



**CITY OF LODI  
COUNCIL COMMUNICATION**

**AGENDA TITLE:** Conduct Public Hearing to consider the Planning Commission's recommendation of approval to the City Council to adopt a Zoning Ordinance Amendment adding Chapter 17.58 regarding Design Standards for Large Retail Establishments

**MEETING DATE:** March 17, 2004

**PREPARED BY:** Community Development Director

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**RECOMMENDED ACTION:** Approve the Planning Commission's recommendation to adopt Design Standards for Large Retail Establishments.

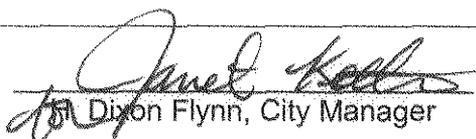
**BACKGROUND INFORMATION:** For the past year and a half, the Planning Commission has discussed the design issues surrounding large scale retail development. First, with the Lowe's project, now with the pending Wal Mart Supercenter. The discussion turned to direction for staff in December 2003 as the Commission was considering the proposed Design Guidelines contained in the Draft Development Code. The discussion centered on the design differences found in projects of varying size. As a result of staff's prior research, the set of standards that were enacted by the City of Fort Collins Colorado were used as a basis for the regulations ultimately approved by the Commission.

This set of standards applies to any project that has a building that exceeds 25,000 square feet. As such, it is clearly aimed at more than just what most consider "Big Box". As an example, these requirements would apply to any of the typical shopping centers in Lodi including Lakewood Mall, Vineyard, Sunwest and Westgate. The standards provide direction for both site plan and architecture whenever the applicability standards are met including expansions of existing projects.

As noted in the attached minutes from the Planning Commission's two public hearings, a central issue during the testimony period was to add a maximum size limitation. Subsequent to the end of the first public hearing on January 28, 2004, the Commission directed staff to bring back suggested language for two alternatives. One would be a straight maximum allowed for square footage and the other would require the approval of a Use Permit when the building's square footage exceeded some number. During the second public hearing held on February 11, 2004, the Commission spent a great deal of time debating these alternatives as well as not having a maximum at all. After several failed motions, the Commission finally decided to move forward with this set of standards and continue to discuss the maximum size issue at a future meeting. That discussion has been scheduled for March 24<sup>th</sup>. I should note that there has been some confusion on the part of the public regarding their ability to discuss a maximumize during the public hearings. Chairman Mattheis did not quash discussion of size, but did restrict discussion surrounding Wal Mart specifically. Those people who wanted to speak about Wal Mart were instructed to hold their comments for the "Public Comment" item on the agenda.

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APPROVED:

  
Dixon Flynn, City Manager

Staff and the Planning Commission feel that the standards before the City Council will result in more aesthetic development in Lodi and should be adopted as recommended.

**FUNDING:**               None



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Konradt Bartlam  
Community Development Director

KB/lw

Attachments

**DESIGN STANDARDS FOR LARGE RETAIL  
ESTABLISHMENTS**

City of Lodi

Community Development Department

*Draft*

February 11, 2004

## Chapter 17.58

### Sections:

- 17.58.010 – Purpose**
- 17.58.020 – Applicability**
- 17.58.022 - Variances**
- 17.58.030 – Facades and Exterior Walls**
- 17.58.040 – Smaller Retail Stores**
- 17.58.050 – Detail Features**
- 17.58.060 – Roofs**
- 17.58.070 – Materials and Colors**
- 17.58.080 – Entryways**
- 17.58.090 – Back and Side Facades**
- 17.58.100 – Entrances**
- 17.58.110 – Off-Street Parking Areas**
- 17.58.120 – Back Sides**
- 17.58.130 – Outdoor Storage, Trash Collection, and Loading Areas**
- 17.58.140 – Pedestrian and Bicycle Flows**
- 17.58.150 – Central Features and Community Spaces**
- 17.58.160 – Delivery/Loading Operations**

### Design Standards for Large Retail Establishments

#### **17.58.010 - Purpose**

The City of Lodi adopted this ordinance on large retail developments - "superstores" - to provide the community with clear and enforceable policies to mitigate visual impacts. These guidelines provide the opportunity to set standards for future developments to ensure that future development fits with the expectations and meets the needs of the community.

These standards and guidelines are a response to dissatisfaction with corporate chain marketing strategy dictating design that is indifferent to local identity and interests. The main goal is to encourage development that contributes to Lodi as a unique place by reflecting its physical character and adding to it in appropriate ways.

Large retail developments depend on high visibility from major public streets. In turn, their design determines much of the character and attractiveness of major streetscapes in the city. The marketing interests of many corporations, even with strong image making design by professional designers, can be potentially detrimental to community aspirations and sense of place when they result in massive individual developments that do not contribute to or integrate with the city in a positive way.

Lodi already has a development review system that promotes solutions to these general issues. The purpose of these standards and guidelines is

to augment those existing criteria with more specific interpretations that apply to the design of large retail store developments.

These standards and guidelines require a basic level of architectural variety, compatible scale, pedestrian and bicycle access, and mitigation of negative impacts. The standards are by no means intended to limit creativity; it is the City's hope that they will serve as a useful tool for design professionals engaged in site-specific design in context. They are placed within the framework of the Zoning Ordinance, which provides for variance from the requirements if the proposal is equal to or better than the City's requirements.

### **17.58.020 - Applicability**

The following standards and guidelines are intended to be used as a design aid by developers proposing large retail developments in community regional shopping centers or as uses-by-right; and as an evaluation tool by the City staff, Planning Commission, and Site Plan and Architectural Review Committee in their review processes. These standards and guidelines apply to all retail establishments of more than 25,000 square feet.

The "Intent" is provided in order to educate planners, design consultants, developers and City staff about the design objectives while the "Standards" are mandatory. The intent and standards are to be used in conjunction with all development criteria of the Lodi Municipal Code.

### **17.58.022- Variances**

The Planning Commission is empowered to grant variances to the mandatory standards under the circumstances provided by the California Government Code.

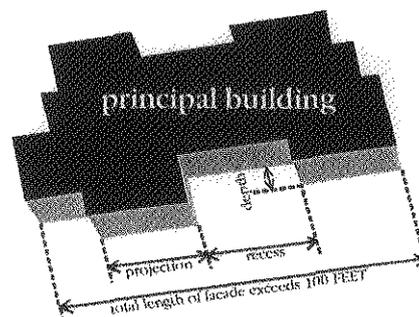
### **17.58.030 - Facades and Exterior Walls**

#### **17.58.031 - Intent:**

Facades should be articulated to reduce the massive scale and the uniform, impersonal appearances of large retail buildings and provide visual interest that will be consistent with the community's identity, character and scale. This is to encourage a more human scale that Lodi residents will be able to identify with their community.

#### **17.58.032 Standards:**

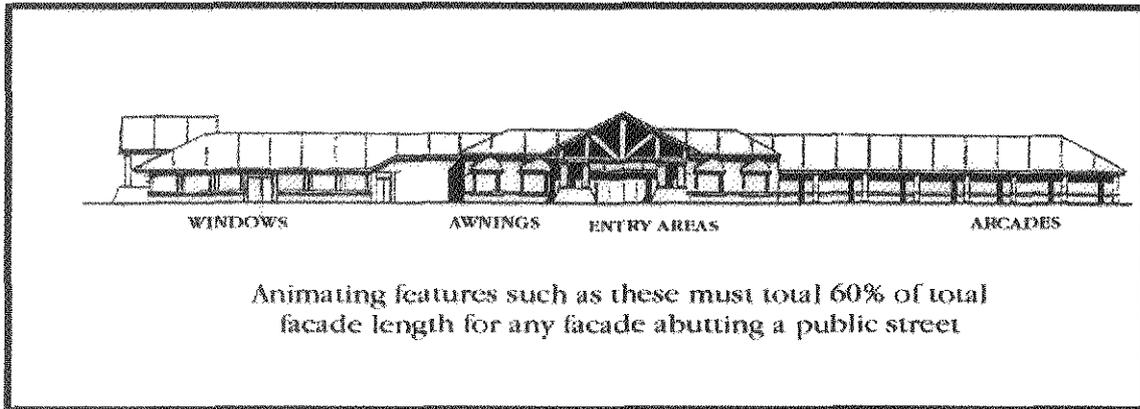
- A. Facades greater than 100 feet in length, measured horizontally, shall incorporate wall plane projections or recesses having a depth of at least



projections / recesses shall comprise at least 20% of facade length with a minimum depth of 3% of facade length

3% of the length of the façade and extending at least 20 percent of the length of the facade. No uninterrupted length of any façade shall exceed 100 horizontal feet.

- B. Ground floor facades that face public streets shall have arcades, display windows, entry areas, awnings, or other such features along no less than 60 percent of their horizontal length.



**17.58.040 - Smaller Retail Stores**

**17.58.041 – Intent:**

The presence of smaller retail stores gives a center a "friendlier" appearance by creating variety, breaking up large expanses, and expanding the range of the site's activities. Windows and window displays of such stores should be used to contribute to the visual interest of exterior facades. The standards presented in this section are directed toward those situations where additional, smaller stores, with separate, exterior customer entrances are located in principal buildings.

**17.58.042 – Standard:**

Where principal buildings contain additional, separately owned stores which occupy less than twenty five thousand (25,000) square feet of gross floor area, with separate, exterior customer entrances:

- A. The street level facade of such stores shall have storefront windows between the height of three feet and eight feet above the walkway grade for no less than 60 percent of the horizontal length of the building facade of such additional stores.
- B. Windows shall be recessed and should include visually prominent sills, shutters, or other such forms of framing.

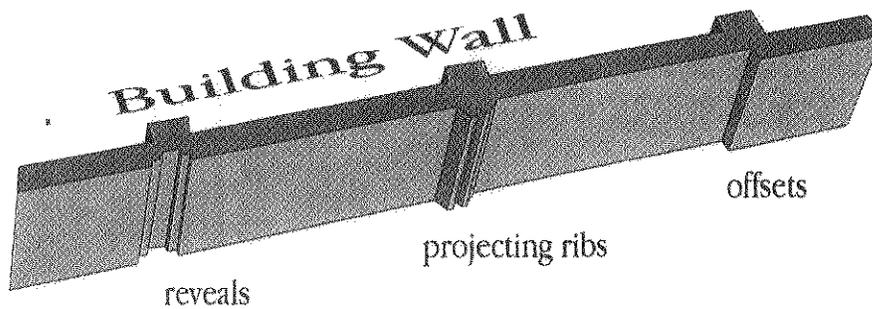
### 17.58.050 - Detail Features

#### 17.58.051 - Intent:

Buildings should have architectural features and patterns that provide visual interest at the scale of the pedestrian, reduce massive aesthetic effects, and recognize local character. The elements in the following standard should be integral parts of the building fabric, and not superficially applied trim or graphics, or paint.

#### 17.58.052 - Standard

- A. Building facades must include a repeating pattern that shall include no less than three of the elements listed below:
1. Color change.
  2. Texture change.
  3. Material module change.
  4. Expression of architectural or structural bay through a change in plane no less than 12 inches in width, such as an offset, reveal, or projecting rib.



structural bay layout

- B. At least one of these elements shall repeat horizontally.
- C. All elements shall repeat at intervals of no more than thirty (30) feet, either horizontally or vertically.

**17.58.060 - Roofs**

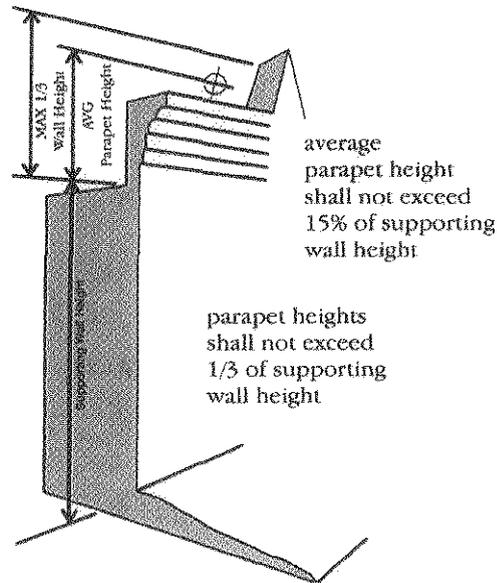
**17.58.061 – Intent:**

Variations in roof lines should be used to add interest to, and reduce the massive scale of, large buildings. Roof features should complement the character of adjoining neighborhoods.

**17.58.062 – Standard:**

Roofs shall have no less than two of the following features:

A. Parapets concealing flat roofs and rooftop equipment such as HVAC units from public view. The average height of such parapets shall not exceed 15% of the height of the supporting wall and such parapets shall not at any point exceed one-third of the height of the supporting wall. Such parapets shall feature three dimensional cornice treatment.



B. Overhanging eaves, extending no less than 3 feet past the supporting walls.

C. Sloping roofs that do not exceed the average height of the supporting walls, with an average slope greater than or equal to 1 foot of vertical rise for every 3 feet of horizontal run and less than or equal to 1 foot of vertical rise for every 1 foot of horizontal run.

D. Three or more roof slope planes.

**17.58.070 - Materials and Colors**

**17.58.071 – Intent:**

Exterior building materials and colors comprise a significant part of the visual impact of a building. Therefore, they should be aesthetically pleasing and compatible with materials and colors used in adjoining neighborhoods.

**17.58.072 – Standard:**

- A. Predominant exterior building materials shall be high quality materials. These include, without limitation:
  - 1. clay brick
  - 2. wood
  - 3. rock or other native stone
  - 4. stucco, of varied finishes.
  - 5. tinted, textured, concrete masonry units
- B. Facade colors shall be low reflectance, subtle, neutral or earth tone colors. The use of high intensity colors, metallic colors, black or fluorescent colors is prohibited.
- C. Building trim and accent areas may feature brighter colors, including primary colors, but neon tubing shall not be an acceptable feature for building trim or accent areas.
- D. Predominant exterior building materials shall not include the following:
  - 1. smooth-faced concrete block
  - 2. smooth finished tilt-up concrete panels
  - 3. pre-fabricated steel panels, except as an architectural roofing material

### **17.58.080 – Building Entryways**

#### **17.58.081 – Intent:**

Entryway design elements and variations should give orientation making them easy to identify both day and night as well as providing aesthetically pleasing character to the building. The standards identify desirable entryway design features.

#### **17.58.082 – Standard:**

- A. Each principal building on a site shall have clearly defined, highly visible customer entrances utilizing no less than three of the following to become the most prominent features:
1. canopies or porticos
  2. overhangs
  3. recesses/projections
  4. arcades
  5. raised corniced parapets over the door
  6. peaked roof forms (e.g. gable or hip)
  7. arches
  8. outdoor patios
  9. display windows
  10. architectural details such as tile work and moldings which are integrated into the building structure and design
  11. integral planters or wing walls that incorporate landscaped areas and/or places for sitting
- B. Where additional stores will be located in the principal building, each such store shall have at least one exterior customer entrance, which shall conform to the above requirements.

### **17.58.090 - Back and Side Facades**

#### **17.58.091 – Intent:**

All facades of a building which are visible from adjoining properties and/or public streets should contribute to the pleasing scale features of the building and encourage community integration by featuring characteristics similar to the front facade.

