



**CITY OF LODI
COUNCIL COMMUNICATION**

TM

AGENDA TITLE: Set Public Hearing for March 6, 2013, to Consider the Appeal of California Citizens for the Equal Application of the Law Regarding the Planning Commission's Decision to Approve a Use Permit to Operate a Fitness Facility at 1320 West Lockeford Street (APN: 035-340-09 – Use Permit No. 12-U-19)

MEETING DATE: February 20, 2013

PREPARED BY: Randi Johl, City Clerk

RECOMMENDED ACTION: Set public hearing for March 6, 2013, to consider the appeal of California Citizens for the Equal Application of the Law regarding the Planning Commission's decision to approve a use permit to operate a fitness facility at 1320 West Lockeford Street (APN: 035-340-09 – Use Permit No. 12-U-19).

BACKGROUND INFORMATION: Pursuant to Lodi Municipal Code Chapter 17.88, George A. Petrulakis, on behalf of Citizens for the Equal Application of the Law, filed an appeal regarding the January 9, 2013 decision of the Planning Commission to approve the subject permit. The appeal was filed in a timely manner (within 10 business days of the decision) and the appropriate fee was paid (\$300). The City Council may now set the matter for a public hearing to consider the appeal. It is recommended that the matter be heard at the next regularly scheduled City Council meeting of March 6, 2013. A copy of the appeal is attached for informational purposes only at this time. A more detailed packet of information, including the relevant Planning Commission documentation, will be provided in the March 6, 2013 agenda packet.

FISCAL IMPACT: Not applicable.

FUNDING AVAILABLE: Not applicable.

A handwritten signature in black ink, appearing to be "R. Johl", written over a horizontal line.

Randi Johl, City Clerk

APPROVED:

A handwritten signature in black ink, appearing to be "Konradt Bartlam", written over a horizontal line.

Konradt Bartlam, City Manager



APPEAL FORM

To: Rad Bartlam, City Manager
(Appropriate Department Head)

From: Randi Johl, City Clerk

Date: January 23, 2013

This is to notify you that our office has received the attached letter of appeal from the following:

Name: George A. Petrulakis
(Citizens for the Equal Application of the Law)

Address: c/o Janice Keating
Post Office Box 92
Modesto, California 95353

Phone Number: (209) 522-0500

Subject: Planning Commission Decision of 1/9/13
1320 West Lockeford Street (APN: 035-340-09)
Use Permit No. 12-U-19

Check list:

City Clerk's Office

- Inform appellant he will be contacted by appropriate Department Head to set dates.

Department Head

- City Council meeting date for setting Public Hearing 2/20/13.
(City Clerk to prepare Council Communication) (Date)
- City Council meeting date for Public Hearing 3/6/13.
(Department Head to prepare Council Communication) (Date)
- Department Head notify appellant by phone of meeting dates.

Return Completed Appeal Form to the City Clerk's Office.

PETRULAKIS LAW & ADVOCACY, APC
ATTORNEYS AND COUNSELORS AT LAW
1130 12TH STREET, SUITE B
MODESTO, CALIFORNIA 95354
TELEPHONE 209 522-0500
FACSIMILE 209 522-0700

GEORGE A. PETRULAKIS
BARBARA J. SAVERY, OF COUNSEL

PLANNING & POLICY
ANALYSTS
GILBERT D. BOSTWICK
CHRIS A. ESTHER

RECEIVED
JAN 23 2013
CITY CLERK

MAILING ADDRESS
POST OFFICE BOX 92
MODESTO, CA 95353-0092

January 23, 2013

Lodi City Council
c/o Ms. Randi Johl
City Clerk
City of Lodi
Lodi, CA 95241-1910

Via Fax & Hand Delivery

RE: Appeal of Planning Commission Decision to City Council

Dear Ms. Johl:

This letter is an appeal to the City Council of the Use Permit Number 12-U-19 and utilization of the Class 21 exemption under the California Environmental Quality Act for this use permit that were approved by the Planning Commission on January 9, 2013.

The material facts of the appeal and the reasons why the Planning Commission decision regarding this matter should be set aside are as follows:

The City processed the above referenced use permit utilizing a Class 21 CEQA exemption. Other more specific exemptions that would be more appropriate to an in-fill project were not used because the required conditions for these exemptions are not present. Consequently, the City used the Class 21 exemptions as a sort of "catch-all" exemption. This is an improper use of the Class 21 exemption as this exemption is intended for enforcement or revocation actions of regulatory agencies or law enforcement activities. It is not intended for the issuance of use permits for new land uses.

In a review of previous City uses of this exemption, it appears that the City utilizes this exemption in a pattern and practice of avoiding compliance with CEQA when other exemptions do not apply. In this manner, the City often employs this Class 21

Ms. Randi Johl
City Clerk
January 23, 2013
Page 2

exemption when the more ordinary initial study process is warranted. This subverts the important purpose of CEQA in ensuring that proper information regarding potential significant environmental effects is available to decision makers and the public.

In addition, the required findings for a use permit under the City's ordinances cannot be made in this case and are not supported by evidence.

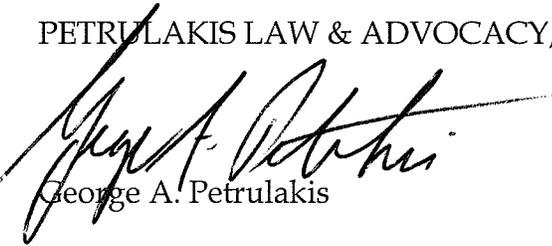
According to your fee schedule (copy attached), the fee for an appeal is \$300. Enclosed with the hand-delivered version of this letter is check number no. 1332 in the amount of \$300 for this appeal. If this amount is incorrect, please contact me immediately.

Also enclosed is the form entitled "Application for Appeal" that was provided to Gilbert D. Bostwick of my office in response to his request for the "department hand out for appeal applications" cited in your Municipal Ordinance Section 17.88.060.A.3.b.

Thank you for your consideration of this appeal.

Very truly yours,

PETRULAKIS LAW & ADVOCACY, APC



George A. Petrulakis

cc: California Citizens for the Equal Application of the Law
Janice E. Keating



City of Lodi
Community Development Department
 P.O. Box 3006
 221 W. Pine Street
 Lodi, California 95241-1910

RECEIVED

Application for Appeal
Before the Board of Appeals
For the City of Lodi

JAN 23 2013
CITY CLERK

General Information Required 209-522-0500

Appellant's Name *George A. Petrolakis on behalf of Californian Citizens for the Equal Application of the Law; Janice Keating* Phone _____
 Mailing Address *P.O. Box 92, Modesto, CA 95353*

STAFF USE ONLY
 Appeal No. _____
 Related Notices/Documents _____
 Issued By: _____

Relation to Subject Property (Pertaining To Appeal)
 Owner Tenant Property Manager/Agent

Other: *presented testimony at 1-9-2013 Planning Commission meeting*

In the case of multiple appellants, each must fill out an Application for Appeal, but they can submit together under one fee.
 Subject Address _____ Assessor's Parcel No. _____

See attached staff report dated 1-9-2013 (erroneous, should have been dated 2013) for Use Permit 12-U-19

Subject Property Owner's Mailing Address _____

Appeal Information Required

Provide a statement of the specific order or action protested, together with any material facts claimed to support the contentions of the appellant, and any relief sought and reasons why it is claimed that the protested order or action should be reversed, modified, or otherwise set aside.

See my letter of 1-23-2013.

Attach Additional Pages If Necessary
Initial Review of Appeal: There will be an initial Administrative Review of this appeal to determine whether this Department can resolve the issues under appeal. If the issues can be resolved through this Administrative Review, then the \$300 Appeal Fee will be returned to the Appellant.
Staying Order Under Appeal: Except for Notices to Vacate, enforcement of any notice and order of the Building Official shall be stayed during the pendency of an appeal therefrom which is properly and timely filed.

I certify, under penalty of perjury, that I acknowledge the filing of this appeal and that the matters stated in this appeal are true and accurate.
 Date *1-23-2013*
 Signature *George A. Petrolakis* Print Name *George A. Petrolakis*
 Date/Time Received _____ By: _____ Fee Paid: _____

Item 3c.

**CITY OF LODI
PLANNING COMMISSION
Staff Report**

MEETING DATE: January 9, 2012

APPLICATION NO: Use Permit: 12-U-19

REQUEST: Request for Planning Commission approval of a Use Permit to operate a fitness facility in an existing building located at 1320 West Lockeford Street. (Applicants: Sandra Homan, on behalf of In-Shape Health Clubs, Inc.; File Number: 12-U-19)

LOCATION: 1320 West Lockeford Street
(APN: 035-340-09)
Lodi, CA 95240

APPLICANT: Sandra Homan, on behalf of In-Shape Health Clubs, Inc
6 South El Dorado Street, 7th Floor
Stockton, CA 95202

PROPERTY OWNER: Stone Brothers and Associates
5757 Pacific Avenue, Suite 220
Stockton, CA 95207-5159

RECOMMENDATION

Staff recommends that the Planning Commission approve the requested Use Permit to operate a fitness facility at 1320 North Ham Lane, subject to the conditions outlined in the draft resolution.

PROJECT/AREA DESCRIPTION

General Plan Designation: Commercial

Zoning Designation: C-S, Commercial Shopping

Property Size: 7.55 acre (total tenant space=32,094 sq ft)

The adjacent zoning and land use are as follows:

	General Plan	Zone	Land Use
North	Commercial	C-1, Commercial-Light Industrial	Strip mall
South	Commercial	C-1, Commercial-Light Industrial	Walgreen's
East	Commercial Low Density Res.	C-1, Commercial-Light Industrial R-LD, Residential Low Density	Commercial uses and single family residences
West	R-1: Single Family Res.	C-S, Commercial-Shopping	Mixed use shopping center

SUMMARY

The applicant, on behalf of In-Shape Health Clubs, Inc., has requested approval of a conditional use permit to allow a fitness facility in an existing, approximately 30,333 sq. ft. building. The project is proposed to be located within an existing single tenant building that is currently occupied Apple Market. The In-Shape Fitness Facility is proposed to be open seven days a week with operating hours likely falling between 4:00 a.m. to 11:00 p.m., Monday through Friday, and 6:30 a.m. to 8:30 p.m. on Saturday and Sunday; however, the applicant would like to have approval to operate 24 hours per day, depending on market demand. The project site is within the C-S Zone, which allows for health club facilities and studios with the approval of a Use permit.

PROJECT DESCRIPTION:

Existing Conditions: The project site is located at 1320 West Lockeford Street in the Lakewood Mall shopping center at the southwest corner of Lockeford and Ham Lane. The tenant space is currently

occupied by Apple Market. The project site currently consists of an existing 30,333 sq. ft. building with an adjoining parking lot that currently meets minimum landscaping requirements and accommodates 362 parking spaces. On the west side of the building (the back side), there is an existing loading dock with roll-up doors and some additional mature landscaping. Surrounding the site is an existing on parking lot (to serve the project site), residential properties to the west, and commercial properties to the north and east.

The In-Shape Fitness Facility is proposed to be open seven days a week with operating hours likely falling between 4:00 a.m. to 11:00 p.m., Monday through Friday, and 6:30 a.m. to 8:30 p.m. on Saturday and Sunday; however, the applicant would like to have approval to operate 24 hours per day, depending on market demand. The facility is expected employ approximately 10 full time and 25 part time people and will generally have anywhere from four to 14 employees on site at any given time.

