropriate for a mix of heavy manufacturing, warehousing, general service, storage, and distribution activities. The maximum FAR is 0.6. The M zoning district is consistent with the industrial land use designation of the general plan. [Lodi Zoning Code, emphasis added]

Existing Land Use

The site is currently vacant and unimproved, except for driveway access that crosses the site to reach the Holiday Inn Express hotel to the north. The area around the project site is retail/office to the west and north (in the city) and agricultural to the east and south (in the unincorporated area of San Joaquin County).

An aerial photo and street views of the project site are shown below.

Figure 3: Existing Site and Vicinity Aerial View



Site boundary is approximate.

PROPOSED PROJECT

The applicant is proposing to operate a Hilton Hotel based on that company's "Tru" brand. The Tru brand was launched by Hilton in 2016, and targets younger, budget-conscious travelers. Tru hotels offer breakfast and an in-hotel convenience store, and have rooms generally smaller than other Hilton brands.

The Tru hotel line is currently entering California, starting with hotels currently under construction or proposed in Lathrop and San Bernardino. The Lodi location would be the third Tru hotel in California.

From Hilton's Tru web site:³

Say hello to a brand-new hotel experience from Hilton that's vibrant, affordable and young-at-heart. It's energetic, yet relaxing and comfortable. It's familiar, and it's also unexpected. It's completely unprecedented, it's uniquely Tru.

Representative photos of existing Tru hotels are shown below.

³ <https://tru3.hilton.com/en/our-story/index.html>

Figure #: Tru Hotels



Lobby interior, showing concierge (center) and individual workspaces (left)



Lobby interior, showing in-hotel convenience store.



Typical guest room

Proposed Hotel Operations

The applicant is proposing to operate a hotel at the project site. "Hotel or motel" is defined in the Lodi Zoning Code as follows:

"Hotel or motel" means facilities with guest rooms or suites, provided with or without kitchen facilities, rented to the general public for transient lodging (less than thirty days). Hotels provide access to most guest rooms from an interior walkway, and typically include a variety of services in addition to lodging; for example, restaurants, meeting facilities, personal services, etc. Motels provide access to most guest rooms from an exterior walkway. Also includes accessory guest facilities such as swimming pools, tennis courts, indoor athletic facilities, accessory retail uses, etc." [emphasis added]

The applicant is proposing to provide a lobby with a convenience store and self-serve breakfast, and interior and exterior seating.

According to online listings, rooms at the Tru hotel line average about \$90-100 per night. By comparison, rates at other hotels located in Lodi are more expensive, averaging about \$140 for the Holiday Inn Express, \$150-200 for the Candlewood Suites, and \$130-140 for the Hampton Inn and Suites.

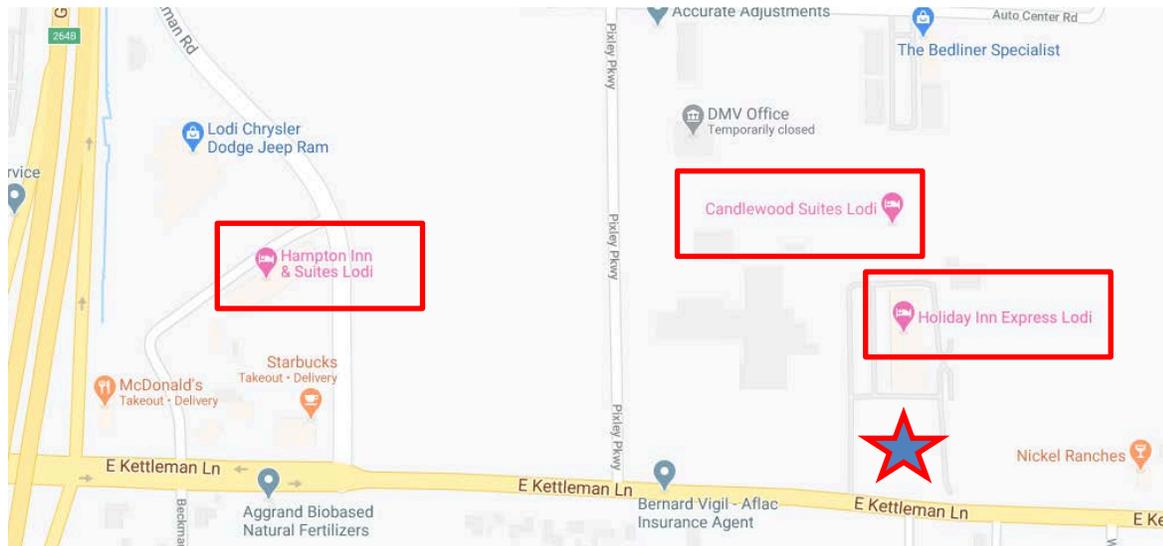
ANALYSIS

The proposed Hilton Hotel is located in an area which has already been developed with three hotels:

- Holiday Inn Express, directly north of the proposed Hilton Hotel (M zoning district)
- Candlewood Suites, directly north of the Holiday Inn Express (M zoning district)
- Hampton Inn and Suites, west of the proposed Hilton Hotel (GC zoning district)

Existing hotels are shown below.