#### **17.58.091 – Standards:**

All building facades which are visible from adjoining properties and/or public streets shall comply with the requirements of, Section 17.58.030 of these Design Standards and Guidelines.

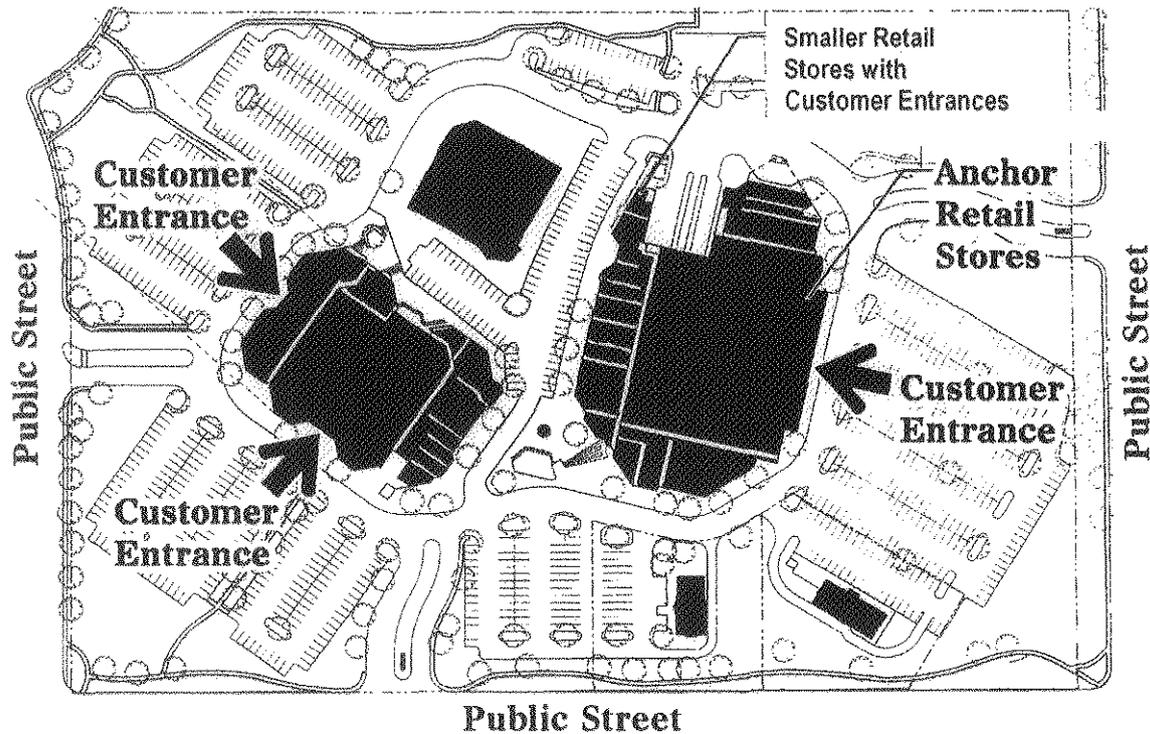
**17.58.100 – Pedestrian Entrances**

**17.58.101 – Intent:**

Large retail buildings should feature multiple entrances, which reduce walking distances from parking areas and public sidewalks, and provide convenient access to individual stores, or departments within a store. Multiple entrances can also mitigate the effect of uninterrupted walls and neglected areas that are often facing bordering land uses.

**17.58.102 – Standard:**

- A. All sides of a principal building that face an abutting public street shall feature at least one customer entrance. Where a principal building faces more than two public streets, this requirement shall only apply to two sides of the building; the side facing the primary street, and another side facing a second street. Movie theatres are exempt from this requirement.



### **17.58.110 – Off-Street Parking Areas**

#### **17.58.111 – Intent:**

Parking areas should provide safe, convenient, and efficient access. Parking should be distributed around large buildings in order to shorten the distances between buildings and public sidewalks, and reduce the visual impact of one large paved surface. With buildings located closer to streets, the scale of the complex is reduced, walking is encouraged, and architectural details take on added importance.

Covering the ground with asphalt has several long-term environmental impacts including excessive storm water run-off during the winter and tremendous increases in the ambient heat radiated by the asphalt. In order to provide adequate parking while practicing good stewardship of resources, the City has established a minimum and maximum range of off-street parking for large retail operations.

#### **17.58.112 – Standard:**

- A. No more than fifty (50) percent of the off-street parking area for the lot, tract or area of land devoted to the large retail establishment shall be located between the front facade of the large retail establishment and the abutting streets (the "Front Parking Area"). The front parking area shall be determined by drawing a line from the front corners of the building, parallel with the building sides, straight to the public street forming a 90 degree angle with the front façade.
- B. Parking spaces in the Front Parking Area shall be counted to include all parking spaces within the boundaries of the Front Parking Area, including:
  - (i) all partial parking spaces if the part inside the Front Parking Area boundary lines constitutes more than one-half ( $\frac{1}{2}$ ) of the parking space, and
  - (ii) all parking spaces associated with any pad sites located within the Front Parking Area boundaries.
- C. The minimum number of off-street parking spaces to be provided by a large-scale retail operation shall be 2 spaces for every 1,000 square feet of building space. The maximum number of off-street parking spaces shall not exceed the following:
  - Retail: Five (5) spaces for every 1,000 square feet of building space
  - Restaurant: Fifteen (15) spaces for every 1,000 square feet of building space

- Fitness/Health Club: Six (6) spaces for every 1,000 square feet of building space

For phased developments, parking areas shall only be constructed when the adjoining building for which the parking is required is built.

Additional parking stalls, beyond the maximums provided, may be allowed when developed in a multi-level structure with Planning Commission approval.

- D. Parking lot light poles shall not exceed a height of 25 feet.
- E. Landscaping in parking areas shall incorporate such material, as necessary, in order to achieve a minimum 50% shading requirement within 5 years of planting.

#### **17.58.120 - Back Sides**

##### **17.58.121 - Intent:**

The rear or sides of buildings often present an unattractive view of blank walls, loading areas, storage areas, HVAC units, garbage receptacles, and other such features. Architectural and landscaping features should mitigate these impacts.

##### **17.58.122 - Standard:**

- A. The minimum setback for any building facade shall be thirty-five (35) feet from the nearest property line.
- B. Where the façade of a large scale retail building faces a public street that is adjacent to an existing or planned residential zone boundary or uses, an earthen berm no less than 6 feet in height, containing evergreen trees planted at intervals of 20 feet on center, or the equivalent in clusters, shall be provided.
- C. Garbage receptacles shall be constructed of solid textured masonry material with a decorative masonry cap. The gates frames shall be constructed of heavy gauge steel and provided with a solid opaque finish. Enclosures shall be provided with a cover such that storm water run-off from the enclosure is minimized.

#### **17.58.130 - Outdoor Storage, Trash Collection, and Loading Areas**

##### **17.58.131 - Intent:**

Loading areas and outdoor storage areas exert visual and noise impacts on surrounding neighborhoods. These areas, when visible from adjoining properties and/or public streets, should be screened, recessed or enclosed. While screens and recesses can effectively mitigate these impacts, the selection of inappropriate screening materials can exacerbate the problem. Appropriate locations for loading and outdoor storage areas include areas between buildings, where more than one

building is located on a site and such buildings are not more than 40 feet apart, or on those sides of buildings that do not have customer entrances.

**17.58.132 - Standard:**

- A. Areas for outdoor storage, truck parking, trash collection or compaction, loading, or other such uses shall not be visible from abutting streets.
- B. No areas for outdoor storage, trash collection or compaction, loading, or other such uses shall be located within 20 feet of any public street, public sidewalk, or internal pedestrian way.
- C. Loading docks, truck parking, outdoor storage, utility meters, HVAC equipment, trash collection, trash compaction, and other service functions shall be incorporated into the overall design of the building and the landscaping so that the visual and acoustic impacts of these functions are fully contained and out of view from adjacent properties and public streets, and no attention is attracted to the functions by the use of screening materials that are different from or inferior to the principal materials of the building and landscape.
- D. Non-enclosed areas for the storage and sale of seasonal inventory shall be permanently defined and screened with landscaping, walls and/or fences. Materials, colors, and design of screening walls and/or fences and the cover shall conform to those used as predominant materials and colors on the building. If such areas are to be covered, then the covering shall conform to those used as predominant materials and colors on the building.

**17.58.140 - Pedestrian and bicycle Flows**

**17.58.141 - Intent:**

Pedestrian and bicycle accessibility opens auto-oriented developments to the neighborhood, reducing traffic impacts and enabling the development to project a friendlier, more inviting image. This section sets forth standards for public sidewalks and internal circulation systems that can provide user-friendly access as well as pedestrian safety, shelter, and convenience within the center grounds.

**17.58.142 - Standard:**

- A. Sidewalks at least 8 feet in width shall be provided along all sides of the lot that abut a public street.
- B. Continuous internal pedestrian walkways, no less than 8 feet in width, shall be provided from the public sidewalk or right-of-way to the principal customer entrance of all principal buildings on the site. At a minimum, walkways shall connect focal points of pedestrian activity such as, but not limited to, transit stops, street crossings, building and store entry points, and shall feature adjoining

landscaped areas that include trees, shrubs, benches, flower beds, ground covers, or other such materials for no less than 50 percent of their length.

- C. Sidewalks, no less than 8 feet in width, shall be provided along the full length of the building along any facade featuring a customer entrance, and along any facade abutting public parking areas. A minimum six (6) foot wide landscaped area shall be provided adjacent to the sidewalk, except where features such as arcades or entry ways are part of the façade.
- D. Internal pedestrian walkways provided in conformance with Part (b.) above shall provide weather protection features such as awnings or arcades within 30 feet of all customer entrances.
- E. All internal pedestrian walkways shall be distinguished from driving surfaces through the use of durable, low maintenance surface materials such as pavers, bricks, or scored concrete to enhance pedestrian safety and comfort, as well as the attractiveness of the walkways. Traffic calming measures shall be incorporated where pedestrian walkways intersect with drive aisles.
- F. Bicycle circulation shall be separated from vehicular traffic and shall be provided from each public street access to bicycle parking areas required throughout the site.

#### **17.58.150 - Central Features and Community Spaces**

##### **17.58.151 - Intent:**

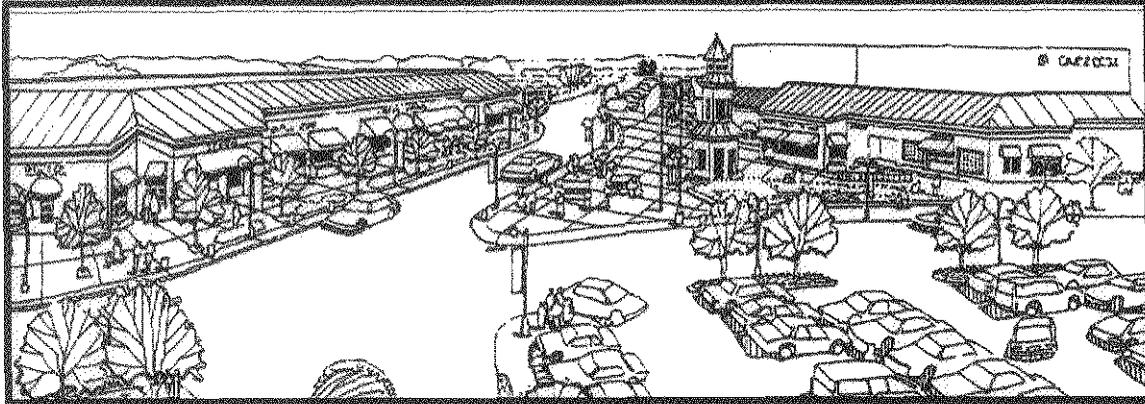
Buildings should offer attractive and inviting pedestrian scale features, spaces, and amenities. Entrances and parking lots should be configured to be functional and inviting with walkways conveniently tied to logical destinations. Bus stops and drop-off/pick-up points should be considered as integral parts of the configuration. Pedestrian ways should be anchored by special design features such as towers, arcades, porticos, pedestrian light fixtures, bollards, planter walls, and other architectural elements that define circulation ways and outdoor spaces. Examples of outdoor spaces are plazas, patios, courtyards, and window shopping areas. The features and spaces should enhance the building and the center as integral parts of the community fabric.

##### **17.58.152 - Standard:**

- A. Each retail establishment subject to these standards shall contribute to the establishment or enhancement of community and public spaces by providing at least two of the following: patio/seating area, pedestrian plaza with benches, transportation center, window shopping walkway, outdoor playground area, kiosk area, water feature, clock tower, or other such deliberately shaped area and/or a focal feature or amenity that, in the judgment of the

Planning Commission, adequately enhances such community and public spaces.

- B. All such areas shall have direct access to the public sidewalk network and such features shall not be constructed of materials that are inferior to the principal materials of the building and landscape.



Example of a center with numerous special features and community spaces.

#### **17.58.160 - Delivery/Loading Operations**

##### **17.58.161 - Intent:**

Delivery and loading operations should not disturb adjoining neighborhoods, or other uses.

##### **17.58.162 - Standard:**

- A. No delivery, loading, trash removal or compaction, or other such operations shall be permitted between the hours of 10:00 p.m. and 7:00 a.m. unless the applicant submits evidence that sound barriers between all areas for such operations effectively reduce noise emissions to a level of 60 db, as measured at the lot line of any adjoining property.
- B. Delivery trucks shall not be allowed to remain running in an idle state during loading and unloading activities.



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

**To:** Planning Commission  
**From:** Community Development Department  
**Date:** February 11, 2004  
**Subject:** Design Standards for Large Scale Retail Establishments

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Pursuant to Planning Commission direction at your last meeting, this item is being brought to you once again as a public hearing. Staff has amended the exhibit of the Resolution consistent with the discussion that took place. Please note that additions are shown underlined and deletions shown as strike out. Hopefully this will facilitate review of the desired modifications.

The one provision that I wanted to point specifically pertains to a maximum square footage standard. You will find this as a new Section 17.58.021. We have provided the two alternatives requested with the actual number left blank. Staff is not recommending either option be included in this set of standards for the various reasons already stated.

Respectively Submitted,

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

Konradt Bartlam  
Community Development Director

Attachment: Draft Resolution

RESOLUTION NO. P.C \_\_\_\_\_

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LODI  
RECOMMENDING CITY COUNCIL ADOPTION OF A ZONING ORDINANCE  
AMENDMENT ADDING CHAPTER 17.58 CONCERNING DESIGN  
STANDARDS FOR LARGE SCALE RETAIL ESTABLISHMENTS.**

WHEREAS, the Planning Commission of the City of Lodi has heretofore held a duly noticed public hearing, as required by law, on the requested amendment and addition to the Municipal Code regarding Design Standards for Large Scale Retail Establishments; and

WHEREAS, the proposed amendment and additions to the Zoning Ordinance will affect all properties as described within the City of Lodi; and

WHEREAS, all legal prerequisites to the approval of this Resolution have occurred.