The proposal includes a variety of amenities for members including a kids club (child care), juice bar/lounge area, indoor lap and family pool, group cycling and exercise classes, personal fitness training, cardio and weight machines, free weights, swimming lessons, steam room, sauna, racquetball, a separate women's fitness area, stretching area and tanning. To accommodate all of these amenities, the applicant proposes addition of a 3,934 sq. ft. mezzanine within the building.

BACKGROUND

Available City records indicate the project site was used by a grocery store called Sell-Rite since mid 1950s. The building was demolished and rebuilt in 1998 and was occupied by another grocery outfit called Landucci's Marketplace. Apple Marketplace in late 1999 and continues to operate the grocery. There are no outstanding code violations.

ANALYSIS

Conditionally permitted uses are those uses which, by their nature, require special consideration so that they may be located properly with respect to the objectives of the Municipal Code and with respect to their effects on surrounding uses and properties. In order to achieve these purposes, the Planning Commission is empowered to approve, conditionally approve, or deny applications for use permits.

Land Use Compatibility: One of the primary concerns in reviewing a conditional use permit application is the effect of the proposed use on surrounding properties. The location of the proposed fitness center is in a mixed use area consisting of neighborhood-serving shopping centers with retail stores, restaurants and personal service uses. The property has a land use designation of Commercial in the General Plan. This designation is intended to provide sites for large scale retailers and major retail centers. Since the proposed project would include a fitness facility occupying space within an existing relatively large scale retail building, the proposed project would be consistent with the goals and objectives of the General Plan. Further, the project site is zoned Commercial-Shopping (C-S) District. The proposed use of a health/fitness club and gym falls under the use classification of Commercial Recreation and Entertainment as defined by Lodi Municipal Code. Commercial recreation uses within a building and within the C-S District would be permitted subject to the approval of a use permit.

Parking: The parking for building was constructed per Lodi Municipal Code §17.60.100, at a ratio of 1 space per 250 square feet for general commercial-type uses. The shopping center encompasses 72,651 sq. ft. of tenant spaces, including the subject tenant space. Calculated at a ratio of four per thousand square feet $[(72,351/1000) \times 4]$, a total of 290 parking stalls would be required to serve the entire shopping center. The shopping center provides a total of 361 parking stalls. However, certain uses generate higher parking demand. A gym is such a use and, therefore, it's parking demand is calculated differently.

A gym/health club is required to have at least one parking space per each 250 sq. ft. of floor area, one space for each 150 sq. ft. of gross swimming pool surface area, and two spaces for each racquetball court. In Shape proposes two racquetball courts (1,600 sq. ft.), 1,575 sq. ft. of swimming pool surface area, and a general space of 28,918 sq. ft. With the addition of the new 3,934 sq. ft.

mezzanine area, the new total square footage of the proposed gym would be 32,093 sq. ft., which would yield a parking requirement for 131 spaces. In addition, 115 parking stalls would be required to meet the demands of the various tenants. In order to accommodate the gym as proposed, a total of 246 stalls would be needed. Since Lakewood Mall provides a total of 361 parking stalls, which are non-exclusive and reciprocal, there is sufficient onsite parking available for accommodate the proposed use.

Hours of operation: The In-Shape Fitness Facility is proposed to be open seven days a week with operating hours likely falling between 4:00 a.m. to 11:00 p.m., Monday through Friday, and 6:30 a.m. to 8:30 p.m. on Saturday and Sunday; however, the applicant would like to have approval to operate 24 hours per day, depending on market demand. Based on a research project conducted by Institute of Transportation Engineers, health club parking demand varies by hour of day, day of week and month of year:

- o January is commonly the busiest month;
- o Mondays are usually the busiest day of the week;
- o For suburban health clubs, typically 5:00 a.m. to 7:00 a.m. and 6:00 p.m. to 7:00 p.m. is the peak hour; and
- o Health clubs located in an urban, mixed-use environment commonly experience a peak hour during the lunch hour, from 12:00 p.m. to 1:00 p.m.

Peak hours for the proposed gym would fall between 5:00 a.m. to 7:00 a.m. and 6:00 p.m. to 7:00 p.m. As such, it is highly unlikely the proposed use will conflict with the other tenants in the shopping center.

Noise: All fitness activities would occur within the building envelop; therefore, staff does not anticipate any adverse noise impacts upon the surrounding area. If the gym becomes a concern regarding noise, a condition has been added to allow for review of the permit by the Community Development Department or, if needed, return to the Planning Commission for additional conditions or even revocation of the permit.

Signage: No signage is proposed as part of this application; however, any signage would be required to conform to sign standards established by the Lodi Municipal Code Section 17.63, and would require plan submittal for review and approval by Community Development Department prior to installation.

Staff believes the Commission can make the required findings to approve the Use Permit as proposed. The use of a health/fitness club is appropriate for the proposed location in that it would occupy an existing vacant large scale retail building within an existing commercial center. A health/fitness club is a use that generally promotes and encourages healthy living within the community. In addition, because the health/fitness club is a membership and health based organization, it would be less likely than a retail facility (which was the previous use of the site and is a use that would be open to the general public), to cause any nuisance or enforcement problems within the neighborhood. If, in the future, concerns arise, and the Director/Police Department determines it necessary, the Use Permit can be subject to review by the Planning Commission to consider the business's operation for compliance with the conditions of the Use Permit. The City further reserves the right to periodically review the area for potential problems. If the operator is unable to abide by the conditions of approval, or prevent objectionable conditions from occurring, the Police Department or the Planning Commission will have the authority to modify, suspend, or revoke this Use Permit approval. Therefore, staff believes the proposed fitness center use would be beneficial to the other businesses as well as the proximate neighborhoods.

ENVIRONMENTAL ASSESSMENTS

The project was found to be Categorically Exempt according to the California Environmental Quality Act, Article 19 §15321, Class 21 (a) (2). The project is classified as an "Enforcement action by regulatory agencies" because it is the "adoption of an administrative decision or order enforcing or revoking the lease, permit, license, certificate, or entitlement for use or enforcing the general rule,

standard, or objective." No significant environmental impacts are anticipated and no mitigation measures have been required.

PUBLIC HEARING NOTICE:

Legal Notice for the Use Permit was published on Saturday, December 29, 2012. Eight-two (82) public hearing notices were sent to all property owners of record within a 300-foot radius of the project site as required by California State Law §65091 (a) 3. Public notice also was mailed to interested parties who had expressed their interest of the project.

ALTERNATIVE PLANNING COMMISSION ACTIONS:

- Approve with additional/different conditions
- Deny the request
- Continue the request

Respectfully Submitted,

Concur,

Immanuel Bereket
Associate Planner

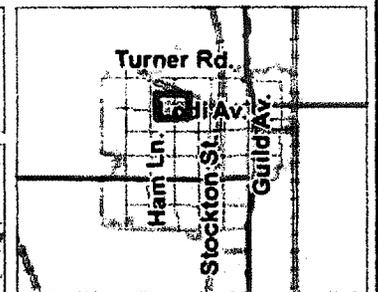
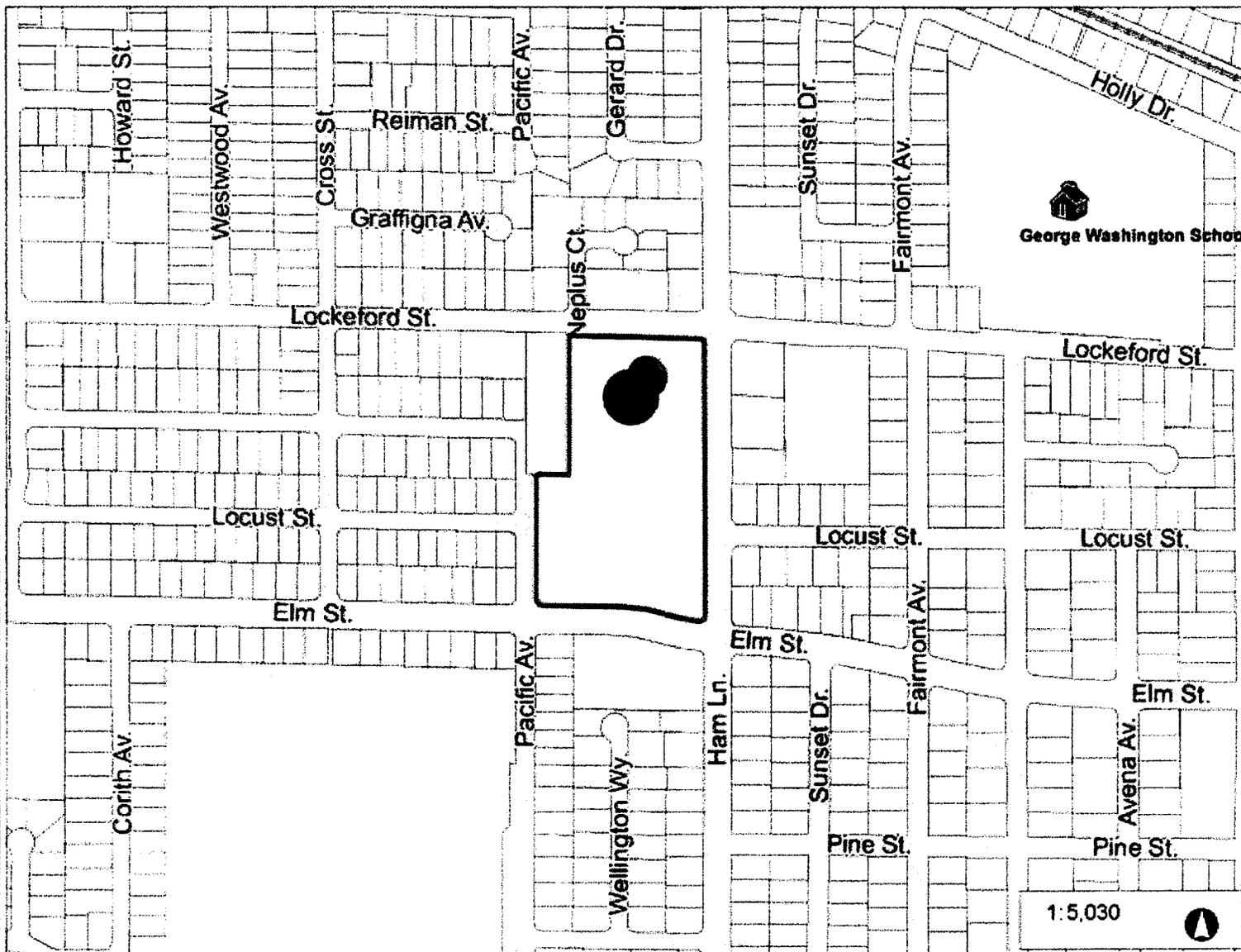
Konradt Bartlam
Community Development Director

ATTACHMENTS:

- A. Vicinity Map
- B. Aerial Map
- C. In-Shape Project Statement
- D. Existing and Proposed Floor Plan
- E. Color Rendering
- F. Draft Resolution



VICINITY MAP



Legend

 Project Site

Notes
For Reference Only.

1:5,030 

838 0 419 838Feet

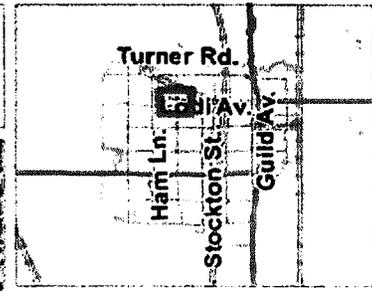
NAD_1983_StatePlane_California_III_FIPS_0403_Feet
City of Lodi Geographic Information Systems

This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.