Figure #: Existing Hotels



The area in Lodi in which the Hilton is proposed is commercial in nature, consisting primarily of retail and service uses. Lands directly to the east and south are in the unincorporated area of the County of San Joaquin, but are envisioned by the City of Lodi for industrial and business park uses (to the east) and agricultural uses (to the south).

The County of San Joaquin has planned and zoned the areas within its jurisdiction for mixed uses east of the site and for agricultural uses south of Kettleman Lane.

FINDINGS

The Lodi Municipal Code (Section 17.40.040 F) requires that the Planning Commission make the following findings in order to approve a Use Permit:

- The proposed use is allowed with a use permit within the applicable zoning district and complies with all applicable provisions of this development code.
- The proposed use is consistent with the general plan and any applicable specific plan.
- The location, size, design and operating characteristics of the use or development is compatible with and shall not adversely affect or be materially detrimental to the health, safety, or welfare of persons residing or working in the area, or be detrimental or injurious to public or private property or improvements.
- The location, size, design, and operating characteristics of the proposed use would be compatible with the existing and future land uses in the vicinity.
- The project has been reviewed in compliance with the California Environmental Quality Act (CEQA) and the Lodi Environmental Review Guidelines.

Staff's analysis of these required findings is provided below.

1. *The proposed use is allowed with a use permit within the applicable zoning district and complies with all applicable provisions of this development code.*

Comment: The project site is zoned M (Industrial). Hotels can be operated in the M zone, subject to the approval of a use permit, and appropriate conditions of approval.

2. *The proposed use is consistent with the general plan and any applicable specific plan.*

Comment: The project site is located in the Industrial land use district of the General Plan, which allows for, "... a mix of heavy manufacturing, warehousing, general service, storage, and distribution activities." Hotel uses are included in the "general service" category. The proposed project is not located within a Specific Plan.

3. *The location, size, design and operating characteristics of the use or development is compatible with and shall not adversely affect or be materially detrimental to the health, safety, or welfare of persons residing or working in the area, or be detrimental or injurious to public or private property or improvements.*

Comment: The proposed operation of a hotel is compatible with nearby retail outlets and will be conditioned to ensure that the project will not adversely affect or be materially detrimental to the health, safety, or welfare of persons residing or working in the area, or be detrimental or injurious to public or private property or improvements.

4. *The location, size, design, and operating characteristics of the proposed use would be compatible with the existing and future land uses in the vicinity.*

Comment: The project site is surrounded by similar retail and service uses (in the City of Lodi) and by agricultural uses (in the unincorporated area of San Joaquin County). All of these uses are compatible with the proposed hotel.

5. *The project has been reviewed in compliance with the California Environmental Quality Act (CEQA) and the Lodi Environmental Review Guidelines.*

Comment: The project is found to be categorically exempt from CEQA review under CEQA Section 15061 (b) (3). This is the "common sense" exemption, which applies to projects where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment.

CONDITIONS OF APPROVAL

Staff recommends approval of the applicant's request for 1337 E Kettleman Lane, subject to the conditions of approval attached to this report, which generally require the applicant to ensure that the operation of the hotel does not result in negative impacts such as criminal activity.

ENVIRONMENTAL REVIEW

The project is Categorical Exempt according to the California Environmental Quality Act, Article 19 §15061 (b) (3). This is the "common sense" exemption, which applies to projects as follows:

"The activity is covered by the common sense exemption that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA."
[CEQA 15061(b)(3)]

No significant environmental impacts are anticipated and no mitigation measures are required.

CONDITIONS OF APPROVAL

Staff's recommended conditions of approval for the proposed project are included in the attachments to this report.

PUBLIC HEARING NOTICE

Legal Notice for this item was published in the Lodi News Sentinel on Saturday, June 13, 2020. Eight (8) public hearing notices were sent to all property owners of record within a 300-foot radius of the project site as required by California State Law §65091 (a) 3.

Public notice also was mailed to interested parties who expressed their interest of the project.