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

1. The Planning Commission finds that the amendment to the Zoning Ordinance is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. The adoption of design standards has no possibility to have any significant effect on the environment and therefore is exempt.
2. The Planning Commission finds that approval of the zoning amendments and additions will result in good planning practice and be to the benefit of the population by providing specific standards by which large scale retail establishments must adhere in design of developments.
3. That the Planning Commission recommends that the City Council approve the attached text amendment and additions found in Exhibit A.

Date: February 11, 2004

I hereby certify that Resolution No. \_\_\_\_\_ was passed and adopted by the Planning Commission of the City of Lodi at a regular meeting held on February 11, 2004 by the following vote:

AYES: Commissioners:

NOES: Commissioners:

ABSENT: Commissioners:

ABSTAIN: Commissioners:

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

# EXHIBIT "A"

## Chapter 17.58

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The "Intent" is provided in order to educate planners, design consultants, developers and City staff about the design objectives while the "Standards" are mandatory. The intent and standards are to be used in conjunction with all development criteria of the Lodi Municipal Code.

#### **17.58.021 - Maximum Size Limitation**

The maximum size allowed for a retail building in the City of Lodi shall be \_\_\_\_\_ square feet. (Alternative: Any retail building exceeding \_\_\_\_\_ square feet shall be required to submit a Use Permit application for Planning Commission review and approval.)

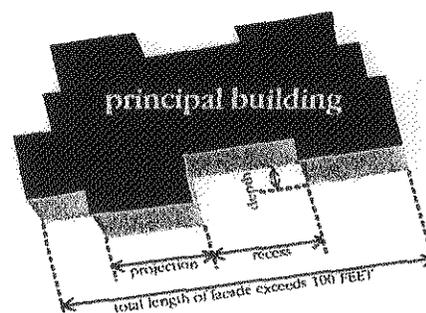
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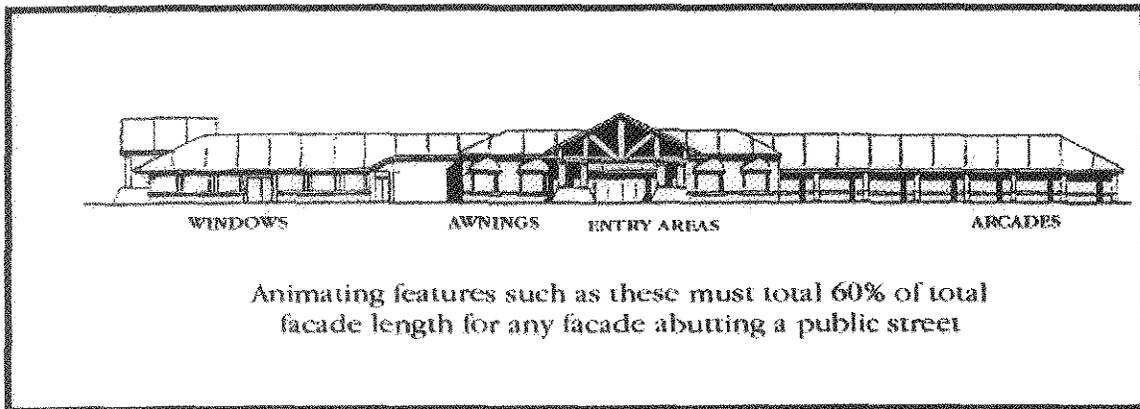
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projections / recesses shall comprise at least 20% of facade length with a minimum depth of 3% of facade length

**17.58.032 Standards:**

- A. Facades greater than 100 feet in length, measured horizontally, shall incorporate wall plane projections or recesses having a depth of at least 3% of the length of the façade and extending at least 20 percent of the length of the facade. No uninterrupted length of any façade shall exceed 100 horizontal feet.
- B. Ground floor facades that face public streets shall have arcades, display windows, entry areas, awnings, or other such features along no less than 60 percent of their horizontal length.



**17.58.040 - Smaller Retail Stores**

**17.58.041 - Intent:**

The presence of smaller retail stores gives a center a "friendlier" appearance by creating variety, breaking up large expanses, and expanding the range of the site's activities. Windows and window displays of such stores should be used to contribute to the visual interest of exterior facades. The standards presented in this section are directed toward those situations where additional, smaller stores, with separate, exterior customer entrances are located in principal buildings.

**17.58.042 - Standard:**

Where principal buildings contain additional, separately owned stores which occupy less than twenty five thousand (25,000) square feet of gross floor area, with separate, exterior customer entrances:

- A. The street level facade of such stores shall have storefront windows between the height of three feet and eight feet above the walkway grade for no less than 60 percent of the horizontal length of the building facade of such additional stores.
- B. Windows shall be recessed and should include visually prominent sills, shutters, or other such forms of framing.

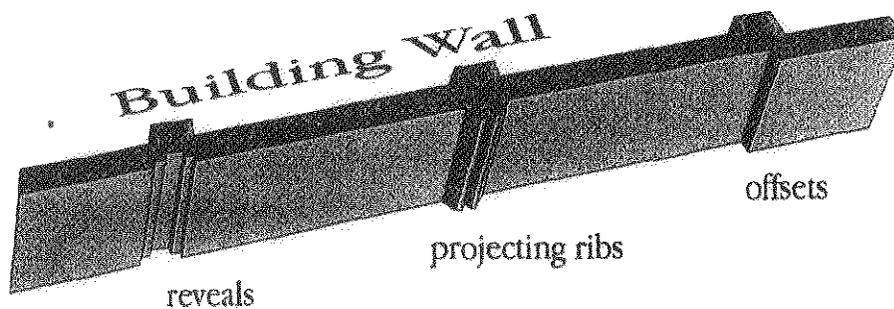
## 17.58.050 - Detail Features

### 17.58.051 - Intent:

Buildings should have architectural features and patterns that provide visual interest; at the scale of the pedestrian, reduce massive aesthetic effects, and recognize local character. The elements in the following standard should be integral parts of the building fabric, and not superficially applied trim or graphics, or paint.

### 17.58.052 - Standard

- A. Building facades must include a repeating pattern that shall include no less than three of the elements listed below:
1. Color change.
  2. Texture change.
  3. Material module change.
  4. Expression of architectural or structural bay through a change in plane no less than 12 inches in width, such as an offset, reveal, or projecting rib.



## structural bay layout

- B. At least one of these elements shall repeat horizontally.
- C. All elements shall repeat at intervals of no more than thirty (30) feet, either horizontally or vertically.

### 17.58.060 - Roofs

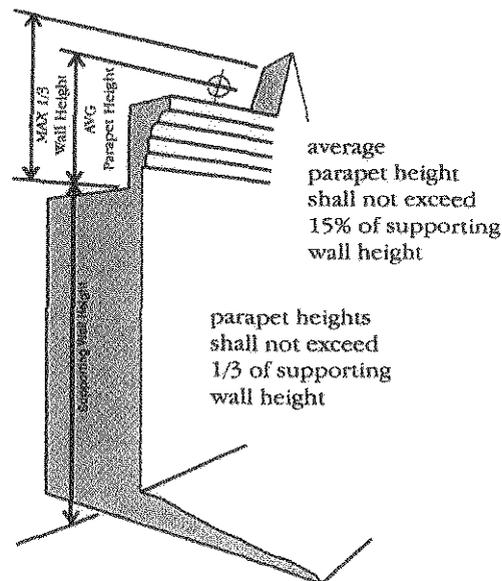
#### 17.58.061 - Intent:

Variations in roof lines should be used to add interest to, and reduce the massive scale of, large buildings. Roof features should complement the character of adjoining neighborhoods.

#### 17.58.062 - Standard:

Roofs shall have no less than two of the following features:

A. Parapets concealing flat roofs and rooftop equipment such as HVAC units from public view. The average height of such parapets shall not exceed 15% of the height of the supporting wall and such parapets shall not at any point exceed one-third of the height of the supporting wall. Such parapets shall feature three dimensional cornice treatment.



B. Overhanging eaves, extending no less than 3 feet past the supporting walls.

C. Sloping roofs that do not exceed the average height of the supporting walls, with an average slope greater than or equal to 1 foot of vertical rise for every 3 feet of horizontal run and less than or equal to 1 foot of vertical rise for every 1 foot of horizontal run.

D. Three or more roof slope planes.

**17.58.070 - Materials and Colors**

**17.58.071 - Intent:**

Exterior building materials and colors comprise a significant part of the visual impact of a building. Therefore, they should be aesthetically pleasing and compatible with materials and colors used in adjoining neighborhoods.

**17.58.072 - Standard:**

- A. Predominant exterior building materials shall be high quality materials. These include, without limitation:
1. clay brick
  2. wood
  3. river rock or other native stone
  4. stucco, of varied finishes.
  - ~~5. other native stone~~
  6. 5. tinted, textured, concrete masonry units
- B. Facade colors shall be low reflectance, subtle, neutral or earth tone colors. The use of high intensity colors, metallic colors, black or fluorescent colors is prohibited.
- C. Building trim and accent areas may feature brighter colors, including primary colors, but neon tubing shall not be an acceptable feature for building trim or accent areas.
- D. Predominant exterior building materials shall not include the following:
1. smooth-faced concrete block
  2. smooth finished tilt-up concrete panels
  3. pre-fabricated steel panels, except as an architectural roofing material

**17.58.080 - Building Entryways**

**17.58.081 - Intent:**

Entryway design elements and variations should give orientation making them easy to identify both day and night as well as providing aesthetically pleasing character to the building. The standards identify desirable entryway design features.

**17.58.082 - Standard:**

- A. Each principal building on a site shall have clearly defined, highly visible customer entrances utilizing no less than three of the following to become the most prominent features:
  - 1. canopies or porticos
  - 2. overhangs
  - 3. recesses/projections
  - 4. arcades
  - 5. raised corniced parapets over the door
  - 6. peaked roof forms (e.g. gable or hip)
  - 7. arches
  - 8. outdoor patios
  - 9. display windows
  - 10. architectural details such as tile work and moldings which are integrated into the building structure and design
  - 11. integral planters or wing walls that incorporate landscaped areas and/or places for sitting
- B. Where additional stores will be located in the principal building, each such store shall have at least one exterior customer entrance, which shall conform to the above requirements.

**17.58.090 - Back and Side Facades**

**17.58.091 - Intent:**

All facades of a building which are visible from adjoining properties and/or public streets should contribute to the pleasing scale features of the building and encourage community integration by featuring characteristics similar to the front facade.

**17.58.091 - Standards:**

All building facades which are visible from adjoining properties and/or public streets shall comply with the requirements of, Section 17.58.030 of these Design Standards and Guidelines.

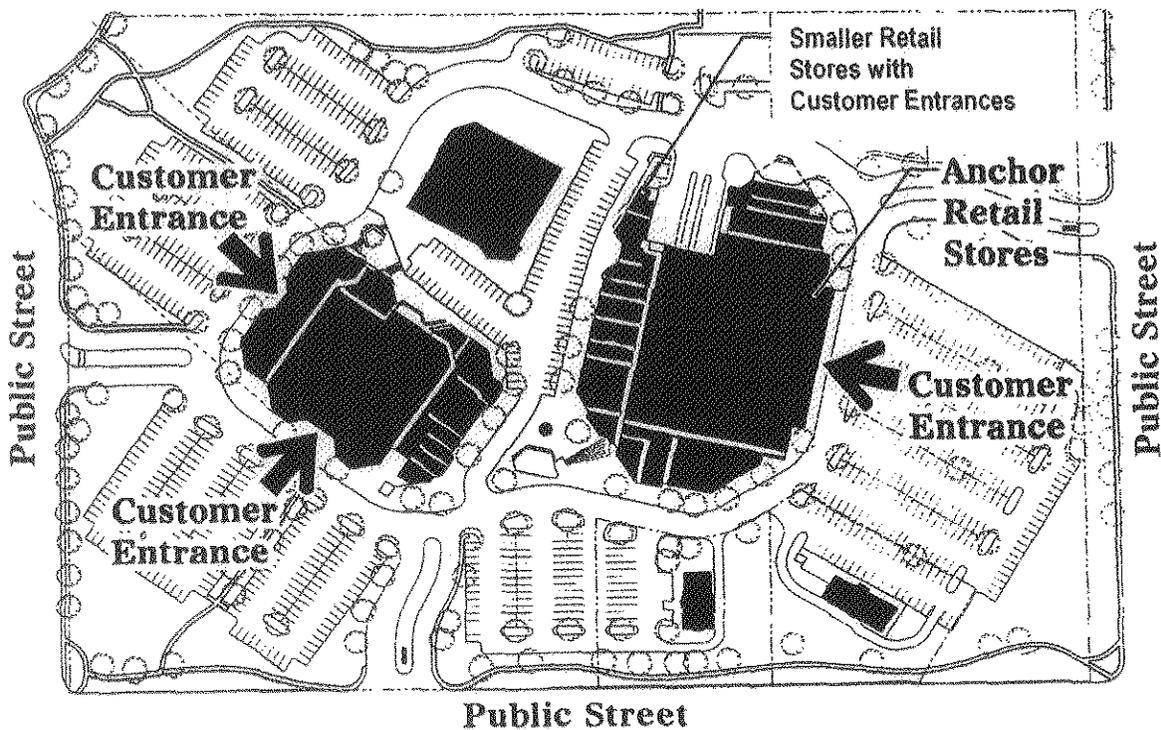
**17.58.100 – Pedestrian Entrances**

**17.58.101 – Intent:**

Large retail buildings should feature multiple entrances, which reduce walking distances from parking areas and public sidewalks, and provide convenient access to individual stores, or departments within a store. Multiple entrances can also mitigate the effect of uninterrupted walls and neglected areas that are often facing bordering land uses.

**17.58.102 – Standard:**

- A. All sides of a principal building that face an abutting public street shall feature at least one customer entrance. Where a principal building faces more than two public streets, this requirement shall only apply to two sides of the building; the side facing the primary street, and another side facing a second street. Movie theatres are exempt from this requirement.



### **17.58.110 – Off-Street Parking Areas**

#### **17.58.111 – Intent:**

Parking areas should provide safe, convenient, and efficient access. Parking should be distributed around large buildings in order to shorten the distances between buildings and public sidewalks, and reduce the visual impact of one large paved surface. With buildings located closer to streets, the scale of the complex is reduced, walking is encouraged, and architectural details take on added importance.

Covering the ground with asphalt has several long-term environmental impacts including excessive storm water run-off during the winter and tremendous increases in the ambient heat radiated by the asphalt. In order to provide adequate parking while practicing good stewardship of resources, the City has established a minimum and maximum range of off-street parking for large retail operations.