THIS MAP IS NOT TO BE USED FOR NAVIGATION



Aerial Map



Legend

Landmarks

- ARCH
- BIBLE/RELIGION
- COURT
- CUPHORN
- CHURCH
- HIGH SCHOOL
- HOSPITAL
- LIBRARY
- CLOCKWORK
- PARK
- POLICE
- POST OFFICE
- SCHOOLS
- WATER TOWER
- STADIUM
- THEATRE
- MUSEUM

Railroads

Street Names

Parcels (Outline)

City Limits

- Red - 2008 Apr 6 inch
- Green - 2008 Apr 6 inch
- Blue - 2008 Apr 6 inch

1:5,030

838 0 419 838 Feet

NAD_1983_StatePlane_California_III_FIPS_0403_Feet
© City of Lodi Geographic Information Systems

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THIS MAP IS NOT TO BE USED FOR NAVIGATION

Notes

For Reference Only.



IN-SHAPE HEALTH CLUBS

Live the life you want... Get In-Shape!

PROJECT STATEMENT: 1320 WEST LOCKEFORD STREET – LODI, CALIFORNIA

INTRODUCTION

In-Shape Health Clubs, Inc., a Stockton, California-based company with more than 60 locations in California (“In-Shape”), is proposing a fitness facility for 1320 West Lockeford Street in the Lakewood Mall shopping center at the southwest corner of Lockeford and Ham Lane. The site is currently occupied by Apple Market. In-Shape is very excited about the possibility of bringing one of its signature clubs to Lodi.

PROCEDURAL BASIS

The zoning classification for the property is Commercial Shopping District (CS). The proposed fitness use is permitted under a Conditional Use Permit as governed by Chapter 17.72, Adjustments and Use Permits. The General Plan Designation for the site is Commercial. The proposed use is consistent with the intent of the General Plan. This application and request is submitted in accordance with Chapter 17.72 and all other applicable sections. Applicant believes this request is appropriate to be reviewed as a Conditional Use Permit for this zone. The findings required under Chapter 17.72.080 can be made, in that the establishment, maintenance and/or the conduct of the use will not, under the circumstances of this particular case, be detrimental to the health, morals, comfort or welfare of persons residing or working in the neighborhood of the proposed use, or to property or improvements in the neighborhood, or will not be contrary to the general public welfare. The project is believed to be exempt from CEQA under California Administrative Code Title 14 Section 15061 (b)(3).

COMPANY BACKGROUND

In-Shape Health Clubs, Inc. was founded in 1981 in Stockton, California, with the goal of creating a family fitness atmosphere and helping to improve quality of life and lifestyle for its members. Now with over 60 clubs throughout central California, including existing Vallejo clubs at 765 Sereno Boulevard and 125 Lincoln Road East, In-Shape remains committed to its founding message. In-Shape is a leader in the fitness industry with a proven track record of successful, well-received and impressively appointed facilities, strong membership retention and a variety of programs to encourage and support physical fitness, good health and balanced wellness. In-Shape facilities range from 6,000 to over 60,000 square feet and include, where applicable, group programs, children’s areas, well-appointed locker rooms, free exercise space, individual fitness training, family facilities and state of the art fitness equipment and the latest in exercise physiology and technology. The company promotes corporate memberships and wellness programs with an emphasis on healthy lifestyles for adults and children alike. In-Shape programming supports a wide variety of interests among members of all ages and strives to offer the broadest

selection and highest quality of services and facilities for the most affordable rates possible. More information can be found at inshapeclubs.com.

PROJECT OVERVIEW

In-Shape's plan is to bring a state of the art, family oriented fitness destination to Lodi at 1320 West Lockeford. The facility will offer a wide variety of amenities and fitness selections and will maintain the neighborhood feel and accessibility that has been a cornerstone of Lakewood Mall's success since its inception. No changes are planned for the exterior of the building or the shopping center.

The first floor is comprised of 27,637 square feet and a mezzanine will add 3,934 square feet for a total including accessory and circulation areas of 31,571 square feet. The interior of the space will welcome members and guests to a spectrum of amenities including group exercise and cycling, multiple exercise areas, cardio theatre, indoor pool, racquetball, mens' and womens' locker rooms and kids' club (see Appendix 1 for complete table).

OPERATIONAL HIGHLIGHTS

Relevant aspects of operations for the proposed use are outlined below.

1. The club will employ 8 full time and 14 part time individuals and will provide opportunities for approximately four independent contractors.
2. Bicycle parking will be provided, and alternative transportation will be encouraged.
3. A new trash enclosure will be constructed per City standards.
4. Applicant requests approval to operate up to 24 hours per day depending on member preference. No decision has yet been made as to operating hours. It is the corporate policy of In-Shape to operate 24 hours per day as member needs dictate. The percentage of residents who are subject to rotating occupational shifts or other non-traditional work hours, such as military, law enforcement and health care, has been found in nearby In-Shape facilities to be high enough to warrant 24-hour operation.
5. Expected membership level is confidential, however, peak usage hours are 5:00 a.m. to 7:30 a.m. and 5:30 p.m. to 7:30 p.m. As such the proposed use will complement existing uses in the center that have peak hours that are more typical of commercial and retail uses.
6. Noise levels for this use are likely to be less than those generated by the previous use. The proposed project will comply with any applicable noise ordinances.
7. The proposed project will not emit any noxious odors, vibrations or other air quality concerns.

SITE CONSIDERATIONS

Parking. Parking requirements for the proposed use are subject to Chapter 17.60.100 D 11, 12 and Chapter 17.60.120 of the Zoning Ordinance. One parking space for every 150 square feet of pool surface area and two spaces for each court are required. Beyond that, parking is to be determined by the Planning Commission for any uses not otherwise identified. Applying a standard typical for Applicant's existing facilities of comparable size, a 1:250 ratio for non-designated use areas is reasonable. This brings the total parking requirement for the proposed use to 115 (see Appendix 1 for complete table).

The premises is located within the Lakewood Mall, a shopping center containing multiple uses all served by reciprocal and non-exclusive parking (Protective Covenants, Conditions and Restrictions Affecting the Real Property Known As Lakewood Shopping Center recorded November 29, 1963, volume 2759 of Official Records, page 189). Total parking on the shopping center parcel is stated by the shopping center owner to be 362 which includes 15 accessible stalls. Under Chapter 17.60.080, whenever a single lot contains several different activities, the overall requirement for off-street parking and loading shall be the sum of the requirements for each such activity calculated separately. Based on the current tenant mix, a total of 230 parking spaces should be provided, including parking for the proposed use (see Appendix 2 for complete table).

Based on this, parking in the center is adequate to serve the anticipated membership and usage of the proposed use along with all existing tenants.

Signage. Signage will be submitted under separate application. Applicant will comply with the Sign Criteria for Lakewood Mall and the Sign Ordinance.

Site Lighting. No changes are planned or necessary for existing site lighting. Lighting as currently in place is believed to be in compliance with all applicable state and local ordinances and requirements.

Landscaping. The site is completely landscaped and no changes are planned.

Compatibility with Surrounding Uses. The proposed site, a fully developed commercial property, is bordered on the north and east by existing commercial uses, to the west by residential and the south by residential. The tenant space is sufficiently distant from residential areas such that no impact is expected.

COMPLIANCE WITH SITE DEVELOPMENT STANDARDS

The proposed project is appropriate for the tenant space and will

- make a positive contribution to existing development in the area;
- be harmonious and compatible with the design of surrounding existing uses;
- respect views, privacy and access to light and safety of neighboring properties; and
- not adversely affect neighboring properties.

USE PERMIT FINDINGS

Findings required to be made under Chapter 17.72.080 state that, to approve the use permit, the proposed use, and its

establishment, maintenance and/or the conduct of the use will not, under the circumstances of this particular case, be detrimental to the health, morals, comfort or welfare of persons residing or working in the neighborhood of the proposed use, or to property or improvements in the neighborhood, or will not be contrary to the general public welfare.

In response, the following conclusions are appropriate:

1. The project as proposed is well-suited for this existing building. The use is compatible with and highly desirable as a complement to existing surrounding uses.
2. The use encourages and promotes healthy, balanced lifestyles and is positive influence for people of all ages and walks of life.
3. Utilities and infrastructure existing and ready to serve the site are adequate for this proposed use and require no intensification.
4. The project will have no harmful effects on any desirable neighborhood characteristics and in fact will enhance the neighborhood.
5. The project will be served adequately by existing streets and transportation systems and will not require any change to such systems.
6. No impact of or detriment from the project, if any, results in any condition that is contrary to the intent of the General Plan.

CONCLUSION

Fitness facilities promote public health and general welfare and have been a valued and welcome participant in communities, neighborhoods and commercial shopping districts for many years. In-Shape facilities in particular are well-received, and contribute positively to community well-being. In-Shape is committed to maintaining this contribution long into the future and is very pleased to expand its involvement in the Lodi community.

SUBMITTAL ELEMENTS

Application and Environmental Assessment form
Project Statement
Exhibit A – Existing Site Plan
Exhibit B – Existing Floor Plan
Exhibit C – Proposed First Floor Plan
Exhibit D - Proposed Mezzanine Plan
Exhibit H Existing Elevations

APPENDIX 1

Proposed Use Area	Sq. Ft.
Free weights	2,560
Cardio, 1st floor	2,971
Group exercise	2,174
Kids club	1,765
Reception/lounge	1,231
Sales	72
Sales Manager	97
Abs/Stretch	753
Selectorized	1,018
Functional	773
Racquetball	1,600
Mens lockers	1,888
Womens lockers	1,900
Pool	5,261
Laundry/storage	318
Sauna	62
Steam	75
Aqua storage	43
General Manager	113
Staff	74
Family Changing Room	77
Group Cycle	740
Sales	462
Cardio, mezzanine	547
CBP Training	105
Shapes	1,521
<i>Total Use Area SF</i>	28,200
Total accessory and circulation area	3,371
Total overall square footage	<u>31,571</u>
Total Use area of racquetball and pool service area (1,575sf) (excluded for parking count purposes)	3,175