RECOMMENDED MOTION

Staff recommends that the Planning Commission approve a conditional use permit for the operation of a hotel at 1337 E Kettleman Lane, subject to the attached conditions of approval.

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

"I move that the Commission find that the proposed operation of a hotel at 1337 E Kettleman Lane is exempt from CEQA under Section 15061 (b) (3) and that the Commission approve a conditional use permit to allow the operation of a hotel at this location, subject to conditions of approval."

ALTERNATIVE SPARC ACTIONS

- Approve the request with attached or alternate conditions
- Deny the project
- Continue the item to a future Planning Commission meeting

Respectfully Submitted,

Eric Norris
Contract Planner

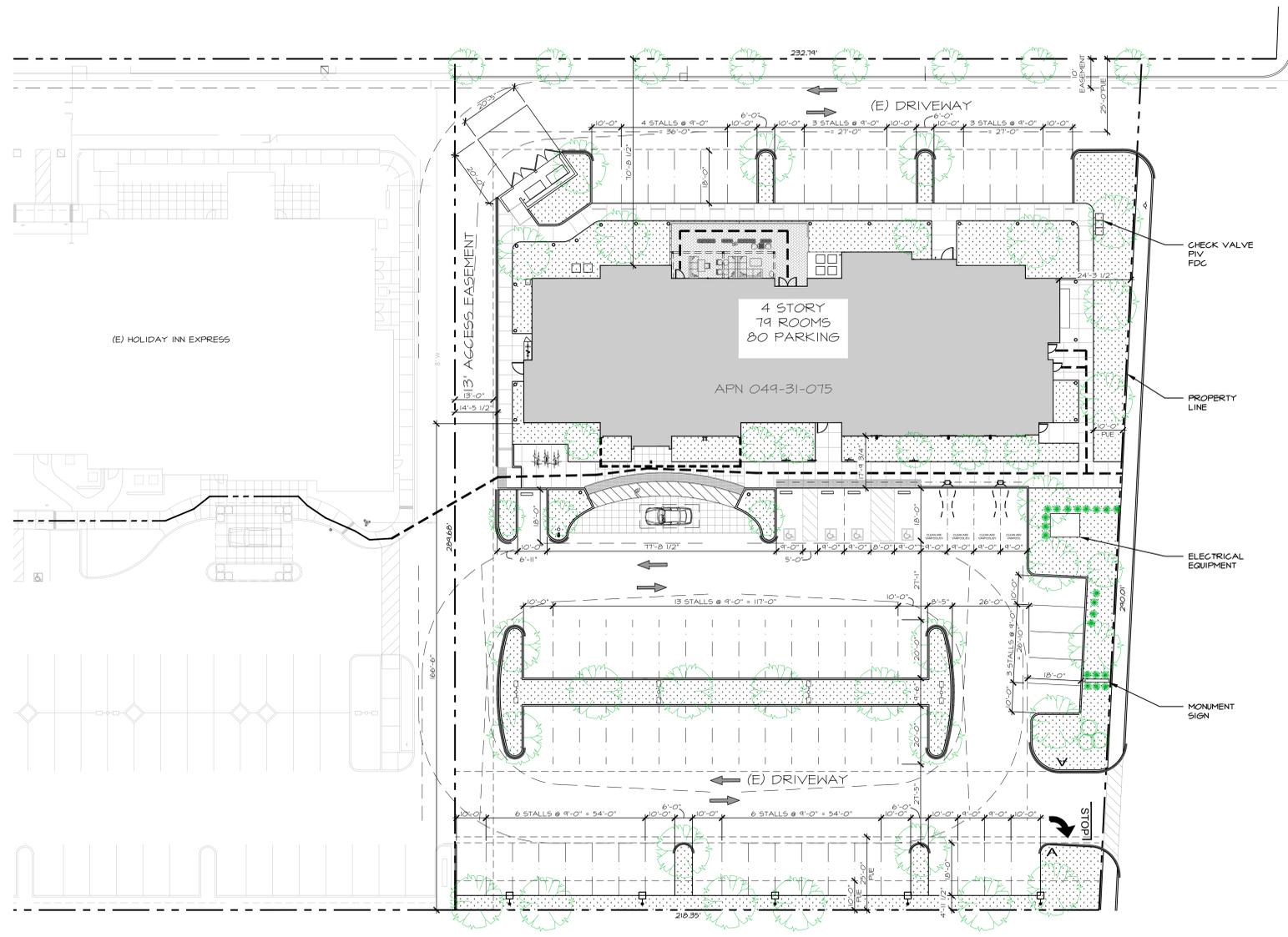
John Della Monica
Community Development Director

ATTACHMENTS:

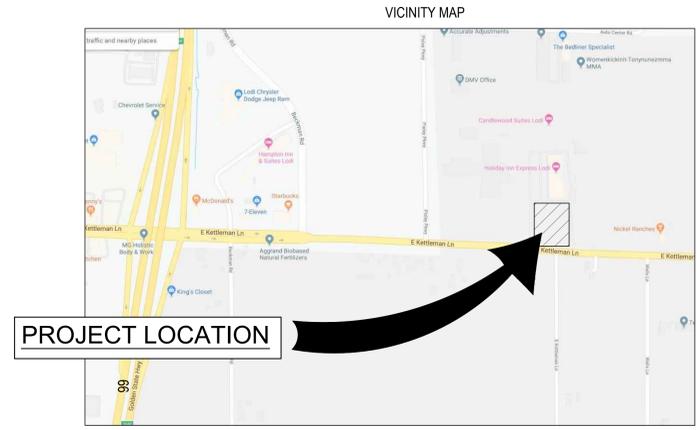
- A. Detailed Plans
- B. Comment Letters
- C. Conditions of Approval

DO NOT SCALE DRAWING

This drawing, printed or otherwise, is the copyrighted property of RED Inc. Architects. The drawing may not be used, reproduced or copied without the permission of RED Inc. Architects.



1 OVERALL SITE PLAN
1" = 20'-0"
NORTH



PROJECT INFORMATION

BUILDING DATA:	
TRU BY HILTON:	1945 S.F.
MAIN LEVEL:	9370 S.F.
2ND FLOOR:	9370 S.F.
3RD FLOOR:	9370 S.F.
4TH FLOOR:	9370 S.F.
TOTAL BUILDING AREA	
	36,660 S.F.
BUILDING HEIGHT:	
	47'-4"
NUMBER OF STORIES:	
	4
PARKING ANALYSIS:	
PARKING REQUIRED:	79
GUESTROOMS (79 x 1):	79
TOTAL	
	79
PARKING PROVIDED:	
STANDARD:	76
ACCESSIBLE:	04
TOTAL PARKING SPACES PROVIDED	
	80
BIKE PARKING ANALYSIS:	
BIKE PARKING REQUIRED:	04
SHORT-TERM (50' x 34'):	04
LONG-TERM (MINIMUM OF 1):	01
TOTAL	
	05
BIKE PARKING PROVIDED:	
SHORT-TERM:	06
LONG-TERM:	01
TOTAL	
	07

SITE DATA:	
SITE LOCATION:	1337 E. KETTLEMAN LANE LODI, CA
SITE AREA:	65,346 SQ. FT. OR 1.5 ACRES
LANDSCAPING:	11,568 SQ. FT. OR 21%
HARDSCAPING:	34,794 SQ. FT. OR 62%
BUILDING FOOTPRINT:	19,075 SQ. FT. OR 17%
CURRENT ZONING:	
	INDUSTRIAL
SITE PARCEL INFO:	
	049-31-075
JURISDICTION:	
	CITY OF LODI
CONSTRUCTION TYPE:	
	V-A
OCCUPANCY TYPE:	
	SERVICE HOSPITALITY
	RI.52
APPLICABLE CODES:	
	2019 C.B.C., C.P.C., C.M.C., C.E.C., C.F.C., C.S.G. AND ALL APPLICABLE STATE AND LOCAL REQUIREMENTS

GENERAL NOTES:

- CONTRACTOR TO VERIFY THAT ALL SURFACE WATER WILL DRAIN AWAY FROM THE BUILDING. SEE CIVIL GRADING AND DRAINAGE PLANS FOR MORE INFORMATION.
- KNOX SECURITY SYSTEM REQUIRED. LOCATION OF BOX TO BE ADJACENT TO MAIN ENTRY AND MOUNTED AT 6'-0" A.F.F. GENERAL CONTRACTOR TO VERIFY KNOX BOX LOCATION WITH OWNER AND FIRE MARSHAL.
- CONTRACTOR TO COORDINATE WITH OWNER FOR ALL LOW VOLTAGE SYSTEMS AND REQUIRED CONDUIT PLACEMENT PRIOR TO POURING CONCRETE.
- FIRE HYDRANTS TO COMPLY WITH CITY OF LODI ENGINEERING DEPARTMENT STANDARDS AND SPECIFICATIONS FOR ON-SITE FIRE HYDRANTS.
- FIRE SPRINKLER RISERS SHALL BE LOCATED WITHIN TEN (10) FEET OF AN EXTERIOR PERSONNEL DOOR INSIDE AN ENCLOSED CLOSET WITH AN EXTERIOR ACCESS DOOR. DOOR SHALL BE LABELED WITH A SIGN INDICATING "FIRE RISER ROOM". SIGNAGE REQUIRED STATING "FIRE ALARM PANEL" REQUIRED AT LOCATION. PROVIDE PER CITY OF LODI STANDARDS. PROVIDE 36 INCHES OF CLEARANCE FROM THE STANDPIPE OR ATTACHED ADDITIONAL RISERS.
- GENERAL CONTRACTOR TO CONTACT THE FIRE DEPARTMENT FOR ASSISTANCE IN DETERMINING FIRE LANE LOCATIONS AND SIGNAGE REQUIREMENTS.
- SCREENING IS TO BE PROVIDED FOR ALL GRASS MOUNTED EQUIPMENT PER BRAND STANDARDS.
- THE FIRE DEPARTMENT DOUBLE CHECK ASSEMBLY SHALL BE PAINTED TO MATCH ADJACENT WALL COLOR (PAINT GREEN IF LOCATED IN LANDSCAPE).
- SIGNS REQUIRE SEPARATE PERMIT.
- THERE SHALL BE NO OBSTRUCTION OF SITE SIGNAGE BY LANDSCAPE PLANT MATERIAL, AND THAT SUCH MUST BE RELOCATED/CORRECTED BEFORE THE FIELD INSPECTION WILL ACCEPT/ISSUE THE SIGN IN THE FIELD OR ISSUE A CERTIFICATE OF OCCUPANCY FOR A PROJECT.
- ALL EXTERNAL LIGHTING SHALL BE LOCATED AND DESIGNED TO PREVENT BAYS FROM BEING DIRECTED OFF THE PROPERTY UPON WHICH THE LIGHTING IS LOCATED.
- PROVIDE MIN. 5'-0" SQ. CLEAR AND LEVEL LANDINGS AT EXTERIOR DOORS.
- 4" WIDE PAINTED PARKING LOT STRIPING - PARKING STALLS SHALL BE STRIPED PER CITY OF LODI



RED INC ARCHITECTS
121 J STREET, MODESTO, CA 95354
209.522.8900

SEAL:



CONSULTANT:



CALIFORNIA

TRU BY HILTON
1337 E. KETTLEMAN LN.

CONSTRUCTION DRAWINGS FOR:
LODI

REVISIONS:
△

RED PROJECT # 19012
HILTON # -
PLANNING # -
PERMIT # -
APN # 049-31-075
DATE: 05.26.2020
DRAWN: G. GLOVER
CHECKED: D.BURKETT

SHEET TITLE:
OVERALL
SITE PLAN

SHEET NO.:

A100

TINA ANAGNOS
44 BASINSIDE WAY
ALAMEDA, CA 94502
(510) 847-7895
TINAANAGNOS@GMAIL.COM

June 15, 2020

David Burkett, AIA
Principal Architect
RED INC Architects
1217 J St.
Modesto, CA 95354
David@REDincArchitects.com

Bhavesh Patel
458 33rd Ave.
San Francisco, CA 94121

Via USPS certified mail/email

**Re: Use Permit/SPARC 2020-19 SP 1337 E. Kettleman Lane, Lodi, CA 95240
and Request for Planning Commission File Number 2020-022U**

Dear Mr. Burkett and Mr. Patel:

By way of introduction, my name is Tina Anagnos writing on behalf of Popi Anagnos, who owns the property located at 5485 East Kettleman Lane, Lodi, CA, which adjoins the property located at 1337 East Kettleman Lane, Lodi, California.

This is in response to the notice of public hearing to consider Site Plan and Architectural Review for the Tru Hilton Hotel development and request for the Planning Commission approval of a new Tru Hilton Hotel at 1337 E. Kettleman Lane, Lodi, CA. We would like this letter to be included in the public record of the relevant public committees relating to the approval of the application for construction and development of the Tru Hilton Hotel.

I object to the approval the application and construction of a new hotel with additional units on the property adjoining the Holiday Inn Express, located (1377 Kettleman Lane) which has approximately 89 units, and near the Candlewood Suites (1345 E Kettleman Lane) which has about 95 units. Between the two properties there is already 184 hotel units located next to our residence and vineyard. Assuming full occupancy, between the two hotels that means that there would be a total of 736 people adjacent to my property if the hotels were fully occupied (assuming 4 people/unit as stated by the hotels). A third hotel with additional capacity of 83 guestrooms would significantly increase the

population to almost 1,000 just a few feet away from my mother's home. If no controls are in place, I am concerned about property damage and a significant impact on the use and enjoyment of her property.