#### **17.58.112 – Standard:**

- A. No more than fifty (50) percent of the off-street parking area for the lot, tract or area of land devoted to the large retail establishment shall be located between the front facade of the large retail establishment and the abutting streets (the "Front Parking Area"). ~~The Front Parking Area shall be determined by drawing a line from the front corners of the building to the nearest property corners. If any such line, when connected to the plane of the front facade of the building, creates an angle that is greater than 180 degrees, then the line shall be adjusted to create an angle of 180 degrees. If any such line, when connected to the plane of the front facade of the building, creates an angle that is less than 90 degrees, then the line shall be adjusted to create an angle of 90 degrees.~~ The front parking area shall be determined by drawing a line from the front corners of the building, parallel with the building sides, straight to the public street forming a 90 degree angle with the front façade.
- B. Parking spaces in the Front Parking Area shall be counted to include all parking spaces within the boundaries of the Front Parking Area, including:
  - (i) all partial parking spaces if the part inside the Front Parking Area boundary lines constitutes more than one-half (½) of the parking space, and
  - (ii) all parking spaces associated with any pad sites located within the Front Parking Area boundaries.
- C. The minimum number of off-street parking spaces to be provided by a large-scale retail operation shall be 2 spaces for every 1,000

square feet of building space. ~~The maximum number of off-street parking spaces to be provided by a large-scale retail operation shall not exceed 4 spaces for every 1,000 square feet of building space.~~ The maximum number of off-street parking spaces shall not exceed the following:

- Retail: Four (4) spaces for every 1,000 square feet of building space
- Restaurant: Fifteen (15) spaces for every 1,000 square feet of building space
- Fitness/Health Club: Six (6) spaces for every 1,000 square feet of building space

For phased developments, parking areas shall only be constructed when the adjoining building for which the parking is required is built.

Additional parking stalls, beyond the maximums provided, may be allowed when developed in a multi-level structure with Planning Commission approval.

D. Parking lot light poles shall not exceed a height of 25 feet.

#### **17.58.120 - Back Sides**

##### **17.58.121 - Intent:**

The rear or sides of buildings often present an unattractive view of blank walls, loading areas, storage areas, HVAC units, garbage receptacles, and other such features. Architectural and landscaping features should mitigate these impacts.

##### **17.58.122 - Standard:**

- A. The minimum setback for any building facade shall be thirty-five (35) feet from the nearest property line.
- B. ~~Where the facade faces adjacent residential uses, an earthen berm, no less than 6 feet in height, containing at a minimum evergreen trees planted at intervals of 20 feet on center, or in clusters or clumps shall be provided.~~ Where the facade of a large scale retail building faces a public street that is adjacent to an existing or planned residential zone boundary or uses, an earthen berm no less than 6 feet in height, containing evergreen trees planted at intervals of 20 feet on center, or the equivalent in clusters, shall be provided.
- C. Garbage receptacles shall be constructed of solid textured masonry material with a decorative masonry cap. The gates frames shall be constructed of heavy gauge steel and provided with a solid opaque finish. Enclosures shall be provided with a

cover such that storm water run-off from the enclosure is minimized.

**17.58.130 - Outdoor Storage, Trash Collection, and Loading Areas**

**17.58.131 - Intent:**

Loading areas and outdoor storage areas exert visual and noise impacts on surrounding neighborhoods. These areas, when visible from adjoining properties and/or public streets, should be screened, recessed or enclosed. While screens and recesses can effectively mitigate these impacts, the selection of inappropriate screening materials can exacerbate the problem. Appropriate locations for loading and outdoor storage areas include areas between buildings, where more than one building is located on a site and such buildings are not more than 40 feet apart, or on those sides of buildings that do not have customer entrances.

**17.58.132 - Standard:**

- A. Areas for outdoor storage, truck parking, trash collection or compaction, loading, or other such uses shall not be visible from abutting streets.
- B. No areas for outdoor storage, trash collection or compaction, loading, or other such uses shall be located within 20 feet of any public street, public sidewalk, or internal pedestrian way.
- C. Loading docks, truck parking, outdoor storage, utility meters, HVAC equipment, trash collection, trash compaction, and other service functions shall be incorporated into the overall design of the building and the landscaping so that the visual and acoustic impacts of these functions are fully contained and out of view from adjacent properties and public streets, and no attention is attracted to the functions by the use of screening materials that are different from or inferior to the principal materials of the building and landscape.
- D. Non-enclosed areas for the storage and sale of seasonal inventory shall be permanently defined and screened with landscaping, walls and/or fences. Materials, colors, and design of screening walls and/or fences and the cover shall conform to those used as predominant materials and colors on the building. If such areas are to be covered, then the covering shall conform to those used as predominant materials and colors on the building.

**17.58.140 - Pedestrian and bicycle Flows**

**17.58.141 - Intent:**

Pedestrian and bicycle accessibility opens auto-oriented developments to the neighborhood, reducing traffic impacts and enabling the development to project a friendlier, more inviting image. This section sets forth standards for public sidewalks and internal ~~pedestrian~~ circulation

systems that can provide user-friendly pedestrian access as well as pedestrian safety, shelter, and convenience within the center grounds.

**17.58.142 – Standard:**

- A. Sidewalks at least 8 feet in width shall be provided along all sides of the lot that abut a public street.
- B. Continuous internal pedestrian walkways, no less than 8 feet in width, shall be provided from the public sidewalk or right-of-way to the principal customer entrance of all principal buildings on the site. At a minimum, walkways shall connect focal points of pedestrian activity such as, but not limited to, transit stops, street crossings, building and store entry points, and shall feature adjoining landscaped areas that include trees, shrubs, benches, flower beds, ground covers, or other such materials for no less than 50 percent of their length.
- C. Sidewalks, no less than 8 feet in width, shall be provided along the full length of the building along any facade featuring a customer entrance, and along any facade abutting public parking areas. ~~Such sidewalks shall be located at least six (6) feet from the facade of the building to provide planting beds for foundation landscaping, except where features such as arcades or entryways are part of the facade.~~ A minimum six (6) foot wide landscaped area shall be provided adjacent to the sidewalk, except where features such as arcades or entry ways are part of the façade.
- D. Internal pedestrian walkways provided in conformance with Part (b.) above shall provide weather protection features such as awnings or arcades within 30 feet of all customer entrances.
- E. All internal pedestrian walkways shall be distinguished from driving surfaces through the use of durable, low maintenance surface materials such as pavers, bricks, or scored concrete to enhance pedestrian safety and comfort, as well as the attractiveness of the walkways. Traffic calming measures shall be incorporated where pedestrian walkways intersect with drive aisles.
- F. Bicycle circulation shall be separated from vehicular traffic and shall be provided from each public street access to bicycle parking areas required throughout the site.

**17.58.150 - Central Features and Community Spaces**

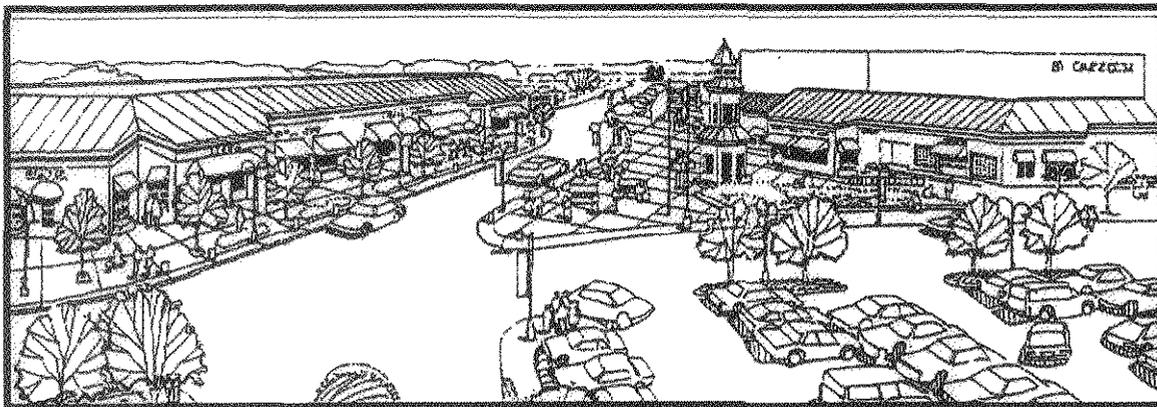
**17.58.151 – Intent:**

Buildings should offer attractive and inviting pedestrian scale features, spaces, and amenities. Entrances and parking lots should be configured to be functional and inviting with walkways conveniently tied to logical destinations. Bus stops and drop-off/pick-up points should be considered as integral parts of the configuration. Pedestrian ways

should be anchored by special design features such as towers, arcades, porticos, pedestrian light fixtures, bollards, planter walls, and other architectural elements that define circulation ways and outdoor spaces. Examples of outdoor spaces are plazas, patios, courtyards, and window shopping areas. The features and spaces should enhance the building and the center as integral parts of the community fabric.

**17.58.152 – Standard:**

- A. Each retail establishment subject to these standards shall contribute to the establishment or enhancement of community and public spaces by providing at least two of the following: patio/seating area, pedestrian plaza with benches, transportation center, window shopping walkway, outdoor playground area, kiosk area, water feature, clock tower, or other such deliberately shaped area and/or a focal feature or amenity that, in the judgment of the Planning Commission, adequately enhances such community and public spaces.
- B. All such areas shall have direct access to the public sidewalk network and such features shall not be constructed of materials that are inferior to the principal materials of the building and landscape.



Example of a center with numerous special features and community spaces.

**17.58.160 - Delivery/Loading Operations**

**17.58.161 – Intent:**

Delivery and loading operations should not disturb adjoining neighborhoods, or other uses.

**17.58.162 – Standard:**

- A. No delivery, loading, trash removal or compaction, or other such operations shall be permitted between the hours of 10:00 p.m. and 7:00 a.m. unless the applicant submits evidence that sound barriers between all areas for such operations effectively reduce noise emissions to a level of 60 db, as measured at the lot line of any adjoining property.

B. Delivery trucks shall not be allowed to remain running in an idle state during loading and unloading activities.

Big Box File



MEMORANDUM, City of Lodi, Community Development Department

To: Planning Commission  
From: Community Development Department  
Date: January 28, 2004  
Subject: Design Standards for Large Scale Retail Establishments

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At the Planning Commission's direction, staff has prepared the attached Resolution with enclosures for your consideration. The Resolution establishes Chapter 17.58 of the Lodi Zoning Ordinance adding Design Standards for Large Scale Retail Establishments.

The standards utilize the City of Fort Collins, Colorado, Design Standards and Guidelines for Large Retail Establishments as the foundation of this new set of regulations. Aside from formatting changes, the other modifications that are shown include the minimum size of the establishment when these standards apply; variance procedures; and a maximum number of parking stalls set at 4 spaces for every 1,000 square feet of building space.

With regard to the maximum parking stall requirement, I think it is incumbent upon staff to reinforce that this will cause significant issue with many users considering locations in Lodi. In particular I am concerned about restaurant tenants that would typically look for a higher parking requirement as a standard. I think it would be appropriate to continue the discussion regarding this standard during the public hearing. At the least, you may want to consider maximums by use, which could then be summarized for the entire project.

Respectfully Submitted,

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

Konradt Bartlam  
Community Development Director

Attachment



STEEFEL, LEVITT & WEISS  
A Professional Corporation

RECEIVED

FEB 12 2004  
mc  
COMMUNITY DEVELOPMENT DEPT  
CITY OF LODI

February 10, 2004

16982

VIA FACSIMILE AND MAIL

Honorable Chair and Members of the Planning Commission  
City of Lodi  
221 W. Pine Street  
Lodi, CA 95242

Re: Restrictions on Size of Retail Uses in the Proposed Large  
Scale Retail Design Guidelines

Dear Honorable Chair and Members of the Planning Commissioners:

On Wednesday February 11, 2004, the City of Lodi ("City" or "Lodi") Planning Commission will further consider proposed Design Standards for Large Scale Retail Establishments ("Design Standards"). The Planning Commission first considered the Design Standards at its January 28, 2003 meeting, at which time it decided further deliberation was needed and directed the Planning Department to review and, as needed, revise the proposed Design Standards. One of the revisions discussed was to include a size restriction on all future retail projects.

On behalf of our client, Wal-Mart Stores, Inc., we submit this letter to address the serious concerns raised by the proposed size restriction. For the reasons discussed below, we agree with the Community Development Director's recommendation and urge the Planning Commission **not** to include a size restriction on retail developments in the Design Standards.

A restriction on the size of retail uses, either as a ban or by requiring a use permit, is a significant change from Lodi's existing land use policy. Lodi has engaged in an extensive and lengthy planning process to determine the appropriate location for large-scale retail within the community. In particular, Lodi has determined that large-scale retail is an appropriate use in the Four Corners area. Consistent with that prior planning decision, Lodi has already approved a Target and Lowe's in that area. During this planning process, Lodi never considered a ban on, or requiring a conditional use permit for, retail uses over a certain size. In fact, neither the General Plan nor the Zoning Ordinance includes any limitation on the size of retail use. To impose a restriction now on the size of retail uses would be inconsistent with past planning efforts for the Four Corners area.

In addition to being contrary to Lodi's history of planning, the proposed restriction on the size of retail uses raises serious questions that must be considered and addressed before any such restriction is adopted. The City has not conducted, to our knowledge,

any studies or analysis on the impact of such a restriction. Some of the key items the City must consider include the following:

- **Restricting the size of retail uses presents environmental impacts which require review under CEQA;**
- **Restricting retail development will have significant negative economic impacts on the City;**
- **A maximum size restriction for retail buildings is inconsistent with Lodi's extensive planning efforts, especially in the Four Corners area;**
- **Existing large-scale retail stores in Lodi would become non-conforming uses and buildings and could not expand or significantly change;**
- **Amendments to the General Plan and Zoning Ordinance are needed to restrict the size of retail uses in Lodi; and**
- **A ban on certain size uses limits the City's discretion for future development.**

We strongly urge the Planning Commission to reject any proposed size restriction on retail uses. Adopting a "ban" or requiring a conditional use permit on certain retail uses is not the answer and does little more than limit the City's discretion with regard to future uses and negatively impact the economic retail base from Lodi.

However, if the Planning Commission desires to further consider this issue, it must separate this issue from the proposed Design Standards and conduct further study. The size limitation is not related to architectural design issues. The Planning Commission must conduct a complete and thorough analysis of the environmental, planning and economic impacts of the proposed restriction before formally considering its adoption.

#### **A. Restricting the Size of Retail Uses Requires Review Under CEQA.**

Any restriction on the size of retail uses would require review under CEQA. CEQA applies to discretionary projects approved by public agencies. *See* Public Res. Code sec. 21080(a). Changes to land use policy, including General Plan and Zoning Ordinance amendments, are discretionary actions and deemed "projects" under CEQA. *See id* at 15378(a)(1). They require CEQA review because they have a potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment. *See Bozung v. Local Agency Formation Commission*, 13 Cal.3d 263, 277-279 (1975).

Here, evidence exists to support an assertion that a restriction on retailers of a certain size may cause a significant environmental impact. Past studies have shown that limiting

retail development to smaller users generates more traffic than associated with a single large-scale retail tenant since residents are forced to make several trips for their goods instead of one single trip. Residents also are forced to travel further distances, outside the jurisdiction, to shop at the large-scale retailer, thereby exacerbating traffic and air quality impacts. Accordingly, restricting the size of retail uses may have significant environmental impacts which require full review and analysis under CEQA.