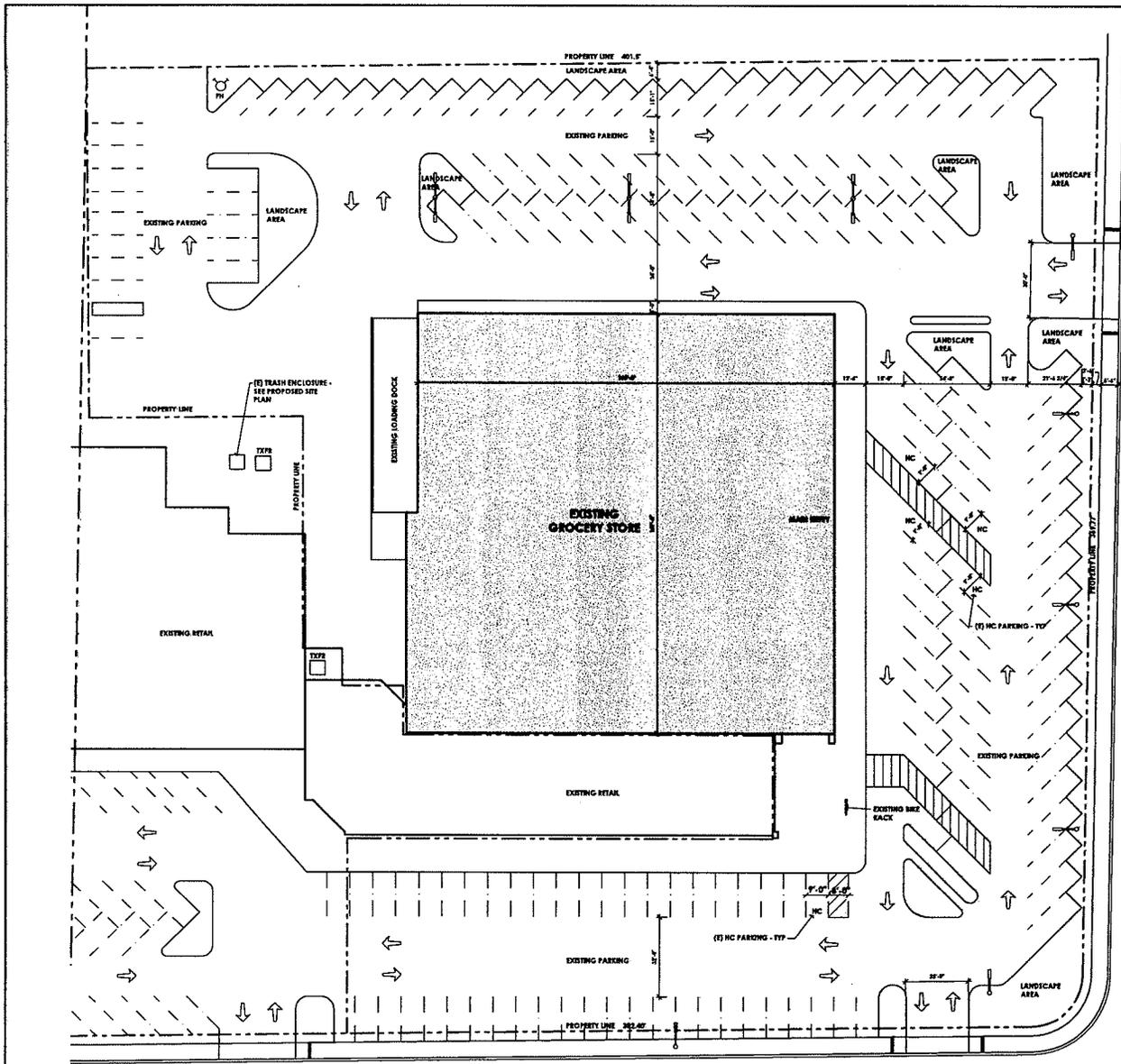
APPENDIX 1

APPENDIX 2

Suite No.	Use/Business (Seating is estimated)	Sq. Ft.	Parking Ratio	Parking Required
1365	Vacant (most likely future use: retail)	2090	500	4
209	Vacant (most likely future use: retail)	1781	500	4
10	Skyline Barbershop	300	200	2
990	Rick's Pizza (Seating: 40)	2364	1:4 seats	10
105	Advance America	1095	250	4
1306	Perfect Pear	525	500	1
1308	Sheri's Hair Shop	820	200	4
1313	J'aime Nail	765	200	4
1321	Dragon Lite Deli (Seating: 16)	1624	1:4 seats	4
135	Baskin Robbins (Seating: 10)	1080	1:4 seats	3
1355	State Farm	1257	250	5
1373	Lodi Community Arts Center	1870	500	4
145	Gourmet Bread Bowl (Seating: 20)	1320	1:4 seats	5
211	Randall's	2200	500	4
215	Lakewood Liquors	2324	500	5
223	Precision 6 Hairstyling	960	200	5
225	Max Muscle	810	500	2
227	Style of India Eyebrow	600	200	3
231	Wrappin' Up	1015	500	2
235	Matsuyama Restaurant (Seating: 35)	1200	1:4 seats	9
239	House of Coffee (Seating: 8)	900	1:4 seats	2
89	Umpqua Bank	2000	300	7
D11	Dollar Tree	12180	500	24
<i>Total Parking, Existing Uses</i>				115
		41080		
Total Parking for Proposed Use				
	Racquetball courts at 2 per court		2 per ct	4
	Pool surface area	1575	150	11
	Remainder SF (discretionary) ¹	25025	250	100
	Subtotal, proposed use			115
TOTAL PARKING OVERALL				230

¹ The Parking Ordinance provides parking requirements for court uses and pools. Under Chapter 17.60.120, "parking requirements for land uses not specified...shall be determined by the planning commission. Such determination shall be based on the most comprable use specified in these standards. Applicant has applied a ratio of 1:250sf for any use areas not otherwise specified in this Chapter.

APPENDIX 2



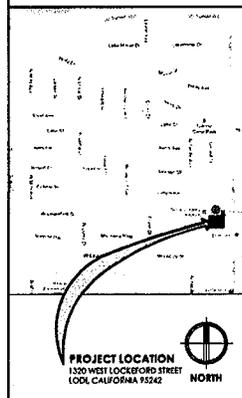
1 EXISTING SITE PLAN
SCALE 1" = 30'-0"



EXISTING PROJECT DATA

<p>PROJECT DESCRIPTION: CONVERT A FULLY DEVELOPED COMMERCIAL BUILDING, CURRENTLY A GROCERY STORE INTO A FULLY EQUIPPED FITNESS FACILITY WITH AN INDOOR POOL.</p> <p>OWNER: STONE BROTHERS AND ASSOCIATES 5757 PACIFIC AVENUE SUITE 220 STOCKTON, CA 95207</p> <p>TENANT / APPLICANT: IN-SHAPE HEALTH CLUBS, INC. 8 SOUTH EL NORADGO STREET, SUITE 700 STOCKTON, CA 95203 TEL: 209-472-2231 FAX: 209-472-6401 CONTACT: SANDRA HOJMAN</p> <p>LOCATION: 1320 WEST LOCKEFORD STREET LODI, CALIFORNIA 95242 APN: 026-340-009</p> <p>SITE DATA: JURISDICTION: CITY OF LODI ZONE: COMMERCIAL SHOPPING DISTRICT (CS) FLOOD PLAN: X5</p> <p>ENTIRE PARCEL: 7.72 AC (336,283.2 S.F.) FLOOR AREA RATIO: 30.333 / 336,283.2 = .09 LOT COVERAGE: 28,159 / 336,283.2 = .08</p> <p>EXISTING PARKING CALCULATION: EXISTING RETAIL: 115 STALLS (SEE APPENDIX 2) TOTAL CENTER PARKING REQUIRED: 230 STALLS TOTAL CENTER PARKING PROVIDED: 362 STALLS ACCESSIBLE STALLS REQUIRED: 8 STALLS ACCESSIBLE STALLS PROVIDED: 15 STALLS</p>	<p>BUILDING DATA: MAJOR FLOOR: 28,159 S.F. (ACTUAL AREA) (PER AS-BUILT PLANS) USE/ZONE: 2,174 S.F. TOTAL BUILDING AREA: 30,333 S.F.</p> <p>CONSTRUCTION TYPE: V-8 FIRE SPRINKLERS: YES NUMBER OF STORES: 1 BUILDING HEIGHT: 23'-0" (TOP OF PARAPET)</p>
--	---

VICINITY MAP



**EXHIBIT A:
EXISTING
SITE PLAN**

USE PERMIT:
**CLUB #66
IN SHAPE HEALTH CLUBS, INC**

**1320 WEST LOCKEFORD STREET
LODI, CA. 95242**

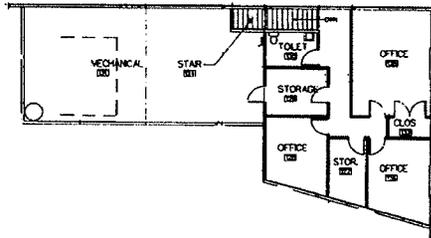
PLANNING ■■■
ARCHITECTURE ■■■



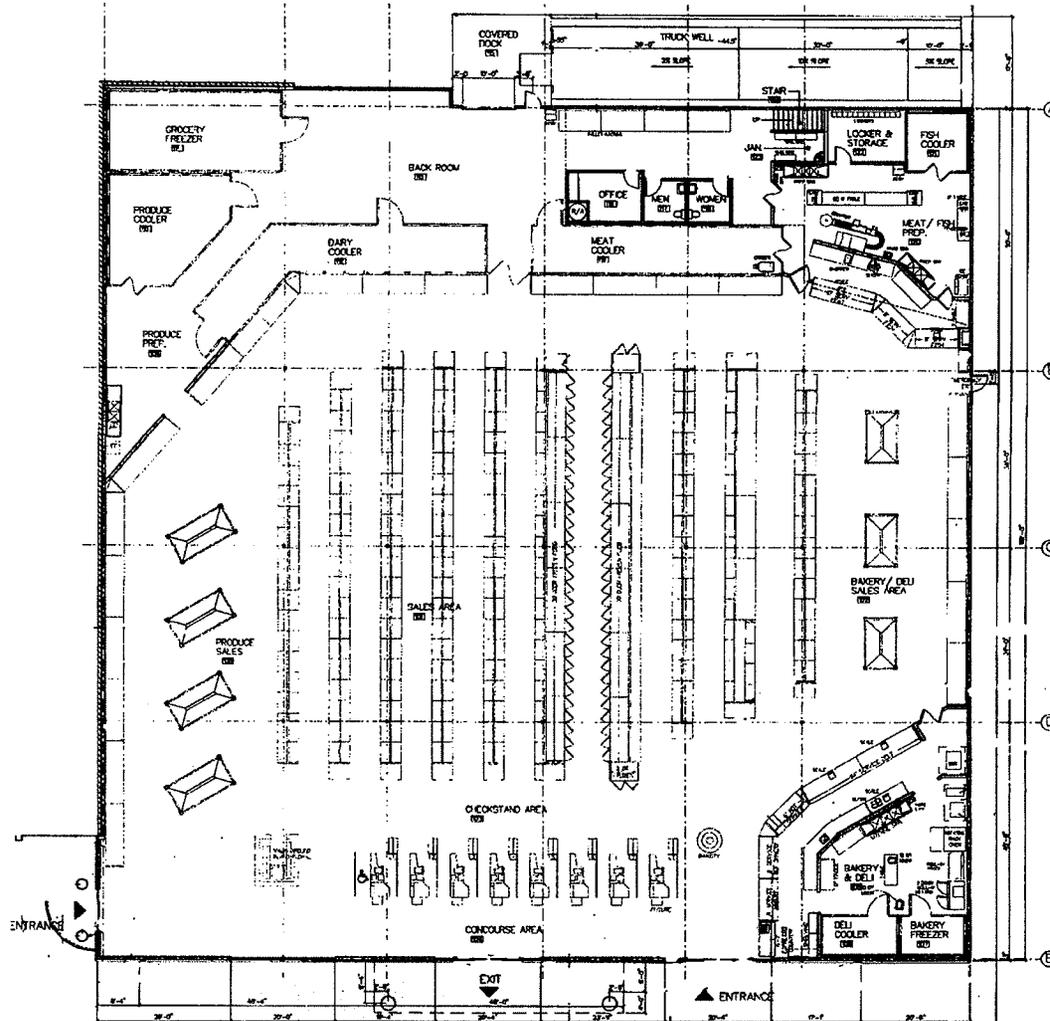
ARCHITECTURE PLUS INC.
4335-B NORTH STAR WAY
MODESTO, CA 95356

ph. 209.577.4661
fx. 209.577.0213

www.apinc.com



1 EXISTING MEZZANINE PLAN
SCALE 1/8" = 1'-0"



1 EXISTING MAIN FLOOR PLAN
SCALE 1/8" = 1'-0"



NORTH

EXHIBIT C: EXISTING FLOOR PLANS

USE
PERMIT:

CLUB #66
IN SHAPE HEALTH
CLUBS, INC

1320 WEST LOCKEFORD STREET
LODI, CA. 95242

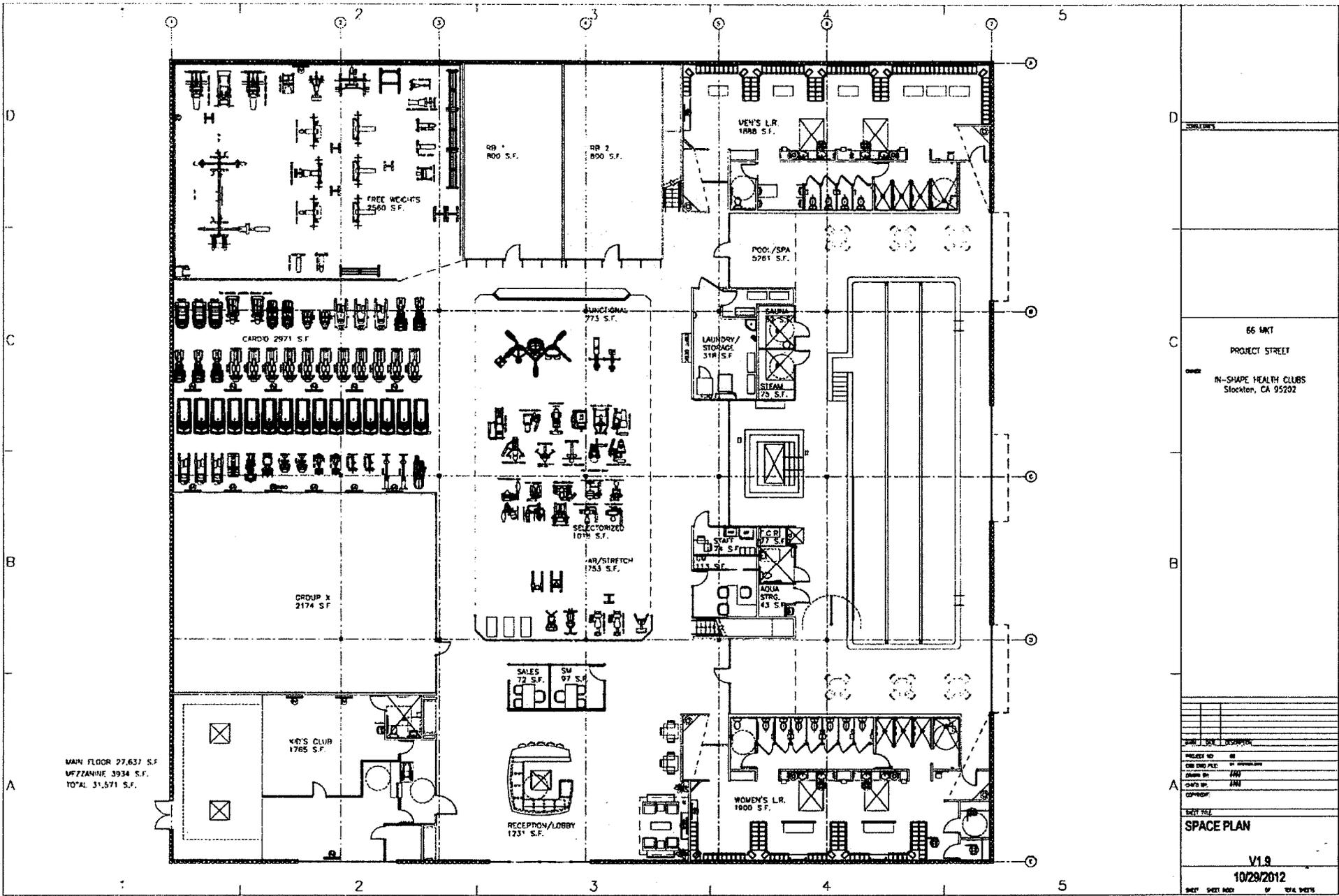
PLANNING
ARCHITECTURE

api

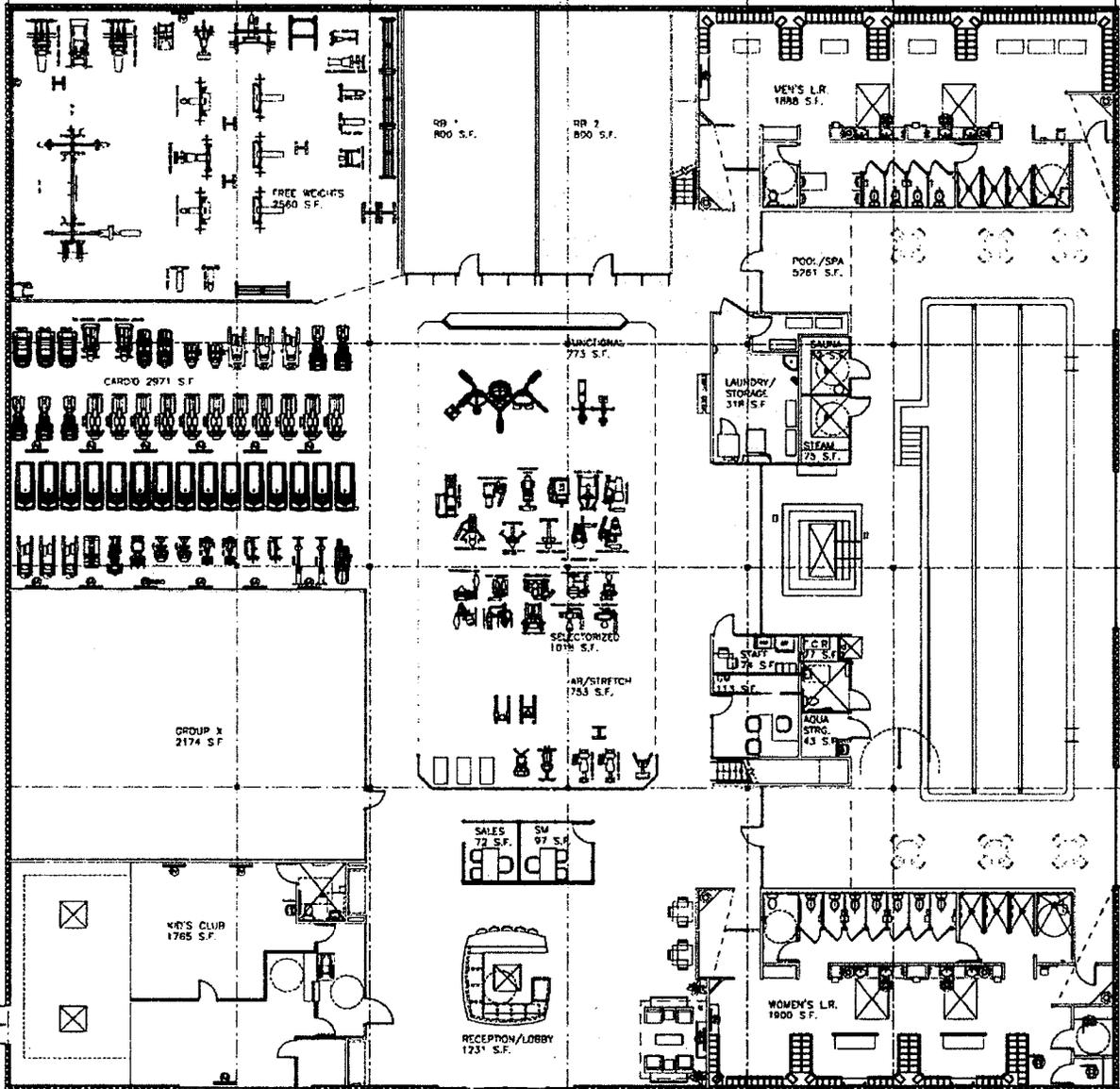
ARCHITECTURE PLUS INC.
4335-B NORTH STAR WAY
MODESTO, CA 95356

ph. 209.577.4461
fx. 209.577.0213

www.aplarc.com



MAIN FLOOR 27,637 S.F.
 MEZZANINE 3934 S.F.
 TOTAL 31,571 S.F.