She is a farmer and widow. For more than ten years she has shared the property line with the hotel businesses (Holiday Inn Express and Candlewood Suites) and has concerns as a result of the construction and operation of those businesses. It is because of these issues, namely trespassing by patrons, debris and rubbish blowing onto her property from those businesses, public nuisance, threatening behavior by their patrons and lack of any demonstrable controls by the hotel, as well as damage to her property during the course of construction, that she is opposed to the granting of a use permit for the proposed hotel. She has had ongoing problems with the Holiday Inn Express, Candlewood Suites and its patrons that are also public record based upon prior letters submitted to Lodi City Planning Commission, Lodi City Council, as well as calls to the San Joaquin Sheriffs Department. She fully expects that these problems will only become greater with the construction of a fourth hotel.

We would be interested in having a Tru Hilton Hotel developed at 1337 E. Kettleman Lane in Lodi, if specific conditions are agreed upon in writing prior to approval and prior to the June 24, 2020 SPARC and Planning Commission Meeting. Below please see our specific concerns and requested conditions. Unfortunately, prior verbal agreements with the owners of the hotels at the City Planning Meeting regarding the construction of the two hotels have not been honored and we have experienced property damage with no accountability nor cooperation in repairing damage caused by construction activities, in addition to limitations related to the operation of the hotels and patron conduct. Please note that Craig Hoffman, formerly with the City of Lodi, had requested that we come to an agreement with the hotel applicants at that time. We did this in good faith, however, the ownership/management of the hotels have not complied with our stated requests and concerns.

Please note that I also have concerns relating to the safety of Popi Anagnos due to the trespassing behavior of patrons of the other hotels, as well as the protection of the vineyard which is her primary source of income.

Simply stated, our request is as follows:

1. Inclusion of this letter into the public record relating to the approval of development of the Tru Hilton Hotel located at 1337 East Kettleman Lane, Lodi, CA.
2. Our objection to approval of the application for development is to be noted within the public record of the SPARC and Planning Commission Meetings to be held on June 24, 2020 at 5:15PM and 7:00PM.
3. We would like to have the opportunity to participate in the above referenced meetings (see #2 above).
4. If approval is granted by the SPARC and Planning Commission to proceed with the development with Tru Hilton Hotel, that the approval is conditioned upon written satisfaction and agreement relating to our concerns and conditions documented below.

- a. Ideally, the developers of the Tru Hilton Hotel would contact us prior to the meetings on June 24th so that we can come to an agreement on our stated concerns which would result in a document outlining what specific agreements and activities will take place during the course of construction and operation of the hotel. We would also expect that the documented agreement becomes part of the approval record and meeting agenda for the meetings of SPARC and Planning Commission on June 24, 2020.

Thank you for your consideration and cooperation. Please note that we are supportive of The City of Lodi's efforts to grow business, and subject to meeting our conditions and concerns, would welcome Tru Hilton Hotel. We have always tried to be good neighbors understanding that agriculture and the hotel business both derive benefit if both are successful and can co-exist.

You may contact me at 510-847-7895 (cell phone) if you have any questions or require further clarification. You may also contact me via email at tinaanagnos@gmail.com. I am also requesting that you send copies of all correspondence to my home address listed below.

Tina Anagnos
44 Basinside Way,
Alameda, CA 94502

Sincerely,

Tina Anagnos

cc:
Frederick Selk
44 Basinside Way
Alameda, CA 94502

Popi Anagnos
5485 East Kettleman Lane
Lodi CA 95240

Kari Chadwick
City of Lodi Planning Commission
221 W. One Street
Lodi, CA 95240
kchadwick@lodi.gov

John R. Della Monica
Jr. Community Development Director
City of Lodi Planning Commission
221 W. One Street
Lodi, CA 95240
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City of Lodi Planning Department
221 West Pine Street
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Planning Commission
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Bill Cummins
Tiffany Gomes
Crystal Hicks
Julieann Martin
Debbie Olson
Mitchell Slater

SPARC
sparccomments@lodi.gov

Lisa Craig
Trenton Diehl
Peter Rosado
Roger Stafford
Mitchell Slater (Planning Commission Representative)

Conditions:

Health & Safety:

1. Installation of a continuous 7' chain link fence with privacy slats from Kettleman Lane all the way to my fence/gate along the property line of the Holiday Inn Express not allowing any passage points.
2. Installation of a surveillance system and cameras along the eastern property line from Kettleman Lane to the front gate of 5485 East Kettleman Lane. Please note that the proposed four-story hotel allows guests them to observe her daily habits as well and her coming and goings which makes her fearful of robbery, and burglary at the very least.
3. Installation of light poles along the eastern property line adjoining my vineyard for the to be constructed hotel.
4. Elimination of any plans for patio areas/public seating areas along the eastern side of the building wherein hotel patrols could sit, lounge, barbeque or otherwise congregate or gather.
5. No trees planted along the eastern property line fence. If so, trees should be planted 7' away from property line/fence. The trees grow over and have to be pruned. In addition instruction to gardeners to not blow leaves under the fences onto my mother's property.
6. No construction dust while she has a crop on the vines, typically June-October. Harvest is often earlier than October. Any adverse damage done to the crop will be reimbursed based upon the prior 3 year average.
7. Agreement to replace all pavement, concrete, and property damage as a result of compacting the soil and construction.
8. Hiring of security guards to patrol the property line the proposed new hotel from dusk to dawn.
9. Trespassing controls and limitations on patron activities on the east side of the hotel property adjoining the vineyard.
10. Debris control and clean up by the hotel during construction and operations due to the impact on vineyard crop output and crop quality.

Please note that the above is not meant as an exhaustive list of conditions, but constitutes a minimum set of conditions that we would be seeking. As you can understand, we are still in the process of fully understanding the impact of another new hotel upon the vineyard, and more importantly upon the overall feeling of security in her own home.

Historical Incidents/Health & Safety Issues:

1. Hotel customers trespassing on her property.
2. Garbage from hotel customers littering her property (including plastic bags, beer bottles, plastic cups).
3. Hotel customers dump barbeque ashes on her driveway.
4. Hotel customers use my driveway to take walks along her vineyard.
5. Hotel customers pick her fruit from trees on her property.
6. Hotel customers go into her vineyard which is her primary source of income as a crop.
7. Hotel customers come take group pictures in her vineyard. They use profanity towards her, even though when she has not spoken to them. This makes her scared because she lives alone and sometimes they have been drinking.
8. Hotel patron urinate on tree's, plants and grape vines on her property
9. Hotel customer's or their guest dogs defecate in her vineyard and on her property.
10. Hotel customers have a patio area on the East side, just a few feet away from my property, where they hang out and drink and get loud late into the evening
11. Hotel patrons constantly turn into her drive way only to discover that there is no way for them to turn around. This in turn requires them to make 3 point turns arounds which put the grape vines at risk of damage.

RESOLUTION NO. P.C. 20-__

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LODI APPROVING
THE OPERATION OF A HOTEL AT 1337 E KETTLEMAND LANE**

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

WHEREAS, the project proponent is David Burkett, 1217 J Street, Modesto, CA 95354; and

WHEREAS, the project owner is Bhavesh Patel, 458 33rd Avenue, San Francisco, CA 94121; and

WHEREAS, the project is located at 1337 E Kettleman Lane (APN: 049-310-75); and

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

WHEREAS, a hotel requires the approval of a Use Permit by the Planning Commission; and

WHEREAS, based upon the facts and analysis presented in the staff report, and public testimony received and subject to the attached conditions of approval, the Planning Commission finds that allowing the operation of a hotel at this location will not, under the circumstances of this particular case, be detrimental to the health, safety, morals, comfort, convenience and general welfare of the persons residing or working in the neighborhood of such proposed use, or be injurious or detrimental to property and improvements in the neighborhood or to the general welfare of the City; and

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

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

1. The property is zoned M (Industrial). A hotel is allowed subject to a use permit in this zone. The project has been conditioned to be consistent with the Zoning Code and to not be detrimental to the welfare of persons or properties working, residing, or otherwise existing in adjacent areas.
2. The proposed operation of a hotel is compatible with nearby retail and service businesses and hotels, as well as adjacent agricultural areas and will be conditioned to ensure that the project will not adversely affect or be materially detrimental to the health, safety, or welfare of persons residing or working in the area, or be detrimental or injurious to public or private property or improvements.
3. The project site is surrounded by similar retail and service and hotel uses (in the City of Lodi) and by agricultural uses (in the unincorporated area of San Joaquin County). All of these uses are compatible with the proposed hotel.
4. The existing use complies with all requirements as set forth for the issuance of a Use Permit, in that the site is adequate in size, shape and topography for the proposed use, consisting of an existing building. Second, the site is located in a commercial area that is accessible from public streets. Existing street networks are adequate in size and shape to accommodate the quantity and quality of traffic generated by the proposed use without any significant impacts to the street system. Third, the proposed use, as conditioned, will not have an adverse effect upon the use, enjoyment or valuation of property in the neighborhood.