**B. Adopting a Size Restriction on Retail Uses is Inconsistent with Lodi's Planning Efforts, Requires Changes to the General Plan and Zoning Ordinance, and Creates Unintended Planning Impacts.**

Restricting the size of retail uses in Lodi could have several significant impacts on the City and existing large-scale retail users that have not been studied or analyzed. Adopting such a provision without adequately considering all potential ramifications would be a mistake and could violate California law. The City has not prepared any studies or evaluated the impact of banning or requiring a conditional use permit for large-scale retail stores over a certain square footage. Absent this analysis, adopting such a maximum size restriction could be seen as arbitrary, capricious, wholly lacking in evidentiary support and easily subject to legal challenge. In particular, if it can be shown the provision is aimed at a particular project or retailer, it is subject to challenge on equal protection grounds. It is an abuse of discretion for the City to enact legislation that is intended to discriminate. *See Friends of Davis v. City of Davis*, 83 Cal.App.4<sup>th</sup> 1004, 1013 (2000).

**1. Existing Large-Scale Retail Stores Would Become Non-Conforming Buildings and Could be Forced to Relocate Outside the City.**

Lodi presently has several large-scale retail stores over 100,000 square feet, including, but not limited to, Target, Lowe's (under construction), K-Mart and Wal-Mart. If a maximum size restriction were adopted, either a ban or a conditional use requirement, these stores would become nonconforming buildings under the Lodi Zoning Ordinance, which means their ability to repair, restore or make any additions or alterations to the buildings would be severely limited. The stores also would either be unable to expand or severely restricted from expanding, thereby significantly impairing their ability to conduct business within the City limits. Furthermore, since the Lowe's is not yet constructed, it is unclear how this change in zoning regulation would affect its existing entitlement.

As a result, when the existing large-scale retail stores outgrow their current buildings, seek to update, modernize or expand their operations, they will be forced to locate outside the City limits. The City will then be left with large empty non-conforming buildings that will be difficult, if not impossible to re-tenant. The City also will lose a significant source of tax revenue and is likely to see an increase in sales tax leakage as consumers take their dollars and spend them at retail establishments outside the City.

2. General Plan and Zoning Ordinance Amendments are Needed to Restrict the Size of Retail Uses in Lodi.

The General Plan and Zoning Ordinance dictate development within the City. They are adopted as legislative acts and regulate the size, scale and intensity of development. In fact, the General Plan is essentially the “constitution” of land use identifying the building density and intensity recommended for the various districts. *See* Cal. Gov’t Code sec. 65302(a). These density’s and intensity’s cannot be changed without a formal amendment to the General Plan. *See also* Leshar Communications, Inc. v. City of Walnut Creek, 52 Cal.3d 531, 540-541 (1990).

Imposing a maximum size restriction of retail uses, either by ban or by conditional use permit requirements, would be a restriction on the intensity of land use in the commercial areas of Lodi. It is not, like the changes proposed under the Design Standard, merely a clarification of the general policies included in the General Plan and Zoning Ordinance regarding design, landscaping, parking, etc. It is a change in land use policy that, if adopted, would create inconsistencies with the General Plan and Zoning Ordinance. Accordingly, any such restriction can only be adopted as an amendment to the General Plan and Zoning Ordinance – it cannot be adopted as part of the Design Standards.

3. A Size Restriction on Retail Uses Contradicts Lodi’s Over 9 Years of Planning for Large-Scale Retail Projects.

Lodi is a very forward thinking city and began over 9 years ago planning for large-scale retail projects. Lodi undertook a planning process to evaluate the impact of large-scale retail projects and determine where in the City these types of projects should be located. Based on the findings, Lodi determined that large-scale retail projects should be located in the Four Corners area. Consistent with that planning effort, three of the four intersections in the Four Corners area have been developed with large-scale retail projects such as Target, K-Mart, Lowe’s and Wal-Mart. Development of the last corner, as proposed by the Browman Development Company, Inc. (“Browman Development”), a long-time Lodi property owner and developer, is consistent with the planning for this area. Any proposed restriction on the size of retail uses would contradict and be inconsistent with the City’s long-range planning efforts. Changing the rules this late in the game also is fundamentally unfair to property owners and developers who, in good faith, have been processing applications for large-scale retail with the City over the past several years.

Adopting a maximum size restriction on retail development will severely limit the City’s discretion with regard to future development. Size limitations or bans on certain types of development are not good planning tools. They are not flexible and prevent good land use and city planning. Other tools exist besides limitations and bans to address the impacts created by the large-scale retailers. Instead of restricting these uses, the City should consider how to manage and/or minimize their impacts and ensure they contribute, not detract from, the community character of Lodi.

**C. Lodi Has Not Analyzed the Fiscal Impacts of Restricting Large-Retail Users.**

Imposing a maximum size limitation on retail building within Lodi will have significant negative economic impacts on the City that need to be analyzed and considered. Most importantly, the size restriction will prevent large-scale retail users from locating within the City. This, in turn, will likely preclude other smaller retailers from locating in Lodi, since these smaller businesses rely on the traffic generated by the large-scale retailer for a significant amount of their business and can only locate in areas, or shopping centers, with those larger retailers. These retailers are likely to locate just outside of Lodi's jurisdiction in cities and counties where they are permitted and where it is easier to develop. When this occurs, Lodi will lose the significant tax revenue generated by large-scale retailers and the contributions they make to various public works improvements and special projects. Lodi also will likely see a decrease in tax revenue from an increase in retail sales leakage as consumers take their money and spend it on retail outside the City. Lodi is already experiencing significant retail sales leakage to other jurisdictions.

Lodi also should be concerned about losing existing large-scale retailers. If Lodi adopts a maximum size limit for retail buildings or complicated design guidelines, when these large-scale retailers decide to relocate, or need to expand, they will leave Lodi. These relocations and expansions may not occur for several years, but they will occur and by passing a ban or onerous restrictions on development Lodi will essentially be driving them from the City. Accordingly, before adopting a ban or complicated design guidelines, Lodi should carefully consider their economic and fiscal impacts.

\* \* \* \* \*

For the reasons stated above, we strongly urge the Planning Commission to reject any attempt to impose a maximum building size limitation on retail stores.

Sincerely,



Judy V. Davidoff

cc: Konrad Bartlam, Community Development Director  
City Attorney  
Darryl Browman, Browman Development



BROWMAN DEVELOPMENT COMPANY, INC.  
Development • Leasing • Management

January 28, 2004

Planning Commission  
City of Lodi  
221 W. Pine Street  
Lodi, CA 95242

Re: Design Standards for Large Scale Retail Establishments

Dear Planning Commissioners:

On Wednesday January 28, 2003, the City of Lodi ("City" or "Lodi") Planning Commission will consider new Design Standards for Large Scale Retail Establishments ("Design Standards"). As a long time property owner and retail developer in the City, I am writing to recommend that the Planning Commission table any decision on the Design Standards until study sessions and workshops can be held in the community to flush out any problems and integrate elements responsive to the unique character of Lodi. The community, staff & Planning Commission should have an opportunity to evaluate the proposed Design Standards and recommend changes, as needed, to cater the Design Standards to Lodi.

As you know, the Design Standards being considered by the Planning Commission were not developed by Lodi, but instead, were essentially taken from the Design Standards and Guidelines For Large Retail Establishments adopted by the City of Fort Collins, Colorado ("Ft. Collins") in 1995. Only a few very minor revisions have been made. While the Ft. Collins design guidelines may be a good starting point, they are not perfect, do not work in all jurisdictions and should not be adopted carte blanche. Lodi is a unique community, and the guidelines should be modified to address the unique characteristics of Lodi.

Some of the problems Ft. Collins has had with their design guidelines are outlined in the attached letter from Kurt D. Prinslow, a landscape architect in Colorado that has worked with the Ft. Collins design guidelines. See Attachment "A". In his letter, Mr. Prinslow discusses some of the traffic congestion, pedestrian safety and parking problems that have resulted from implementation of the design guidelines. These problems are serious and are likely to occur in Lodi if the Design Standards, as proposed, are adopted.

The Ft. Collins design standards "work" in Ft. Collins, in part, because competition for retail development does not exist in the surrounding communities. Ft. Collins is essentially a "retail island" with the closest alternate retail shopping center from 15 to over 50 miles away. Lodi, however is in a much more competitive environment, it is less than 8 miles from at least 4 other retail shopping opportunities. If the City adopts the Design Standards, as proposed, it could prevent future retail developments from locating in Lodi since the development requirements would be excessively burdensome or impractical. Retail establishment may simply

choose to locate in an adjacent jurisdiction where it is easier to develop. If this occurs, Lodi would miss out on the convenience of these retailers locally, the significant tax revenue generated by large-scale retailers as well as see an increase in sales tax leakage as consumers take their dollars and spend them at retail establishments outside the City.

The specific requirements under the Design Standards that, based on my experience in developing retail shopping centers, are onerous and could potentially drive retailers away from Lodi are as follows:

- **Maximum of four (4.0) parking spaces per 1,000 square feet of retail use;**

Most retailers require a minimum five (5.0) parking spaces per 1,000 square feet of retail use. Because parking is so critical to the success of retail establishments, this provision will threaten the viability of retailer as well as exacerbate environmental impacts by requiring customers to spend more time in their vehicles searching for parking spaces.

- **Requiring that no more than 50 percent of the off-street parking area for the lot devoted to the large retail establishment be located in front of the retail establishment;**

Market research shows that customers want to park in front of the retail establishment. Even when parking is provided on the sides or rear of a building, customers still park in the front and will circle the parking lot, exacerbating the environmental impacts, looking for a parking space instead of parking on the side or rear.

- **Requiring additional stores located within a principal building have at least one exterior customer entrance;**

Most large-scale retail establishments include smaller retail stores as a convenience for customers. In fact, customers primarily visit the smaller retail stores during visits to the large retail establishment. The very size of these small retail stores precludes an exterior entrance since accommodating that entrance would use a majority of the space available to the small retailer. Further, it's highly impractical for retailers to manage/operate any store with numerous entrances and exits due to staffing, store layout and security issues.

- **Additional stores required to utilize a minimum of three prominent features;**

Most tenants in multi-tenant shops buildings have frontages ranging in size from 16' to 25'. Requiring a tenant with 16-25' of frontage to utilize three prominent features such as overhangs, canopies, arches, arcades, etc. is impractical and will look forced. The design guidelines as proposed would impose an unreasonable standard upon a small, multi-tenant building. Conformance with the spirit of the design guidelines would be better served by applying the standard to the building as a whole.

- Sidewalks, no less than 8 feet in width, shall be provided along the full length of the building along any façade featuring a customer entrance, and along any façade abutting public parking areas. Such sidewalks shall be located at least six feet from the façade to accommodate planting beds for foundation landscaping; and,

Installation of 6 foot "foundation landscaping" adjacent to building foundations is contrary to generally-accepted engineering principles and practices. Intentionally placing irrigation water or allowing storm water runoff to percolate against building foundations designed for public use could potentially cause foundation movement or settlement and moisture migration through slabs-on-grade, thus creating cracking in structural walls and flooring. Such a requirement may be acceptable in Colorado, but in earthquake prone California wall or flooring systems already weakened by structural cracking may become more susceptible to extensive damage during a seismic event.

- A minimum six foot earthen berm is required where the façade faces residential uses.

In cases where the parking lot is adjacent to residential uses, a more practical approach would be to provide a masonry screen wall in ten-foot (10') landscape planter with trees to provide better screening and noise mitigation as set out in the present Lodi Zoning Ordinance.

Each of these requirements and the specific problems they pose for retail establishments are discussed in more detail below. A specific discussion of how these requirements are, or are not working, in Ft. Collins is also included. Other provisions in the Design Standards that could pose problems depending on their interpretation are also briefly discussed.

If the Planning Commission recommends approval of the Design Standards, and the City Council adopts those Design Standards, Lodi will be faced with implementing design guidelines that may, or may not, work in Lodi. Instead of trying to make design guidelines from another city work in Lodi, the City should take the time to study the issues and craft large-scale retail design guidelines that are specific to Lodi. Accordingly, I recommend that the Planning Commission table the Design Standards and conduct study sessions and workshops in the community on the design of large-scale retail establishments.

#### A. Specific Problems With The Design Standards

The design guidelines were intended to shape the "look and feel" of big box retail stores in Ft. Collins. Some of the provisions, while not typical for big box retail stores, can be accommodated through design and architectural changes. Some of the provisions, however, simply are unworkable and place unrealistic constraints on large-scale retailers. The following are provisions in the Design Standards that will not work for large-scale retailers and why. Also included is a brief discussion of how these provisions are working in Ft. Collins.

**1. Maximum of four (4.0) parking spaces per 1,000 square feet of retail use.**

It is our understanding that this provision was not part of the Ft. Collins design guidelines, but instead has been proposed by the City. While I encourage the City to modify the design guidelines to accommodate the specific situation in Lodi, this particular revision is unworkable for all retailers. A review of various retailers and their specific parking requirements shows that the minimum parking ratio required is 5.0 parking spaces for 1,000 square feet of retail use. See Attachment "B". Many retailers, such as food establishments and specialty retail, require a higher parking ratio. For example, fast food restaurants require anywhere from 10 to 20 parking spaces for every 1,000 square feet of retail. Costco requires 5.25 parking spaces for every 1,000 square feet of retail use and Home Depot requires 5.17 parking spaces for every 1,000 square feet of retail use. Moreover, the existing Wal-Mart Store has a 5.95 parking ratio while the existing Target also has over a 5.0 parking ratio. These are just a few examples of the parking ratios required by retail development. A complete list of parking requirements the certain retailers require is included in Attachment B.

Retailers establish parking ratios based on the average and maximum number of customers estimated to visit the store during peak hours. Retailers require certain parking ratios because adequate parking is a key component to a retail store's success. The purpose of the ratio is to ensure that adequate parking exists to satisfy consumer demand. Retail establishments that are "under parked"(i.e., have a parking ratio of less than 5.0 spaces per 1,000 square feet of retail use) lose customers because they do not want to spend 15-20 minutes circulating the parking lot looking for a space. "Under parked" retail establishments also exacerbate the environmental impacts associated with retail development because customers are spending more time in their vehicles circulating the parking lot looking for parking spaces. This increased vehicle circulation exacerbates impacts to air quality, noise and traffic. Thus, "under parking" a retail establishment threatens the viability of the establishment while increasing the environmental impacts associated with that development. By unilaterally imposing a low parking ratio on all future large retail establishments, Lodi is likely preventing many retailers from locating within Lodi.

Ft. Collins: In Ft. Collins, the City based its parking ratio on a separate document relating to parking requirements. It is our understanding that that document required 4.0 spaces per 1,000 square feet of retail use, 5.0 per 1,000 square feet of shopping center use and 6.0 spaces per 1,000 square feet of grocery use. Under this sliding scale most retailers have been required to provide a minimum of five 5.0 parking spaces per 1,000 square feet of development, which is the standard minimum in the industry. This sliding scale provides more flexibility and helps ensure that retail developments are not "under parked." Lodi's current parking requirements reflect the different parking requirements of different users. In particular, they reflect the need for at least 5.0 parking spaces per 1,000 square feet of development. I recommend that Lodi maintain its' current parking requirements.

**2. No more than fifty (50) percent of the off-street parking area for the lot devoted to the large retail establishment shall be located between the front façade of the large retail establishment and the abutting streets.**

Almost every stand-alone retail use locates their parking area directly in front of the front façade or entrance. This is true for grocery stores, pharmacy's, specialty retail stores and large

retail establishments. In fact, the only types of retail uses that do not locate a majority of their parking field in front of front façade are community shopping centers and retail malls. The parking configuration for those retail uses is typically either a U-shape with the retail establishments surrounding the parking field or an island configuration with the parking field surrounding the retail building. These parking configurations work for community shopping centers and retail malls because there are multiple tenants within each building and multiple entrances providing focused access to those tenants.