66 MKT
 PROJECT STREET
 OWNER
 IN-SHAPE HEALTH CLUBS
 Stockton, CA 95202

DATE / REV / DESCRIPTION

PROJECT NO.	00
DATE DED FILE	01 APPROVAL
OWNER BY	MM
DATE BY	MM
CONTRACT	

DATE FILE

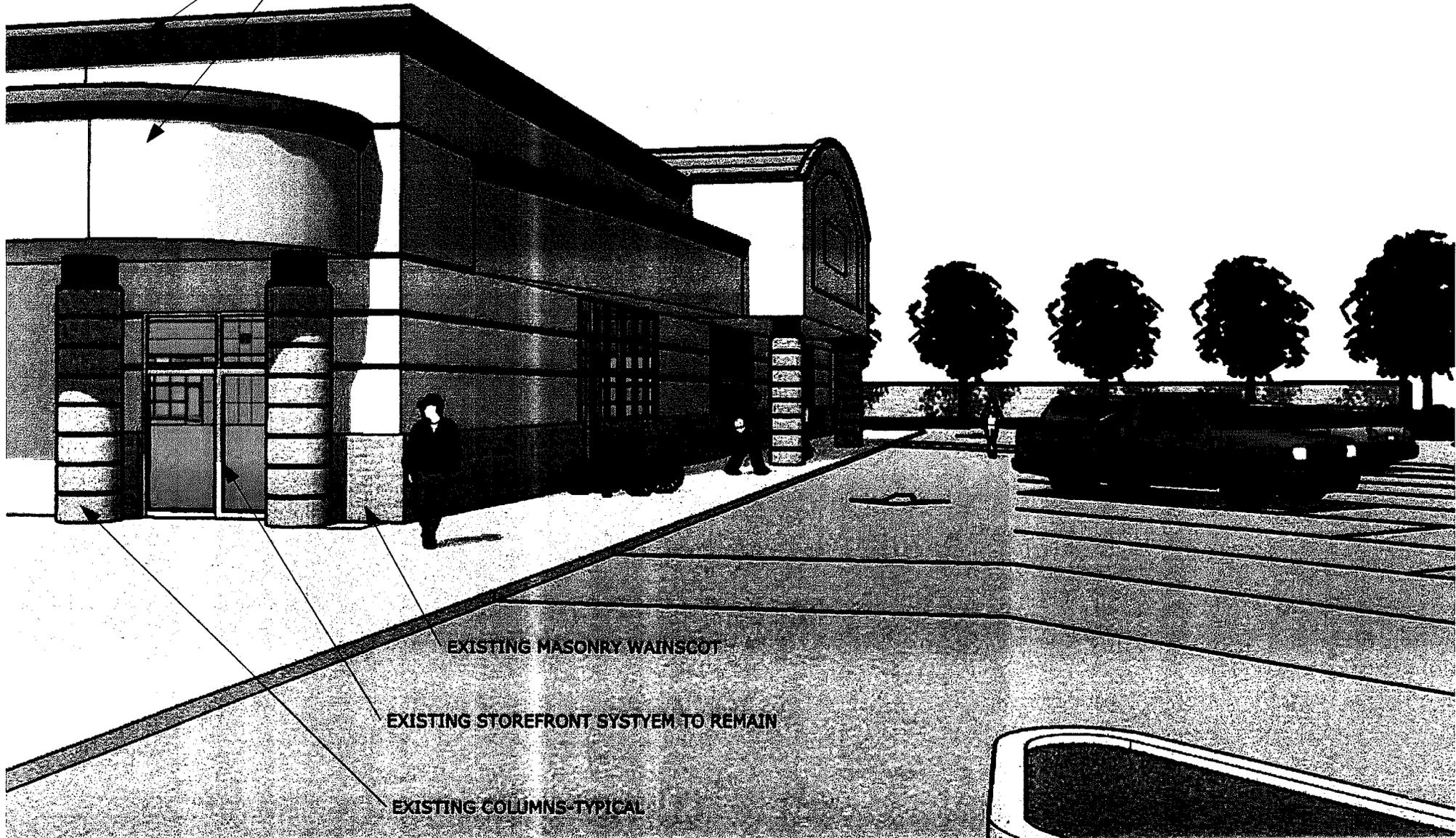
SPACE PLAN

V1.9
 10/29/2012
 SHEET NO. 00 OF TOTAL SHEETS

IN-SHAPE CLUB 66-LODI

EXISTING PARAPET CAP TO REMAIN

EXISTING EXTERIOR CEMENT PLASTER FINISH



EXISTING MASONRY WAINSCOT

EXISTING STOREFRONT SYSTEM TO REMAIN

EXISTING COLUMNS-TYPICAL

IN-SHAPE CLUB 66-LODI

EXISTING PARAPET CAP TO REMAIN

EXISTING EXTERIOR CEMENT PLASTER FINISH

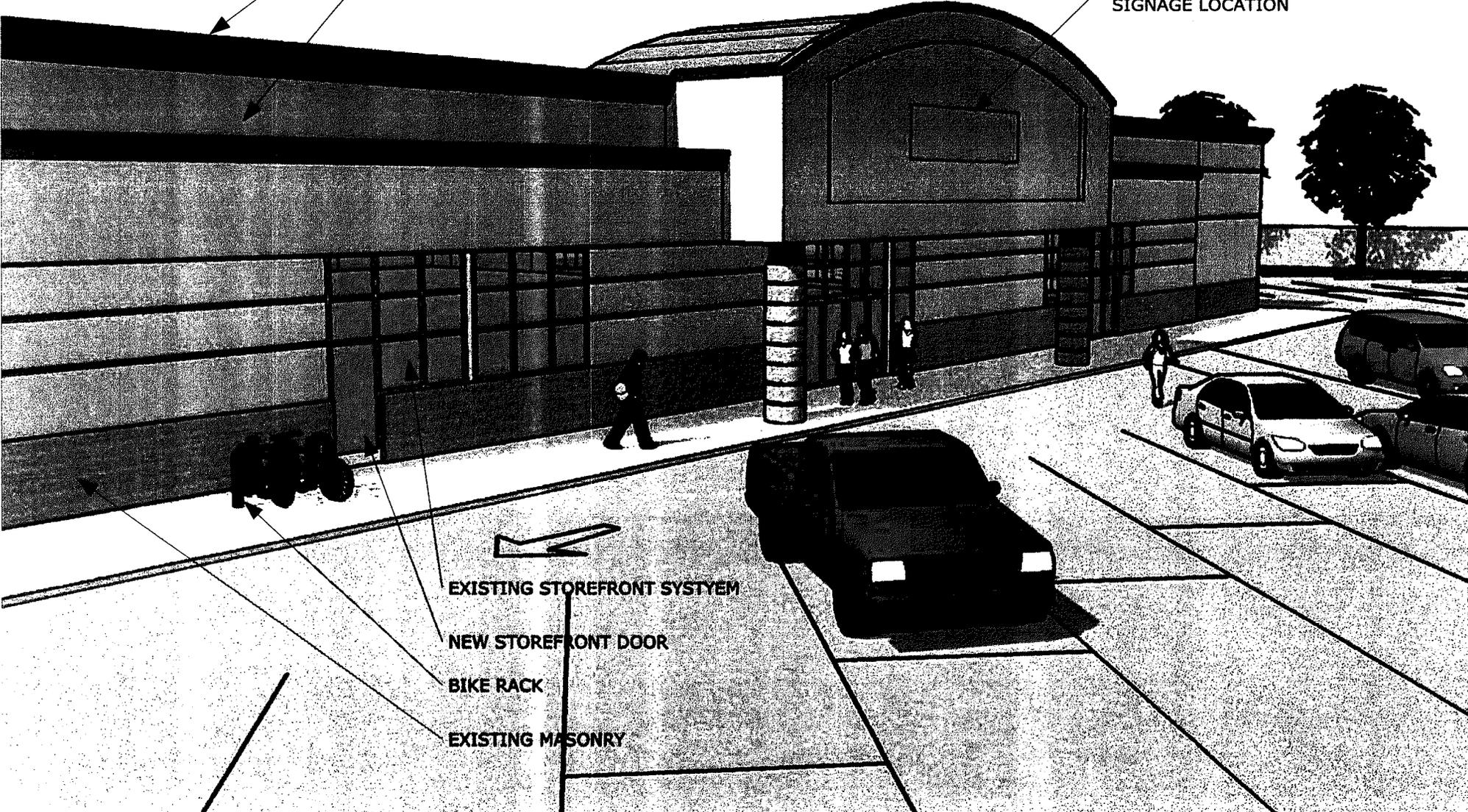
PROPOSED SIGNAGE LOCATION

EXISTING STOREFRONT SYSTEM

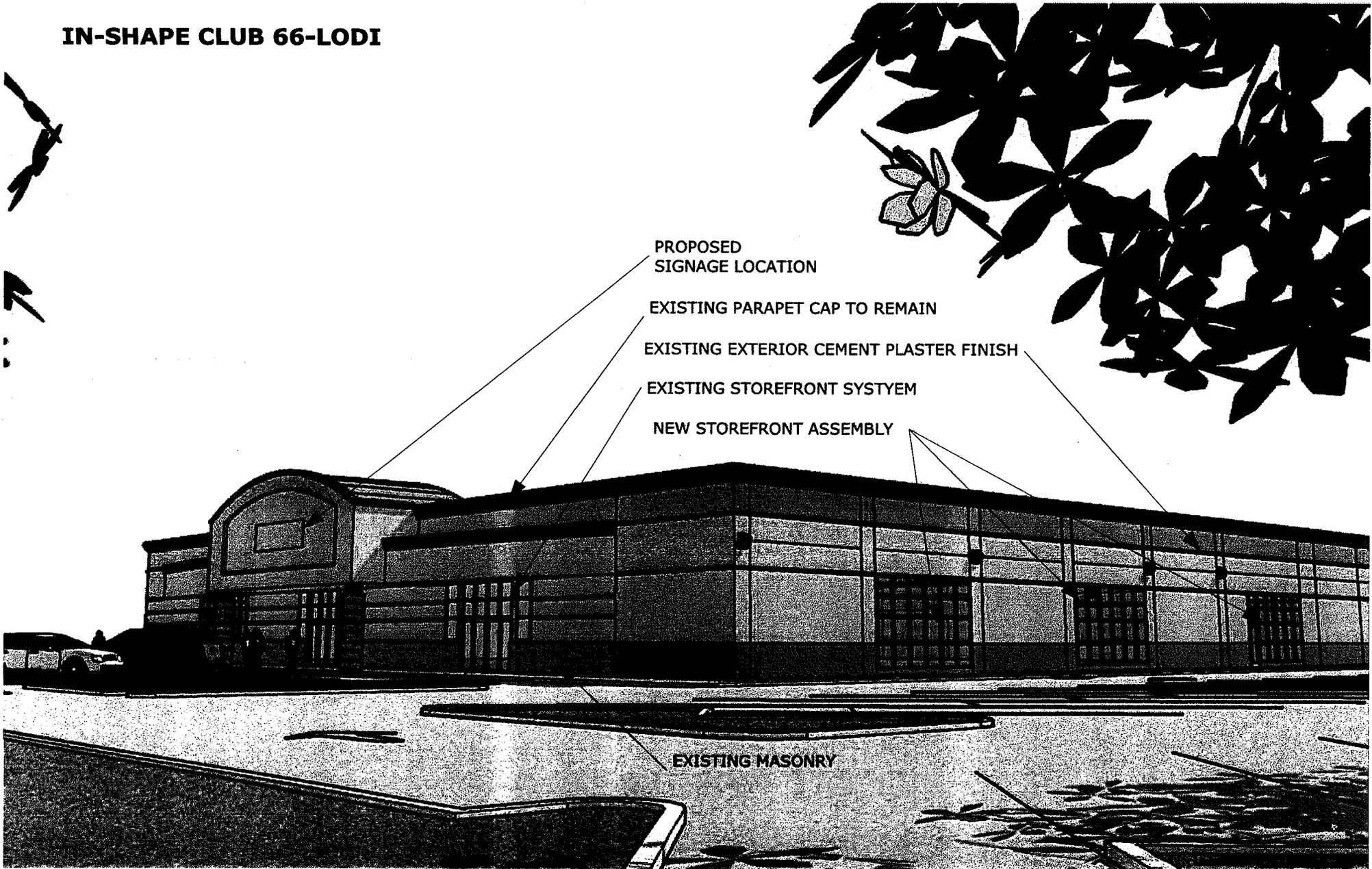
NEW STOREFRONT DOOR

BIKE RACK

EXISTING MASONRY



IN-SHAPE CLUB 66-LODI



PROPOSED
SIGNAGE LOCATION

EXISTING PARAPET CAP TO REMAIN

EXISTING EXTERIOR CEMENT PLASTER FINISH

EXISTING STOREFRONT SYSTEM

NEW STOREFRONT ASSEMBLY

EXISTING MASONRY

RESOLUTION NO. P.C. 13-

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LODI APPROVING A USE PERMIT (12-U-19) TO ALLOW THE OPERATION OF A 4,050-SQUARE-FOOT FITNESS CENTER KNOWN AS ANYTIME FITNESS LOCATED AT 210 NORTH HAM 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 17.72.070; and

WHEREAS, the project site is located at 1320 West Lockeford Street, Lodi, CA 95240 (APN: 035-340-09); and

WHEREAS, project proponent is Sandra Homan, on behalf of In-Shape Health Clubs, Inc., 6 South El Dorado Street, 7th Floor Stockton, CA 95202; and

WHEREAS, the project property owner is Stone Brothers and Associates, 5757 Pacific Avenue, Suite 220, Stockton, CA 95207-5159; and

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

WHEREAS, the requested Use Permit to allow operation a fitness center known as In-Shape Health Clubs, in an building located at 1320 West Lockeford Street, Lodi, CA 95240; and

WHEREAS, pursuant to City of Lodi Zoning Ordinance § 17.72.110, this resolution becomes effective ten (10) business days from its adoption in the absence of the filing of an appeal; and

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

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

1. The project was found to be Categorically Exempt according to the California Environmental Quality Act, Article 19 §15321, Class 21 (a) (2). The project is classified as an "Enforcement action by regulatory agencies" because it is the "adoption of an administrative decision or order enforcing or revoking the lease, permit, license, certificate, or entitlement for use or enforcing the general rule, standard, or objective." No significant environmental impacts are anticipated and no mitigation measures have been required.
2. The proposed use complies with all requirements as set forth for the issuance of this Use Permit, in that the site is adequate in size, shape and topography for the proposed use, consisting of an existing building. Second, the site has sufficient access to streets, adequate in width and pavement type to carry the quantity and quality of traffic generated by the proposed use, which is not expected to significantly increase due to the project. Third, the proposed use is deemed to be consistent to the General Plan and the Zoning Ordinance. Fourth, the proposed use, as conditioned, will not have an adverse effect upon the use, enjoyment or valuation of property in the neighborhood. Lastly, the proposed use will not have an adverse effect on the public health, safety, and general welfare in that security measures and the limited size of the use will limit any potential adverse effects to neighboring properties.
3. The harmony in scale, bulk, coverage and density of the proposed project is consistent with and compatible to the existing and proposed land uses around the subject site, in that the proposed Anytime Fitness facility will be located within an existing building, with no additions or expansions to the approved exterior thereby maintaining the approved scale, bulk, coverage and density of the building with no impacts upon the surrounding neighborhood.
4. The availability of public facilities and utilities is adequate to serve the proposed use, in that the Anytime Fitness facility will be located within an existing building where public facilities and services are provided, including sewer, water, electricity, phone, etc.