5. The project is exempt from review under the California Environmental Quality Act, §15061 (b) (3), which exempts projects where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment.

NOW, THEREFORE, BE IT DETERMINED AND RESOLVED by the Planning Commission of the City of Lodi that:

1. Use Permit Application No. 2020-022 is hereby approved, subject to the attached conditions of approval, which are hereby incorporated in this resolution by reference.

I certify that Resolution No. 20-___ was passed and adopted by the Planning Commission of the City of Lodi at a regular meeting held on June 24, 2020, by the following vote:

AYES: Commissioners:

NOES: Commissioners:

ABSENT: Commissioners:

ATTEST _____

Secretary, Planning Commission

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CONDITIONS OF APPROVAL

Planning Application Number and Description: Project No. PL2020-022 U – Conditional Use Permit for the operation of a hotel at 1337 E Kettleman Lane.

Assessor's Parcel Number: 049-310-75

Planning Commission Review Date: June 24, 2020

Conditions of Approval	Timing/ Implementation	Enforcement/ Monitoring	Verification (Date and Signature)
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General Conditions/Requirements

<p>1. The applicant shall review and sign below verifying the "Acceptance of the Conditions of Approval" and return the signed page to the Lodi Planning Department. Project approval is not final until a signed copy of these conditions is filed with the City.</p> <hr/> <p>Applicant Signature _____ Date _____</p> <hr/> <p>Print Name _____</p>	<p align="center">Must be completed to finalize approval</p>	<p align="center">Planning Department</p>	
<p>2. The applicant shall indemnify, protect, defend, and hold harmless the City, and/or any of its officials, officers, employees, agents, departments, agencies, and instrumentalities thereof, from any and all claims, demands, law suits, writs of mandamus, and other actions and proceedings (whether legal, equitable, declaratory, administrative, or adjudicatory in nature), and alternative dispute resolutions procedures (including but not limited to arbitrations, mediations, and other such procedures) (collectively "Actions"), brought against the City, and/or any of its officials, officers, employees, agents, departments, agencies, and instrumentalities thereof, that challenge, attack, or seek to modify, set aside, void, or annul any</p>	<p align="center">Ongoing</p>	<p align="center">Planning Department</p>	

CONDITIONS OF APPROVAL				
	<p>action of, or any permit or approval issued by, the City and/or any of its officials, officers, employees, agents, departments, agencies, and instrumentalities thereof (including actions approved by the voters of the City), for or concerning the project, whether such Actions are brought under the California Environmental Quality Act (CEQA), the Planning and Zoning Law, the Subdivisions Map Act, Code of Civil Procedure Section 1085 or 1094.5, or any other state, federal, or local statute, law, ordinance, rule, regulation, or any decision of a court of competent jurisdiction. It is expressly agreed that the City shall have the right to approve, which approval will not be unreasonably withheld, the legal counsel providing the City's defense, and that applicant shall reimburse City for any costs and expenses directly and necessarily incurred by the City in the course of the defense. City shall promptly notify the applicant of any Action brought and City shall cooperate with applicant in the defense of the Action.</p>			
Ongoing Conditions				
3.	<p>The project shall be operated in accordance with the applicant's plan of operation, attached to these conditions of approval.</p>	Ongoing	Planning Department	
4.	<p>If the City determines that the operation of this use results in conflicts pertaining to parking, noise, traffic, loitering, public safety or other impacts, this conditional use permit may be referred to the Planning Commission for subsequent review at a public hearing. If necessary, the Commission may modify or add conditions of approval to mitigate such impacts, or may revoke said conditional use permit bound upon applicable findings.</p>	Ongoing	Planning Department	
5.	<p>If the City determines that the use at 1337 E Kettleman Lane becomes a problem, a public hearing may be scheduled for the purpose of amending or adding new conditions or to consider revocation of the Use Permit.</p>	Ongoing	Planning Department	
6.	<p>The subject property shall be maintained neat and clean and free from debris, litter and graffiti at all times. The property owner shall remove any debris or graffiti within 24 hours of notification by the City, weather permitting. Paint utilized in covering such markings shall be of a color that</p>	Ongoing	Planning Department	

CONDITIONS OF APPROVAL				
	matches, as closely as possible, the color of the adjacent surfaces.			
7.	Any change in operational characteristics, expansion in area or other modification to the approved operations shall require an amendment to this Use Permit or the processing of a new Use Permit.	Ongoing	Planning Department	
8.	The sale of alcoholic beverages at this location requires a separate conditional use permit. The applicant shall obtain and maintain a conditional use permit for the sale of alcoholic beverage if this activity is proposed.	Ongoing	Planning Department	

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