Large retail establishments, however, have one tenant and entrances only at the front of the store. Even if a large retail establishment had entrances on multiple sides of the building, customers still want to park in front of the store. They are likely to circle the parking lot looking for a parking space in front rather than using the parking provided on the side. As discussed above, this increase in vehicle circling will exacerbate the environmental impacts associated with a large retail development.

Ft. Collins: This provision of the design guidelines has created the most problems in Ft. Collins. At the Wal-Mart Store in Ft. Collins, fifty (50) percent of the parking is located in front of the store with the remaining fifty (50) percent spread along the side and rear of the store. It is our understanding that during peak shopping times the parking field in front of the store is full and instead of parking along the sides or rear of the store customers park on a dirt lot at the end of the parking field and across a road. This dirt lot, however, is in front of the store. While the side and rear parking areas are closer to the store than the dirt lot, customers are not using those parking areas and instead are parking further away in order to be in front of the store. Ft. Collins has received numerous complaints from its citizens about the parking situation at the Wal-Mart Store.

The Home Depot in Ft. Collins also has had problems with this parking requirement. In fact, it received a variance from the requirement and was permitted to locate sixty (60) percent of the parking field in front of the building. Home Depot is presently processing a second store in Ft. Collins and it is our understanding that they are once again seeking a variance from this parking requirement. Lodi should learn from the problems Ft. Collins is having with this requirement and modify it as necessary to accommodate their concerns while not creating a new problem for the City.

- 3. Where additional stores will be located in the principal building, each such store shall have at least one exterior customer entrance, which shall conform to the above requirements.**

Some large retail establishments as well as most grocery stores are moving toward including smaller retail uses such as banks, pharmacies, optical services, etc. within the principal building. These smaller retail uses are usually less than 1000 square feet and are located immediately adjacent to the main customer entrance. Typically, the smaller retail use leases space from the larger retailer, but sometimes the retail use is part of the overall retail establishment. The large retailer provides these smaller retail uses as a service to help customers reduce the number of overall trips necessary to complete their shopping needs. Since consumers tend to only utilize the smaller retailers during visits to the larger retail store, requiring a separate customer entrance is not necessary. Moreover, requiring a separate entrance for each one of

these smaller retail uses is not feasible given the small size of the retail uses, their close proximity to one another and the increased security risk these additional entrances would pose to the overall retail establishment.

Ft. Collins: Ft. Collins included this requirement in the design guidelines but did not define what size or types of stores required separate entrances. It is our understanding that Ft. Collins is not requiring compliance with this provision and instead is working with developments on including multiple entries on multiple sides of the buildings rather than entries into every "additional store" in the larger retail box. Lodi should consider whether this provision makes sense and should be retained, especially given that it is not even being implemented in Ft. Collins — the city that adopted the design guidelines.

#### **4. Customer entrances to be provided facing the public street.**

Most large retail establishments are located in areas with heavy traffic and are surrounded by multiple public streets. Requiring customer entrances to face the public street could mean placing customer entrances, and therefore customers and pedestrian traffic, near automotive service areas, truck and loading docks, trash collection and compaction and outdoor storage areas. These types of activities could pose a danger to customers and pedestrians and would be opposed by retail establishments, large and small.

Ft. Collins: Retail developments under the design guidelines have been required to provide customer entrances on the sides of the building that face the public street. These entrances, however, have been located on the corner of the buildings, as close as possible to the front parking field. Any rear entrances have been provided exclusively for employees.

Even with these additional entrances a majority of customers and employees enter the store from the front. The side and rear entrances simply are not used. Just as customers want to park in front of the store, customers want to enter large retail establishments from the front. Placing entrances along the side and in the rear of the store is not changing customer preference and instead just creates more safety risks for the store. As the retail development in Ft. Collins is showing that the side and rear entrances are not being used, Lodi should consider whether this imposing requirement makes sense.

#### **B. Clarifications To Design Standards**

The following provisions of the Design Standards are workable provided that they interpreted in a reasonable manner, as discussed below.

- (a) *Where the façade faces adjacent residential uses, an earthen berm, no less than 6 feet in height, containing at a minimum evergreen trees planted at intervals of 20 feet on center, or in cluster or clumps shall be provided.*

To construct a 6 foot high earthen berm requires a minimum 35 foot setback. This large setback will impose significant restrictions the availability of retail developments to accommodate the necessary buildings, parking and other improvements on a single site. Accordingly, Lodi should clarify that the purpose of

this requirement is to shield adjacent residential uses and specifically provide that alternate screening methods are acceptable.

- (b) *Loading docks, truck parking, outdoor storage, utility meters, HVAC equipment, trash collection and compaction shall be fully contained and out of view from adjacent properties.*

Fully containing the areas listed under this provision will not allow them to function properly. Accordingly, Lodi should clarify that fully containing does not mean enclosing the areas but rather adequately screening them from view by adjacent properties.

- (c) *Non-enclosed areas for storage and sale of seasonal inventory shall be permanently defined and screened with walls and/or fences.*

As the term implies, seasonal sales areas are only used seasonally. When not in use these areas can be used for other purposes that are consistent with the design guidelines and Zoning Ordinance. Accordingly, Lodi should clarify that permanently defining a seasonal sales area does not mean that it can only be used for seasonal sales. Rather it means that the seasonal sales areas will be located in one defined area of the site, which may be used for other purposes when not used for seasonal sales.

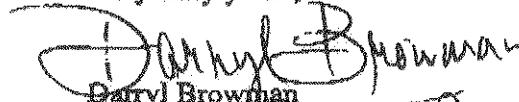
**C. Negative Impact On The City If Design Standards Are Adopted**

The Design Standards, if adopted, will impose very detailed requirements on all future large retail establishments in Lodi. The cost of implementing these requirements is high and may preclude some retail users from locating within the City. Other retail users may decide not to locate within Lodi because the requirements imposed under the guidelines (i.e., parking ratio) would threaten the viability of any store developed in the jurisdiction.

As other retail development opportunities exist just outside of Lodi's boundaries, larger retailers may also simply choose to locate in a jurisdiction where it is easier to develop rather than attempting to comply with complicated design guidelines. Should this occur, Lodi would miss out on the significant tax revenue generated by the large-scale retailer and on contributions by the large-scale retailer to various public works improvements and special projects funded by development contributions. Moreover, if new retail establishments are not locating in Lodi, the City could see a decrease in tax revenue from an increase in leakage as consumers take their money and spend it on retail outside the City. Accordingly, before adopting new design guidelines that could severely restrict new large retail establishments, Lodi should carefully consider the economic impacts of adopting such a measure.

Thank you for your consideration.

Very truly yours,

  
Darryl Browman  
President

DESIGN STANDARDS: Specific Recommendations for Modifications:

1) **17.58.032(b): Ground floor facades that face the public streets shall have arcades, display windows, entry areas awnings no less than 60% of their length. In most cases commercial buildings face will face at least two (2) public streets.**

Suggestion: Clarify that there shall be no requirement for buildings less than 45,000 square feet to provide entrances and display windows on more than one side of building; otherwise tenants cannot merchandise and operate their store.

2) **17.58.082 provides where additional stores will be located in the principal building, each store shall have at least one entrance and 3 separate architectural features at its entrance.**

Suggestion: 17.58.042 seems to address the intent without placing unreasonable operational burdens on the tenants by providing that "separately owned stores in the principal building with separate entrances need display windows 60% of horizontal frontage. 17.58.082 should be deleted otherwise separate departments, license arrangements kiosks fall under this separate entrance requirement.

3) **17.58.082(b): Additional stores required to utilize a minimum of 3 prominent architectural features. In small multi-tenant buildings it may be impractical to apply this condition to each tenant's space.**

Suggestion: Clarify guidelines so in single tenant pad buildings and/or multi-tenant buildings the 3 prominent features guideline shall apply to the entire building as a whole not each tenant in a multi-tenant building.

4) **17.58.112 requires no more than 50% of the off street parking devoted to the large scale retail establishment be located in front parking lot. Additionally 17.58.112(c) requires including any pad site parking within this 50% limitation.**

Suggestion: Delete the requirements that no more than 50% of the parking can be located in the front lot and that on out parcels parking would be included in this limitation. Provide flexibility for staff and the Planning Commission to address the issue through site plan design, screening and balancing of the site, and projects interests such as the project's long-term viability.

5) **17.58.112(c) requires a maximum of 4 spaces per 1,000 square feet of building space for large scale retail.**

Suggestion: Amend provision to provide maximum of 5 stalls per 1,000 square feet of retail space for large retailers and ancillary retailers and 10-12 stalls per 1,000 square feet of restaurant uses.

6) 17.58.122(b) requires providing a six-foot (6') high earthen berm where any building façade faces residential.

Suggestion: In cases where the parking lot is adjacent to residential, provide a masonry screen wall and ten-foot (10') landscape planter with trees to provide better screening and noise mitigation as set out in the present Lodi Zoning Ordinance.

7) 17.58.132(c) provides that loading docks, truck parking, outdoor storage, utility meters HVAC equipment, trash collection and compaction should be fully contained and out of view.

Suggestion: Fully containing the areas listed in this section may be impractical will not allow them to function correctly. Clarify that "fully containing" does not mean enclosing the areas, but rather adequately screening them from view and for purposes of noise mitigation.

8) 17.58.142(c): Sidewalks, no less than 8 feet in width shall be provided along entire length of building façade featuring a customer entrance and along any façade abutting public parking areas, such sidewalks shall be located at least 6 feet from facades to accommodate planting beds.

Suggestion: Eliminate the requirement to place landscaping adjacent to building foundation as it may be impractical and is contrary to geotechnical engineering standards and practices (cause differential settlement/seismic issues) provide staff, SPARC and/or the Planning Commission with discretion to add landscaping planters in areas they deem appropriate and practical.

#### GENERAL COMMENTS:

1) There is some confusion about when and if the standard applies only to larger 45,000 square foot retailers and/or when they apply to other smaller buildings in the shopping center such as out parcel tenants.

Suggestion: To eliminate confusion, clarify definition of a principal building as one that contains 45,000 square feet of GLA or more.

2) **Variance Standard: Under California law variance requires a finding of hardship.**

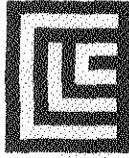
Suggestion: Modify Ordinance consistent with the Fort Collins Ordinance to provide staff and/or Planning Commission with the right (without requirement or legal burden of variance) to modify standard if it determines: (1) strict application of the standard results in peculiar or exceptional practical difficulties or undue hardship or (2) alternate site plan and design approach meets design objectives and goals of City equally well or better.

Under the Design guidelines the modifications can only occur through the variance process which may be burdensome to administer and not facilitate the goals and objectives of the Design Standard.

Suggestion: Modify Ordinance consistent with the Fort Collins Ordinance to provide staff and/or Planning Commission with the right (without requirement or legal burden of variance) to modify standard if it determines: (1) strict application of the standard results in peculiar or exceptional practical difficulties or undue hardship or (2) alternate site plan and design approach meets design objectives and goals of City equally well or better.

Under the Design guidelines the modifications can only occur through the variance process which may be burdensome to administer and not facilitate the goals and objectives of the Design Standard.

<u>Parking Ratio</u>	<u>Books</u>	<u>Parking Ratio</u>	<u>Furniture Stores</u>
	Barnes & Noble	5	Cost Plus
5	Borders, Inc.		Lamps Plus
5	Tower Books	5	Pier 1 Imports
	<u>Childrens-Learning Centers</u>		Pottery Barn
10	Babies R Us		Restoration Hardware
	Disney Store		William Sonoma
5.5	Kids R Us		Z Gallerie
7.5	Toys R Us		<u>Health Clubs</u>
	<u>Department Stores</u>	5	24 Hour Fitness
	Gottschalks		Bally's Total Fitness
5.7	Kohl's		<u>Home Improvement</u>
	Sears	5.17	Home Depot
	<u>Domestic</u>		<u>Markets</u>
5	Bed Bath & Beyond	5	Albertsons
7.5	Michaels Arts & Crafts	5	Fleming Companies
5	Strouds		Raley's
	<u>Drug Stores</u>	5	Ralphs-Food 4 Less
5	Longs Drug Store	5	Safeway
5.5	Rite Aid	5.4	Trader Joe's
5.5	Walgreens		<u>Pet Store</u>
	<u>Electronics - Appliances</u>		Petco
6	Best Buy	5	PetsMart
5.5	Circuit City		<u>Soft Goods</u>
5	Comp USA	5	Burlington Coat Factory
5	Fry's Electronics		Fashion Bug
5	Good Guys	5	Gap
	<u>Fast Food - Restaurants</u>		Men's Warehouse
20	Applebee's	5	Old Navy
9.33	Chili's	5	Ross Dress for Less
	Claim Jumper		<u>Sporting Goods</u>
15	Del Taco		Copeland's Sports
15	Elephant Bar	5	R.E.I
	Il Fornaio	5	Sportmart/Gart Sports
9	In N Out Burger		<u>Wholesale Clubs</u>
	Jamba Juice	5.25	Costco
	Johnny Carino	5	Sam's Club
10	Johnny Rockets		
	Krispy Kreme Doughnuts		
	Macaroni Grill		
15	Mimi's Café		
18	Olive Garden		
	On the Border		
	Panera		
	PF Changs China Bistro		
13	Pizza Hut		
19	Red Lobster		
	Red Robin		
11	Round Table Pizza		
	Rubio's Baja Grill		
	Starbucks Coffee Company		
18	TGI Fridays		
10	Taco Bell		
	Tony Roma's		



CLC ASSOCIATES

January 26, 2004

Mr. Rick Chavez  
Doucet & Associates  
3300 Douglas Boulevard, Suite 475  
Roseville, CA 95661

RE: Fort Collins, Colorado  
Design Guidelines for Large Retail Establishments

Dear Mr. Chavez:

CLC Associates, Inc. has been involved since 1995 as the Land Planners, Civil Engineers, Design Architects and Landscape Architects on a project called Mulberry and Lemay Crossings located in Fort Collins, Colorado. This is a 54-acre master planned retail and residential development whose initial phase was a 10 acre apartment complex that provides affordable housing opportunities to the citizens of Fort Collins. The second phase was a Wal-Mart Supercenter. The balance of the center is now built and/or in the process of approval and includes a Home Depot, KFC restaurant, and cluster of small retail shops.

Mulberry and Lemay Crossings was the second large retail development in Fort Collins to be held to the criteria outlined in the Design Standard and Guidelines for Large Retail Establishments which were adopted by the City of Fort Collins in January, 1995. This site meets the criteria but it was not without extensive discussions with the staff on their interpretation of the Guidelines. Our initial meetings with the City of Fort Collins were in March of 1995; shortly after the adoption of the Guidelines. The planning process was a lengthy process involving annexation by the City, the approval - via public ballot - of an Overall Development Plan (Master Plan) for the entire site, and the approval of the Site Development Plan for Wal-Mart's lot by the Planning and Zoning Commission and City Council. The annexation process was rather quick (one year), since the property is bounded on 3 sides by the City. The balance of the time was spent with the City in the planning of an overall site plan, as well as, a specific Wal-Mart site plan that met the various aspects of the Guidelines. The apartments were opened in 1999. The Wal-Mart was opened in the fall of 2001.