5. There would be no harmful effect upon the desirable neighborhood character with approval of this permit due to the building location within an established commercial neighborhood with no exterior additions proposed and an 8' high masonry wall separating the site from residential properties to the east.
6. The subject site will have adequate pedestrian and vehicular circulation and parking available, in that there is an adequate vehicle access point. Pedestrian movements are facilitated by paved and continuous path of travel that connects to the public sidewalk and the sidewalk accesses adjacent properties.
7. The generation of traffic would be minimal due to the fact that the project site is designed for vehicle use and the capacity of the surrounding streets is adequate to handle the proposed increase in use, due to Ham Lane being a major north-south thoroughfare and able to handle expanding traffic needs.
8. The location, design, landscaping and screening, and overall site planning of the proposed fitness center will provide an attractive, useful and convenient working and community-service area, in that the project has been landscaped with the original approval of the center and is located close to public transportation, arterial streets and residential neighborhoods.

NOW, THEREFORE, BE IT DETERMINED AND RESOLVED by the Planning Commission of the City of Lodi that Use Permit Application No. 12-U-19 is hereby approved, subject to the following conditions:

1. The applicant/Operator and/or successors in interest and management shall defend, indemnify, and hold the City of Lodi, its agents, officers, and employees harmless of any claim, action, or proceeding (including legal costs and attorney's fees) to attack, set aside, void, or annul this Use Permit, so long as the City promptly notifies the applicant of any claim, action, or proceedings, and the City cooperates fully in defense of the action or proceedings. The City may elect, in its sole discretion, to participate in the defense of said claim, action, or proceeding.
2. The City of Lodi, the Planning Commission and Lodi Police Department may, at any time, request that the Planning Commission conduct a hearing on this Use Permit for the purpose of amending or adding new conditions to the Use Permit or to consider revocation of the Use Permit if the Use Permit becomes a serious policing problem.
3. The Applicant/Operator and/or successors in interest and management shall insure that the operation of the proposed facility does not cause any condition that will cause or result in repeated activities that are harmful to the health, peace or safety of persons residing or working in the surrounding area. This includes, but is not limited to: disturbances of the peace, illegal drug activity, public intoxication, drinking in public, harassment of people passing by, assaults, batteries, acts of vandalism, loitering, excessive littering, illegal parking, excessive loud noises, traffic violations or traffic safety based upon last drink statistics, curfew violations, lewd conduct, or police detention and arrests.
4. The Use Permit shall be vested within six (6) months from the effective date of approval. A building permit for the tenant improvements allowed under this Use Permit shall have been obtained within six (6) months from the effective date of the Use Permit or the Use Permit shall expire; provided however that the Use Permit may be extended pursuant to the Lodi Municipal Code.
5. The proposed project shall be established and continuously operated in substantial conformance with the floor plan, written narrative, and other project submittals dated "Received, November 15, 2012" unless otherwise amended by the conditions of approval contained herein. Minor changes to the plans and operation may be allowed subject to the approval of the Community Development Director if found to be in substantial conformance with the approved exhibits.

6. On-site signage shall be allowed in accordance with the standards of the Lodi Municipal Code, and shall be submitted to the Community Development Department prior to installation for review and permitting.
7. In the event that the applicant proposes to modify any aspect of the business or modify the exterior of the building or site, the modification shall be subject to the review of the Community Development Director. The Community Development Director may approve the modification or refer the matter back to the Planning Commission if judged to be substantial.
8. If operation of this use results in conflicts pertaining to parking, noise, traffic, or other impacts, at the discretion of the Community Development Director, 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.
9. The exterior of all the premises shall be maintained in a neat and clean manner, and maintained free of graffiti at all times. Graffiti shall be removed within twenty-four hours after issuance of a notice of order.
10. Approval of this Use Permit shall be subject to revocation procedures contained in Section 17.72 of the Lodi Municipal Code in the event any of the terms of this approval are violated or if the operation of the business is conducted or carried out in a manner so as to adversely affect the health, welfare or safety of persons residing or working in the neighborhood.
11. Due to the change of use and occupancy of the building, Tenant Improvement plans shall be submitted to the Building Department. All plan submittals shall be based on the City of Lodi Building Regulations and currently adopted 2010 California Building code. Please review our policy handouts for specific submittal procedures.
12. The applicant/project proponent and/or developer and/or successors in interest and management shall obtain an annual Operational Permit issued by the Lodi Fire Department, and meet all the conditions outlined in therein. The Fire Department may be contact at the Lodi Fire Department, 25 East Pine Street, Lodi, CA 95240-2127. Phone Number (209) 333-6739.
13. Any fees due the City of Lodi for processing this Project shall be paid to the City within thirty (30) calendar days of final action by the approval authority. Failure to pay such outstanding fees within the time specified shall invalidate any approval or conditional approval granted. No permits, site work, or other actions authorized by this action shall be processed by the City, nor permitted, authorized or commenced until all outstanding fees are paid to the City.
14. No variance from any City of Lodi adopted code, policy or specification is granted or implied by this approval.

Dated: January 9, 2013

I certify that Resolution No. 12-19 was passed and adopted by the Planning Commission of the City of Lodi at a regular meeting held on January 9, 2013 by the following vote:

AYES: Commissioners:

NOES: Commissioners:

ABSENT: Commissioners:

ATTEST _____

Secretary, Planning Commission

PLANNING DEPARTMENT

DATE

01/23/2013

	AMOUNT	CIS CODE	DESCRIPTION
			Planning Fees Appeal Payment by Petrulakis Law & Advocacy, APC for Inshape Use Permit file
<u>3401.6102</u>	<u>\$300.00</u>	<u>6102</u>	<u>12-U-19</u>
<u>TOTAL</u>	<u>\$300.00</u>		

CDD 12-U-19 Appeal

PETRULAKIS LAW & ADVOCACY, APC
OFFICE GENERAL ACCOUNT
POST OFFICE BOX 92
MODESTO, CA 95353-0092

BAC
Bank of Agriculture & Commerce
2605 Coffee Road, Ste. 100
Modesto, CA 95355

1332
90-2566/1211

01/23/2013

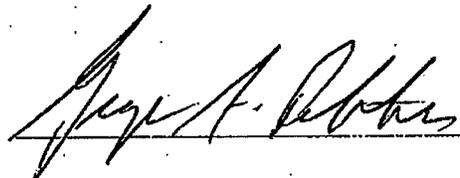
\$300⁰⁰/₁₀₀

PAY TO THE
ORDER OF

CITY OF LODI

THREE HUNDRED & NO/100

Appeal Fee City of Lodi 01-23-2013



⑈001332⑈ ⑆121125660⑆ 060 308309⑈



*Please immediately confirm receipt
of this fax by calling 333-6702*

CITY OF LODI
P. O. BOX 3006
LODI, CALIFORNIA 95241-1910

ADVERTISING INSTRUCTIONS

SUBJECT: PUBLIC HEARING TO CONSIDER APPEAL OF CALIFORNIA CITIZENS FOR THE EQUAL APPLICATION OF THE LAW REGARDING THE PLANNING COMMISSION'S DECISION TO APPROVE A USE PERMIT TO OPERATE A FITNESS FACILITY AT 1320 WEST LOCKEFORD STREET (APN 035-340-09 – USE PERMIT NO. 12-U-19)

PUBLISH DATE: SATURDAY, FEBRUARY 23, 2013

LEGAL AD

TEAR SHEETS WANTED: One (1) please

SEND AFFIDAVIT AND BILL TO: RANDI JOHL, CITY CLERK
LNS ACCT. #0510052 City of Lodi
P.O. Box 3006
Lodi, CA 95241-1910

DATED: THURSDAY, FEBRUARY 21, 2013

ORDERED BY: RANDI JOHL
CITY CLERK

Jennifer M. Robison
JENNIFER M. ROBISON, CMC
ASSISTANT CITY CLERK

MARIA BECERRA
ADMINISTRATIVE CLERK

Verify Appearance of this Legal in the Newspaper – Copy to File

LNS Faxed to the Sentinel at 369-1084 at _____ (time) on _____ (date) _____ (pages)
Phoned to confirm receipt of all pages at _____ (time) _____ JMR _____ MB (initials)



DECLARATION OF POSTING

PUBLIC HEARING TO CONSIDER APPEAL OF CALIFORNIA CITIZENS FOR THE EQUAL APPLICATION OF THE LAW REGARDING THE PLANNING COMMISSION'S DECISION TO APPROVE A USE PERMIT TO OPERATE A FITNESS FACILITY AT 1320 WEST LOCKEFORD STREET (APN 035-340-09 – USE PERMIT NO. 12-U-19)

On Thursday, February 21, 2013, in the City of Lodi, San Joaquin County, California, a Notice of Public Hearing to consider appeal of California Citizens for the Equal Application of the Law regarding the Planning Commission's decision to approve a Use Permit to operate a fitness facility at 1320 West Lockeford Street (APN 035-340-09 – Use Permit No. 12-U-19) (attached and marked as Exhibit A) was posted at the following locations:

Lodi Public Library
Lodi City Clerk's Office
Lodi City Hall Lobby
Lodi Carnegie Forum

I declare under penalty of perjury that the foregoing is true and correct.

Executed on February 21, 2013, at Lodi, California.

ORDERED BY:

**RANDI JOHL
CITY CLERK**


JENNIFER M. ROBISON, CMC
ASSISTANT CITY CLERK

MARIA BECERRA
ADMINISTRATIVE CLERK



DECLARATION OF MAILING

PUBLIC HEARING TO CONSIDER APPEAL OF CALIFORNIA CITIZENS FOR THE EQUAL APPLICATION OF THE LAW REGARDING THE PLANNING COMMISSION'S DECISION TO APPROVE A USE PERMIT TO OPERATE A FITNESS FACILITY AT 1320 WEST LOCKEFORD STREET (APN 035-340-09 – USE PERMIT NO. 12-U-19)

On Thursday, February 21, 2013, in the City of Lodi, San Joaquin County, California, I deposited in the United States mail, envelopes with first-class postage prepaid thereon, containing a Notice of Public Hearing to consider appeal of California Citizens for the Equal Application of the Law regarding the Planning Commission's decision to approve a Use Permit to operate a fitness facility at 1320 West Lockeford Street (APN 035-340-09 – Use Permit No. 12-U-19), attached hereto Marked Exhibit A. The mailing list for said matter is attached hereto, marked Exhibit B.