We can now look back at this store and site and see what elements of the Guidelines have worked and which requirements haven't worked. The one that has caused the greatest deal of frustration to the "pedestrian" and "vehicular" customer is the requirement for the distribution of parking around the store. The store is one of two in the City and draws customers from the north end of the City, the surrounding county and neighboring state of Wyoming. It is a very busy store. The site has access points to the parking lots from the three surrounding streets. Yet every customer seems to want to park in front of the building, even though some of the spaces on the sides of the building are closer to the building's entries. By having no more than

Mr. Rick Chavez  
January 26, 2004  
Page 2

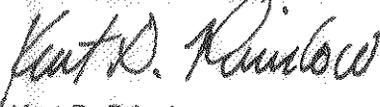
50% of the total parking in front of the building this causes traffic congestion in front of a store which was planned to be "pedestrian friendly". Even though the parking lot was designed to accommodate a parking ratio of 5 spaces/1,000 square feet of building area, customers still end up parking across the street on the dirt portions of the development.

In your discussions with the City of Lodi, I would encourage them to reconsider the requirements of no more than 50% of the total parking being located between the front of the building and the adjacent street and limiting the parking ratio to 4 spaces/1,000 sq. ft. The congestion and confusion, which are a result of this requirement, have been caused in front of the Fort Collin's Wal-Mart store, seem contrary to the goals of a pedestrian "friendly" and safe retail site.

I am always available for further discussions and suggestions on how to respond to these Guidelines.

Sincerely,

CLC ASSOCIATES, INC.



Kurt D. Prinslow  
Director of Landscape Architecture

KDP:cst

cc: Alexis M. Pelosi – Steefel, Levitt and Weiss

**DRAFT**

MINUTES  
LODI CITY PLANNING COMMISSION

CARNEGIE FORUM  
305 WEST PINE STREET  
LODI, CALIFORNIA

**WEDNESDAY**

**January 28, 2004**

**7:00 P.M.**

The Planning Commission met and was called to order by Chairman Mattheis.

Commissioners Present: Eddie Aguirre, Dennis Haugan, Randall Heinitz, Gina Moran, David Phillips, Dennis White, and Chairman Mattheis **ROLL CALL**

Commissioners Absent: None

Others Present: Konradt Bartlam, Community Development Director, Mark Meissner, Associate Planner, and Lisa Wagner, Secretary.

**PUBLIC HEARINGS**

Commissioner White arrived at 7:07 p.m.

**The request of Richard Galantine for the Planning Commission's recommendation of the approval to the City Council for an Annexation and Rezoning for 5952 East Pine Street.** Community Development Director Bartlam presented the item to the Commission. The property had a City General Plan designation of H-I, Heavy Industrial and a County zoning of I-L, Limited Industrial. The request was to Prezone the property to M-2, Heavy Industrial to make it consistent with the General Plan designation. The subject property was a 10-acre parcel located just east of the Lodi Memorial Cemetery. The request for annexation would be going through the LAFCO process once it is approved by the City Council. When the property is developed it will be an infill project surrounded by other industrial uses. Staff was recommending approval of the requests.

Commissioner Heinitz asked if the cemetery would remain in the County? Mr. Bartlam replied that it would remain in the County since they were reluctant to be annexed into the city.

**Hearing Opened to the Public**

No one came forward to speak on the matter.

**Hearing Closed to the Public**

The Planning Commission on motion of Commissioner Heinitz, Haugan second voted to approve the request of Richard Galantine and to recommend approval to the City Council for the Annexation and Rezoning for 5952 East Pine Street by the following vote:

AYES: Commissioners: Aguirre, Haugan, Heinitz, Moran, Phillips, White and Chairman Mattheis

NOES: Commissioners:

ABSENT: Commissioners:

ABSTAIN: Commissioners

**The request of Jeffrey Kirst for approval of a vesting Tentative Subdivision Map for Almond North, a 28-lot single-family residential subdivision at 265 East Almond Drive.** Associate Planner Meissner presented the item to the Commission. The project area included two separate properties encompassing nearly 5- acres of land. When the project develops, there would be six corner lots with duplexes built upon them. The Development Plan for this project was reviewed and approved earlier and granted 34 low-density units. Each lot will be at least 5,000 square feet in size. The traffic circulation pattern for the project would connect this subdivision to existing streets in the area. Staff found the project to be suitable for the site and further noted that the project would be surrounded by other developments now underway in the area. Staff was recommending approval of the request with the correction that condition #12 and condition #25b from resolution be removed.

Commissioner Heinitz questioned staff on wall locations along Almond Drive. Staff responded that the project would not have a wall since there was front door access on to Almond Drive.

#### **Hearing Opened to Public**

Karen Bowen, 1641 Fawnhaven Way, Lodi. Ms. Bowen asked if there were any plans to extend Ravenwood Way. When she bought her property she was told that Ravenwood Way would not be a through street. She also had a resolution in hand that read a portion of Ravenwood Way was to be vacated. She was concerned about her home's value with the increased traffic from the project. Mr. Bartlam replied that there had been a court case with the former owner of the property regarding how this project would connect to his property. The portion of Ravenwood Way that was to be vacated was at the request of Mr. Ruhl, the former property owner. Mr. Bartlam invited her to stop by City Hall to discuss the matter further.

#### **Hearing Closed to Public**

The Planning Commission on motion of Commissioner Heinitz, Haugan second voted to approve by the request of Jeffrey Kirst for approval of a vesting Tentative Subdivision Map for Almond North, a 28-lot single-family residential subdivision at 265 East Almond Drive by the following vote:

AYES: Commissioners: Aguirre, Haugan, Heinitz, Moran, Phillips, White and Chairman Mattheis

NOES: Commissioners:

ABSENT: Commissioners:

ABSTAIN: Commissioners

**The request of R. Thomas Development, Inc. for approval of a Vesting Tentative Subdivision Map for Millsbridge II, a 27-lot single-family residential subdivision at 1723 West Kettleman Lane.** Associate Planner Meissner presented the item to the Commission. The subject property was 4 ¼ acres in size and zoned for residential use. When developed, the corner lots would have duplexes built upon them. The project was reviewed and approved for 28 building allocations in 2003. Each lot would be around 5,800 square feet, the streets will have a tree-lined parkways and sidewalks. Staff was recommending approval of the project with the exception that condition #12 be removed from the Resolution.

## **Hearing Opened to Public**

No one came forward to speak.

## **Hearing Closed to Public**

The Planning Commission on motion of Commissioner Haugan, Heinritz second, voted to approve by the request of R. Thomas Development, Inc. for approval of a Vesting Tentative Subdivision Map for Millsbridge II, a 27-lot single-family residential subdivision at 1723 West Kettleman Lane by the following vote:

AYES: Commissioners: Aguirre, Haugan, Heinritz, Moran, Phillips, White and Chairman Mattheis

NOES: Commissioners:

ABSENT: Commissioners:

ABSTAIN: Commissioners

## **Zoning Ordinance Amendment adding Chapter 17.58 regarding Design**

**Standards for Large Retail Establishments.** Chairman Mattheis started out the Public Hearing by saying the design standards being reviewed would compliment the small town atmosphere within Lodi. The standards would mitigate visual impacts and set design standards for future developments. He announced that the focus of the public hearing was to review proposed design standards for large retail establishments. If anyone had comments about specific projects or parcels, they would have to wait until the Public Comments portion of the agenda.

Mr. Bartlam gave an overview of the ordinance. He stated that once the standards were approved by the Commission, then a recommendation would be made to the City Council to adopt the standards. The set of standards deals with architectural details as well as site development. Some of the details may make or break a project. It will also have an impact on smaller buildings that may take place in a larger center. It would address several design issues and the purpose of this ordinance was to make bigger buildings more visually pleasing and palatable to the public.

The requirements for roofing material, parapets were spelled out in detail in the document. It attempts to give guidance on how a building's entry way, rear, sides, and back of building will look. The project site would receive attention via location of parking stalls in terms of quantity and how they are distributed amongst the rest of the center. It will deal with the number of parking stalls both as a minimum and a maximum count. It will deal with location and treatment of outdoor storage, trash, and loading areas for both visual and noise reduction. It will deal with pedestrian flows in terms of being able to bring people from both public streets to the buildings. The standards require community spaces, such as a plaza or water features. These features tend to humanize a project site.

For the past 30 years the city has had an architectural review committee that deals with design related issues. The standards would help the committee to have more "teeth" with dealing with the design of a building. The set of standards were specific to projects that have a building size of more than 45,000 square feet.

One of the most significant design issues was the distribution of parking. The new standards were requiring that no more than 50% of the total parking on the site must be

in front of the major tenant. The second significant standard was placing a maximum parking count (4 spaces per 1,000 sq. ft.) on a project.

### **Hearing Opened to the Public**

Barbara Flockhart, 331 La Setta Drive, Lodi. Ms. Flockhart was concerned about the ability for her RV to move around a parking lot. She did not want any islands with trees located in parking lots.

June Gifford, 519 W. Locust Street, Lodi. Ms. Gifford was in support of the guidelines and felt the commission had done a wonderful job downtown. She was in favor of putting a limitation on the square-footage of a building.

Barbara Kregel, 915 W. Locust Street, Lodi. Ms. Kregel echoed Ms. Gifford's statements.

Kathy Grant, 841 Cardinal Street, Lodi. Ms. Grant stated she liked what the Commission had been doing. She suggested a 25,000 square foot building verses the recommended 45,000 square-foot threshold. She suggested adding a category to Pedestrian flows to include bicycles. She wanted to see a pedestrian walkway as well and not just benches and walkways.

Ann Cerney, 900 W. Vine Street, Lodi. Ms. Cerney was present to represent herself and Citizens for Open Government. She supported the document; however, she felt the parking should be 3 parking stalls rather than 4 parking stalls per 1,000 square feet, a 25,000 sq. ft. threshold and a maximum of no more than 100,000 sq. ft. Her group was prepared to support square footage limitations even if it needed to be done by initiative.

Robin Knowlton, 410 W. Oak Street, Lodi. Ms. Knowlton had spoken with staff from the City of Fort Collins and noted that they had placed a 6-month moratorium on any new buildings until the guidelines were in place. Any new retailers larger than 25,000 square feet should have to follow the guidelines. In addition, she was in favor of a square footage limitation.

Bob Padden, 18600 Olive Street, Woodbridge. Mr. Padden liked the 25,000 square foot minimum and felt there should also be a maximum. He suggested that every shopping center should be located at a signalized intersection.

Mike Higgins, 130 S. Ham Lane, Lodi. Mr. Higgins was in support for a maximum square footage of up to 125,000 square feet. He supported the proposed parking ratio and noted that by spreading the parking around the building it would be good for traffic circulation. He also wanted to see more bicycle and pedestrian lanes within the centers.

George Fink, 1529 Edgewood Drive, Lodi. Mr. Fink stated that the design standards were long overdue. He supported placing buildings more in the front of a property rather than in back. He also liked the idea of the Art in Public places requirement.

Laddie Erbele, 720 Cypress Run, Woodbridge. Ms. Erbele was present to represent herself and the Delta Sierra Club Mother Lode Chapter. She was in favor of putting a 100,000 sq. ft maximum on any new buildings and also was in favor of the 25,000 square footage minimum before the design standards would be applied.

Daryl Browman, 100 Swan Way, Suite 206, Oakland. Mr. Browman has been a property owner for 10 years in Lodi and owns a retail development company. He stated that his focus was on the long-term viability of his projects. He was in support

of design standards and had been doing more pedestrian-friendly projects. He suggested a study session to see just how the design standards would apply to new incoming projects. He felt the suggested parking standards would deter restaurants from coming to Lodi. He shared that retailers usually relocate their business because of a lack of parking. In regards to 50% parking being located in the front of the store, he stated that parking must be convenient for and that is why all main entries to a store are located in the front of the building. Although Fort Collins had parking in the front and back of their store, when both of those lots were full, customers started parking in dirt areas around store. He stated that multiple entrances to a store would create more problems with security. He suggested that instead of using a 6-foot berm for screening, that a landscaped screen or wall would be better.

Jim Watt, Vice President of Real Estate for Save Mart Supermarkets. Mr. Watt felt retailers would make concessions when they wanted a site. He preferred the standard of 5 cars per 1,000 square feet. He had seen other stores make concessions with parking and noted that he had also seen projects where parking was wrapped around the whole store.

John Donovan, 425 W. Locust Street, Lodi. Mr. Donovan was concerned about the air quality. He noted that when trees are planted they absorb pollution, shade area, and intercept rainfall. He supported a 100,000 square foot maximum and suggested 3 parking spaces per 1,000 square feet. He felt that the parking lots needed bigger planters, and bigger trees. He asked the Commission to not rush through the guidelines.

#### **Hearing Closed to the Public**

Chairman Mattheis noted for the record that prior to the meeting he had spoken with several citizens, Darryl Browman, and representatives from Save Mart Foods. He suggested the following changes to the document:

Section 17.58.020-reduced from 45,000 to 25,000 sq. ft.

Section 17.58.112- (a)-Needed more additional language for clarification purposed.

Section 17.58.112- (c)Chairman Mattheis suggested removing second sentence and replacing it with "the maximum number of off-street parking spaces shall not exceed the following: Retail 4 spaces for every 1,000 sq. ft./Restaurants 15 spaces for every 1,000 sq. ft./Fitness & Health clubs 6 spaces per 1,000 sq. ft. In addition he suggested language to read "for phased developments parking areas shall only be constructed when the adjoining building for which the parking is required is built." This suggesting was an increase for the overall parking of the site, but more specifically related to the building pads within the center.

(c) add condition that if additional parking stalls were requested, they maybe allowed when developed in a multi-level structure with Planning Commission approval.

Section 17.58.122-(b)-did not see the need for a 6-foot berm that backs up to a residential area. He suggested that it be placed on public streets only.

Section 17.58.142(c)-landscaping around building- He appreciated the need for additional landscaping around building and suggested having

landscaping between sidewalk and road.

Section 17.58 042 (a)-delete the word "be"

Section 17.58 051-delete first comma in sentence.

Section 17.58.072-strike #5, in place of #3 rock or native stone

Section 17.58.142-add and (f) to add a bike and pedestrian circulation section to the standard

Section 17.58.132-enclosures-should be visually and acoustically screened.

Chairman Mattheis stated that he was not in favor of establishing a maximum square footage size. He preferred to leave the item as it was presented in the document.

Ann Cerney interrupted Chairman Mattheis and came forward to complain that the Commission was not following the Due Process and Notice Procedure.

Chairman Mattheis asked Mr. Bartlam for direction on Ms. Cerney's complaint. Mr. Bartlam replied that he had not seen anything that was out of order. The Chairman did disclose that he had meetings with certain people prior to the meeting, which was customary and a courtesy, but not necessarily required. Beyond that, the meeting was noticed as a public hearing regarding the design standards and nothing else. The Commission had every right to bring up additional items that were not in staff's recommendation as long as they are in purview of the design standards.