There is a regular daily communication by mail between the City of Lodi, California, and the places to which said envelopes were addressed.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on February 21, 2013, at Lodi, California.

ORDERED BY:

RANDI JOHL
CITY CLERK, CITY OF LODI


JENNIFER M. ROBISON, CMC
ASSISTANT CITY CLERK

MARIA BECERRA
ADMINISTRATIVE CLERK



CITY OF LODI

Carnegie Forum
305 West Pine Street, Lodi

NOTICE OF PUBLIC HEARING

Date: March 6, 2013

Time: 7:00 p.m.

For information regarding this notice please contact:

Randi Johl

City Clerk

Telephone: (209) 333-6702

EXHIBIT A

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that on **Wednesday, March 6, 2013**, at the hour of 7:00 p.m., or as soon thereafter as the matter may be heard, the City Council will conduct a public hearing at the Carnegie Forum, 305 West Pine Street, Lodi, to consider the following item:

- a) **Appeal of California Citizens for the Equal Application of the Law regarding the Planning Commission's decision to approve a Use Permit to operate a fitness facility at 1320 West Lockeford Street (APN 035-340-09 – Use Permit No. 12-U-19).**

Information regarding this item may be obtained in the Community Development Department, 221 West Pine Street, Lodi, (209) 333-6711. All interested persons are invited to present their views and comments on this matter. Written statements may be filed with the City Clerk, City Hall, 221 West Pine Street, 2nd Floor, Lodi, 95240, at any time prior to the hearing scheduled herein, and oral statements may be made at said hearing.

If you challenge the subject matter in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice or in written correspondence delivered to the City Clerk, 221 West Pine Street, at or prior to the close of the public hearing.

By Order of the Lodi City Council:

Randi Johl
City Clerk

Dated: **February 20, 2013**

Approved as to form:

D. Stephen Schwabauer
City Attorney

EXHIBIT B

**Public Hearing to Consider Appeal of California Citizens for the Equal
Application of the Law Regarding the Planning Commission's Decision to
Approve a Use Permit to Operate a Fitness Facility at 1320 West Lockeford
Street (APN 035-340-09; Use Permit No. 12-U-19)**

Mailing List

Citizens for the Equal Application of the Law
Attention: Janice Keating
P.O. Box 92
Modesto, CA 95353

EXHIBIT B

Appeal of Planning Commission Decision for file 12-U-19 for In-Shape Health Club located at 1320 W. Locketford

PARCEL	OWNER	CARE OF	ADDRESS	CITY	STATE	ZIP
3511005	SAKAUYE, SHIZU TR	WALGREEN CO REAL ESTATE TAX DE	PO BOX 1159	DEERFIE LD	IL	60015
3511006	STOOPS, RYAN & LISA		39 N HAM LN	LODI	CA	95242
3511008	DOW, RAQUEL L TR ETAL	CARTER B DON	PO BOX 805	PEPECKE O	HI	96783
3511009	NGUYEN, OANH KIM		53 N WELLINGTON WAY	LODI	CA	95242
3511012	LODI UNIFIED, SCHOOL DIST		3 S PACIFIC AVE	LODI	CA	95242
3517512	HOWEN, ROBERT G & JAMIE K TR		1008 VIENNA DR	LODI	CA	95242
3517513	SEIBEL, BRANDON K & PATRICIA L		1406 W GRAFFIGNA AVE	LODI	CA	95242
3517514	HOWEN, ROBERT G & JAMIE K TR		1008 VIENNA DR	LODI	CA	95242
3517515	OBYRNE, MICHAEL		1408 GRAFFIGNA AVE	LODI	CA	95242
3525205	GRITTS, KATHY A		1425 W LOCUST ST	LODI	CA	95242
3525206	CHRISTOPHERSON, COREY D & LAUR		1419 W LOCUST ST	LODI	CA	95242
3525207	VALLERO, THEODORE J		1413 W LOCUST ST	LODI	CA	95242
3525208	HERENDEEN, GARY K & TAMI		1407 W LOCUST ST	LODI	CA	95242
3525209	LOPEZ, LUIS G		1401 W LOCUST ST	LODI	CA	95242
3525305	FIORI, JOSEPH & BARBARA TR		531 S MILLS AVE	LODI	CA	95242
3525306	WYATT, ALICE TR		1418 W LOCUST ST	LODI	CA	95242
3525307	MANGRICH, MICHAEL D & S L		PO BOX 393	WOODBR IDGE	CA	95258
3525308	NOBRIGA, JOHN & KARRIE		15402 N RAY RD	LODI	CA	95242
3525309	LUTZ, ADELINE ETAL		1400 W LOCUST ST	LODI	CA	95242
3525310	FIELDS, FRANKLIN P & MARY JANE	LINDA J FIELDS	PO BOX 1776	LODI	CA	95241
3525311	MCMASTER, GLENN W & L TRS		1407 W ELM ST	LODI	CA	95240
3525312	MOECKLY, JEFFERY A		1413 W ELM ST	LODI	CA	95242
3525313	THURMAN, DELBERT G & ROSE TR		PO BOX 2267	LODI	CA	95241
3525414	MELISH, MARTIN A		1418 W ELM ST	LODI	CA	95242
3525415	MAYO, JOANN E		2316 W VINE ST	LODI	CA	95242
3525416	ADAME, JOHN & HILDA		1406 W ELM ST	LODI	CA	95242
3525417	SPANO, JOSEPH S & ISABELLE A L		1124 LINCOLN AVE	BURLING AME	CA	94010
3526004	GERLACK, JOHN D & B TRS		2449 VINTAGE OAKS CT	LODI	CA	95242
3526005	MOSER, LESLIE TR		1401 MARIPOSA WAY	LODI	CA	95242
3526006	SEIBEL, GERALD D & BONNIE J TR		1410 MARIPOSA WAY	LODI	CA	95242
3526007	MAYER, DEBBIE L		1413 MARIPOSA WAY	LODI	CA	95242

Appeal of Planning Commission Decision for file 12-U-19 for In-Shape Health Club located at 1320 W. Lockeford

		St.				
3526008	LAMAS, RAFAELA M		1419 MARIPOSA WAY	LODI	CA	95242
3526018	COOPER, DANA C & DAISY M TR		1422 MARIPOSA WAY	LODI	CA	95242
3526019	LUIZ, CASEY F		1416 MARIPOSA WAY	LODI	CA	95242
3526020	SEIBEL, GERALD D & BONNIE J TR		1410 MARIPOSA WAY	LODI	CA	95242
3526021	BAMESBERGER, ANETTE TR	BAMESBERGER MARITAL EXEMPT TRU	1240 LAKEWOOD DR	LODI	CA	95240
3527008	SIMPSON, STEPHEN M & MARNE L T		705 W OAK ST	LODI	CA	95240
3533001	SALVESTRIN, DINO & TECIA TR		25 CHARDONNAY LN	NOVATO	CA	94947
3533004	GALLO, RAUL		335 NEPLUS CT	LODI	CA	95242
3533005	WEIGUM, VERNON F TR		513 GERARD DR	LODI	CA	95242
3533006	WONG, JEANIE ETAL		19 ARARAT CT	SACRAM ENTO	CA	95831
3533007	INEZS PARTNERS LP		1313 W LOCKEFORD ST	LODI	CA	95240
3533008	INEZS PARTNERS LP		1313 W LOCKEFORD ST	LODI	CA	95240
3533010	SINGH, ALAN A		330 NEPLUS CT	LODI	CA	95242
3533012	BAUMBACH, DALE R & PEGGY E TR		2886 STONEY CREEK CIR	ACAMPO	CA	95220
3533013	INEZS PARTNERS LP		1313 W LOCKEFORD ST	LODI	CA	95240
3533014	BRINLEE, ALTON & DIONE TR		1412 BORDEAU DR	LODI	CA	95242
3533015	PHO, ANA		4817 RUNWAY DR	FAIR OAKS	CA	95628
3534008	TAUNTON, IONE V TR		1313 W LOCKEFORD ST	LODI	CA	95242
3534009	STONE BROTHERS & ASSOC		5757 PACIFIC AVE STE 220	STOCKT ON	CA	95207
3535001	HEBERLE, SARA TR		132 S SUNSET DR	LODI	CA	95240
3535002	GAUDET, PHILIP F & CHERI I		72 N PACIFIC AVE	LODI	CA	95242
3535003	ROJAS, RAFAEL VALDIVIA		66 N PACIFIC AVE	LODI	CA	95242
3535004	GIORDANO, CHARLES M & DEBRA E	RICHARD & DEBORAH SWEAT	150 EVERGREEN DR	LODI	CA	95242
3535005	ISORDIA, ALFONSO & SYLVIA		54 N PACIFIC AVE	LODI	CA	95242
3704210	XENOS, THOMAS D TR		1200 W LOCUST ST	LODI	CA	95240
3704211	SANCHEZ, ROSE M		1201 W ELM ST	LODI	CA	95240
3704212	TUCKER, NORA E TR		1220 W LOCUST ST	LODI	CA	95240
3704213	RIGAS, HOLLY M TR		1211 W ELM ST	LODI	CA	95240
3704214	HOAG, BEVERLY J TR		1503 LAKESHORE	LODI	CA	95242
3704215	MEYERS, NICHOLAS J & PENNY TR		97 S KELLY ST	LODI	CA	95240
3704216	KRAFT, BEVERLY ANN TR		816 WESTWIND DR	LODI	CA	95242
3704223	NUSS, CORY W		1123 W LOCUST ST	LODI	CA	95240

Appeal of Planning Commission Decision for file 12-U-19 for In-Shape Health Club located at 1320 W. Lockeford

		St.				
3704224	KATTAN, VICTOR & IRMA TR		5511 WILLOW TREE CT	KISSIMMEE	FL	34758
3704225	KATTAN, VICTOR & IRMA TR		5511 WILLOW TREE CT	KISSIMMEE	FL	34758
3704226	EBERT, ALMEDA DAYMOND TR		2535 CROWN PL	LODI	CA	95242
3704412	MCCAFFREY, ROBERT LOUIS JR TR		1126 HEIDELBERG WAY	LODI	CA	95242
3704413	BROCKNEY, ESTHER L TR		31 N SUNSET DR	LODI	CA	95240
3704421	VON BERG, STEVEN & CAROL		18836 N DAVIS RD	LODI	CA	95242
3704422	VON BERG, STEVEN TIM TR ETAL		15260 N LOCUST TREE RD	LODI	CA	95240
3704423	JEFFREY, PAUL H & S L		1220 W ELM ST	LODI	CA	95240
3710002	SINGH, AMRIK & AMRITPAL KAUR T		1225 W LOCKEFORD ST	LODI	CA	95240
3710003	COMBS, MURIEL E ETAL	R K MORGAN	1203 W LOCKEFORD ST	LODI	CA	95240
3710024	STONES OF SURRY PTP		5757 PACIFIC AVE STE 220	STOCKTON	CA	95207
3710025	STONES OF SURRY		5250 CLAREMONT AVE	STOCKTON	CA	95207
3710028	BR PETRO INC		236 N HAM LN	LODI	CA	95242
3710029	WILLIAMS, DAVID A & KATHLEEN R		3932 LAKE VISTA	DEXTER	MI	48130
3710030	STONE BROS & ASSOC		5757 PACIFIC AVE STE 220	STOCKTON	CA	95207
3710036	FARACE, JOSEPH &		3514 WHITECLIFF	NAPA	CA	94558