#### **Hearing reopened to the Public**

Ann Cerney, 900 W. Vine Street, Lodi. Ms. Cerney felt the specific issue that she wanted the people attending the meeting to address was the issue of parking. She felt that the presented parking standard for retail of 4 spaces per 1,000 sq. ft. should be a flat number for an entire development with a large retailer and that the parking should be distributed throughout the site. She felt that what was presented was a differentiation depending on what businesses were being served. She felt the recommended changes would reward one particular party that addressed the Commission.

Mr. Bartlam pointed out that in his memorandum to the Commission, he was the one who raised the issue of looking at restaurants with an additional parking standard and it had nothing to do with discussions with developers or otherwise, but one of continuing the conversation about what maximums ought to exist. It was most customary in planning standards to have parking calculated by use and not by site.

Commissioner Heinitz responded that the Commission was present to listen to everyone and their input.

Commissioner Haugan suggested a need to have a sliding scale for parking.

John Donovan, 425 W. Walnut Street, Lodi. He mentioned that the one thing that always was overlooked was public transportation to a site. He felt the suggested restaurant parking requirement (15 spaces per 1,000 sq. ft.) was just to fool people.

#### **Hearing Closed to the Public**

The Commission took a 5-minute break

Commissioner Mattheis came back with the following changes:

- 1) That the minimum square footage of a building be 25,000 square feet before the standards apply.
- 2) Retail Parking 4 spaces per 1,000 sq. ft.; Restaurants 15 spaces per 1,000 sq. ft., and 6 spaces per 1,000 sq. ft. for health clubs.
- 3) That the wording be simplified in section 58.112.
- 4) That 50 percent of the parking to be placed in front of building
- 5) That the berm suggested be applied to public streets.
- 6) That a standard for bike parking and safe pedestrian walkway be set.

In regards to a maximum square footage, Commissioner Mattheis felt that the square footage was more of a control mechanism that should be addressed in how the commission proceeds with the ordinance. Commissioner Phillips suggested that if a building is going to be over 100,000 square feet, then a Use Permit process should be applied. Commissioners Mattheis, Heintz, and White felt that there should not be a square footage maximum set.

Commissioner Heintz wanted to see a pedestrian walkway from the street to the business. He would like to see the walkways more visible, safe and with traffic calming measures.

In regards to the lighting in parking areas, Mr. Bartlam noted the higher the pole the less light, the lower the light, the more light poles needed. Commissioner Mattheis suggested a 25-foot height standard. He further suggested low-level lighting along pedestrian walkways.

In regards to the tree & landscaping standards. The current standards allow 1 tree to every 4 parking spaces. Commissioner Mattheis felt the issue of growth and maintenance should be addressed.

In regards to outdoor storage, Mr. Bartlam shared that there was nothing in the code, yet. It was suggested that any space used for outdoor storage would be calculated as parking spaces.

Community Development Director Bartlam stated that the various modifications suggested be the Commission would be made to the document and be brought back before the Commission for action at their next meeting. The item would not be an advertised public hearing, since the public hearing had already been closed. It would appear as a "Planning Matter" on the next agenda. The Planning Commission felt that the item should be re-advertised for the next meeting as a public hearing.

#### **Comments by the Public**

Robin Knowlton, 410 W. Oak Street, Lodi. Ms. Knowlton felt the public should have more input on the square footage issue. She recommended that the document being proposed be split into two documents, so that the square footage could be discussed further. She further stated that big stores create more impacts than just economical impacts.

Commissioner Heintz felt the Council should handle the matter.

Ann Cerney, 900 W. Vine Street, Lodi. Ms. Cerney was concerned that the public had

been cut out and she urged that the public hearing be continued. If the people of Lodi do not want a Super Wal-Mart, the people make the design guidelines, not the Commission.

Christina Cross, J896 W. Turner Road. Ms. Cross suggested shuttles around Christmas time. She felt that until the community had a chance to come together, then the matter should not go any further.

Tammy Evans, 46 Valley Oak Place, Lodi. Ms. Evans stated that not everyone was against Wal-Mart and she thanked the Commission for all their efforts.

Don Ricci, 2711 Bristol, Lodi. Mr. Ricci felt the standards were long overdue and noted a majority of the guidelines were aimed at a certain business. He suggested a parking structure rather than a parking lot.

Amy Shepherd, 509 W. Turner Road, Lodi. Ms. Shepherd liked the small town atmosphere in Lodi. A large retail store would have an impact on all people who live in Lodi.

Judy Davidoff. Ms. Davidoff was present to represent Wal-Mart. She felt that targeting a certain retailer was not appropriate. The design guidelines were a great plan; however, limiting the size was not appropriate.

Commissioner Heinritz stated that the meeting was not a "Wal-Mart forum." It was to address design standards only.

Darryl Browman, 100 Swan Way, Suite 206, Oakland. Mr. Browman felt the design standards would ultimately produce a great project. If a square footage maximum had been in placed previously, then Lodi would not have a Target or Lowe's stores. He asked the Commission to let the size limitations be a political decision.

Mike Folkner, 46 Valley Oak Place, Lodi. Mr. Folkner is the manager for the Lodi Wal-Mart store. He felt the pending question was "how big should a big box be?" People say that the current store is too small, and they ask him "when is the new Superstore coming?"

Susan Hitchcock, 2443 MacArthur Parkway, Lodi. Ms. Hitchcock stated that planning is the best use of the land, not just numbers and dollars. She suggested that the Commission wrestle with it and then forward it on to the Council. She suggested using a conditional use permit process.

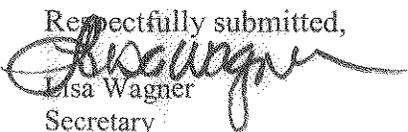
#### **Public Comment Closed**

It was decided that the Design Standards would be re-noticed and there would be a public hearing on the item at the next meeting.

#### **ADJOURNMENT**

As there was no further business to be brought before the Planning Commission, Chairman Mattheis adjourned the session at 11:45 p.m.

Respectfully submitted,

  
Lisa Wagner  
Secretary

**DRAFT**

MINUTES  
LODI CITY PLANNING COMMISSION

CARNEGIE FORUM  
305 WEST PINE STREET  
LODI, CALIFORNIA

**WEDNESDAY**

**February 11, 2004**

**7:00 P.M.**

The Planning Commission met and was called to order by Chairman Mattheis.

Commissioners Present: Eddie Aguirre, Dennis Haugan, Randall Heinitz, Gina Moran, David Phillips, Dennis White, and Chairman Mattheis **ROLL CALL**

Commissioners Absent: None

Others Present: Konradt Bartlam, Community Development Director, Mark Meissner, Associate Planner, Lisa Wagner, Secretary, and D. Stephen Schwabauer, Interim City Attorney

**PUBLIC HEARINGS**

Commissioner Phillips made a motion to move the "Comments by the Public" portion of the agenda to the beginning of the meeting. This motion failed due to lack of a second.

**Zoning Ordinance Amendment adding Chapter 17.58 regarding Design Standards for Large Retail Establishments.** Community Development Director Bartlam presented the item and stated that a variety of issues had been changed by direction of the Planning Commission. The proposed changes were: 1) Section 17.58.021-Maximum Size Limitations. Staff did not fill in any square footage numbers until the matter was discussed. There was also an alternative noted in this section for any building exceeding a certain square footage would need to go through the Use Permit process. 2) Section 17.58.112-Parking standards, Retail, Four (4) spaces for every 1,000 square feet; Restaurant fifteen (15) spaces for every 1,000 square feet; Fitness/Health Club, six (6) spaces for every 1,000 square feet; and the ability for a multi parking structure. 3) Bicycle circulation to be separated from vehicular traffic. He further noted that staff had received two binders with signatures from Wal Mart and a fax from a law firm outlining their opinion on why restrictions of size limitations were not good.

Commissioner Heinitz pointed out bicycle mishaps in commercial shopping centers. Mr. Bartlam replied that by using traffic calming measures within a center, traffic would be forced to slow down.

Commissioner Mattheis felt the parking standard for retail (4 spaces per 1,000 sq. ft.) may be too low. He did not like putting a square footage limitation on new buildings.

Commissioner Heinitz also did not like putting a limitation on the square footage of a building. He further stated that the new ordinance would be used for future development. If the proposed guidelines had been in place, then the City would not have the businesses that they do today.

Commissioner Aguirre asked if parking standard 17.58.112 (50% of parking be in front

of building) would alleviate a “sea of parking”? Commissioner Mattheis replied his issue was to minimize the amount of parking as much as possible but still keep the numbers realistic.

Commissioner Haugan felt for retail (4 spaces per 1,000 sq. ft.) was unrealistic. He suggested 5 spaces per 1,000 square feet. He was in favor of having 50% of the parking in front of a store. Due to safety issues, he did not like the idea of having multiple entries into a business. He felt putting a 100,000 square-foot limitation on any buildings was too small.

Commissioner Phillips felt 15 spaces for restaurants were too high. He was in favor of a conditional use permit process for big projects.

Commissioner Moran pointed out that the guidelines were trying to assist on just how a building would be designed. She felt that for retail (4 spaces per 1,000 sq. ft.) was reasonable. She suggested that landscape standards be merged into the Ordinance. Mr. Bartlam replied that they would be added.

Chairman Mattheis reminded those in attendance that the Commission was only addressing design issues and not talking about any one particular project. The standards would be applied to all future retail development over 25,000 square feet. If anyone wanted to talk about other issues, they would be able to speak at the Comments by Public portion of the meeting.

### **Hearing Opened to Public**

Laddie Erbele, 720 Cypress Run, Woodbridge. Ms. Erbele represented the Sierra Club. She never envisioned what is now built and felt it was time to set limits on the size of buildings. Need to realize the value of farmland and use it wisely.

Betsy Fiske, 727 S. Lee Avenue, Lodi. Ms. Fiske wanted to reserve Lodi’s unique sense of place. She suggested putting a 75,000 square foot cap on larger buildings. She did not want traffic to increase with any development.

Vic DeMelo, Castle Court, San Ramon, CA. Mr. DeMelo felt the design standards were very strong guidelines for the designing of larger buildings. He was in charge of leasing existing buildings within Wal Mart development. He noted that every tenant had an excess of parking. The reason being is that smaller businesses turn over more quickly and he must keep flexible parking standards for other incoming businesses. A strict parking standard would turn away many businesses.

John Thompson, J896 W. Turner Road, Lodi. Mr. Thompson was concerned on what happens when a super-center moves into a community and existing “big box” stores are vacated. The loss of an anchor store could have an impact to other stores in shopping center. He suggested an Ordinance that limits non-taxable sales.

Eileen St. Yves, 310 S. Orange Avenue, Lodi. Ms. St. Yves was concerned about the conversion of farmland to commercial use. She felt the City needed a plan for future commercial development. She asked the commission and public not to pick on new retailers with the new design guidelines, but to also look at existing commercial buildings. She wanted to keep sales tax dollars in Lodi.

Tim Cremin, Steefel, Levitt & Weiss, One Embarcadero Center, San Francisco, CA.

Mr. Cremin was present to represent his firm and he was opposed to any size restrictions being placed on buildings. He felt there was no factual basis on putting a limitation of 100,000 square feet for any building. He felt the city was using planning tools to limit certain businesses within the city and it was an improper use of planning tools. There would be a negative economic impact with a size limitation.

Ann Cerney, 900 W. Vine Street, Lodi. Ms. Cerney felt the city should not be too terribly concerned about future businesses they should be mostly concerned about what the community would look like over many years. She suggested an 80,000 square foot limitation without a conditional use permit. She was also opposed to the changes in the parking standard. She wanted 3 parking spaces rather than 4 parking spaces per 1,000 sq. ft. and not a sliding scale. She asked why not make the minimum the maximum? She also asked that a certain percentage of the site be permeable so that water could seep down to groundwater. Also suggested that traffic should have very little impact.

Michael Folkner, 46 Valley Oak Place, Woodbridge. Mr. Folkner was the manager of a large retailer in the city. He presented the commission with a petition containing 1,600 signatures gathered from his customers. He noted that customers come from all over the area to shop in Lodi. He was not in favor of putting a square-footage limitation on any building.

Commissioner Heinitz asked how many people Mr. Folker employed at his store? Mr. Folker replied, 340 employees and that they all start above minimum wage.

Kurt Roberts, 239 Oriole Lane, Lodi. Mr. Roberts noted that the petition signed was from mostly people who don't live in Lodi. He suggested a 130,000 square-foot limitation. If the big box stores want to come to Lodi they would have to conform to the size limitations.

Jim Watt, Savemart Supermarkets. Mr. Watt stated that there was potential litigation on the square footage issue. He had a number of stores have 4 parking spaces per thousand and it works. He suggested a compromise at 4.3 parking stalls per thousand square feet. He also suggested that a Use Permit be done for any buildings in excess of 75,000 square-feet.

Daryl Browman, 3315 Fernside Blvd., Alameda, CA. Mr. Browman was in support of design guidelines. He pointed out that if adopted the community would have to live with the standards. He was against a size limitation and felt that with the guidelines in place, it would make a shopping center better designed. Regarding the parking standard of 4 spaces per 1,000 sq. ft, it was generally 5 per 1,000 sq. ft for most retailers, and restaurants required more parking. The location of parking stalls should be convenient for customers and as far as multiple entrances, there could be security issues. In regards to the screening of loading docks, the building could be designed to shield screen them.

Robin Knowlton, 410 W. Oak Street, Lodi. Ms. Knowlton read a passage from a book. People have moved to Lodi because they like the small town atmosphere. She felt putting a size limitation on square-footage was to make a project more compatible with the community. Many other states have put a cap on square footage to keep their

communities more unique. She suggested a 120,000 square-foot maximum. .

Randy Snider, 301 S. Ham Lane, Suite A, Lodi. Mr. Snider is one of the property owner's of the parcel located at the southwest corner of Kettleman Lane and Lower Sacramento Road. He stated that his project was not something that had developed over a small amount of time and they had been working on the project for 12 years. He was one of the property owners during the Downtown Revitalization process and his property was designated for large retail use.

Dean Meier, 852 S. California Street. Mr. Meier asked what people wanted Lodi look like in the future. He was in favor of a 100,000 square foot maximum.

John Donovan, 425 W. Walnut Street, Lodi. Mr. Donovan shared that ordinances could be changed every 10 years. What is permanent is what the impact would be to Lodi. He did not want a "sea of parking" in the front of any building. The community needs to have input into design of project. He did not believe that Lodi would be left behind economically if a square footage restriction were set. He felt that 15 stalls for restaurants vs. 4 stalls for retail were very ambiguous. He would like to see more parking structures erected for such projects.

Wanda Adolf, 13271 E. Locke Road. Ms. Adolf stated that if big box stores don't come to Lodi, then money would be going to other communities.

Steve Pechin, 323 W. Elm Street. Mr. Pechin was a resident as well as a designer. He felt that any strict limitations with conflict with the design of a building. Businesses would focus more on the inside of the building rather than the outside. He suggested a Use Permit as a compromise.

Joe Pacino, 315 W. Vine Street, Lodi. Mr. Pacino felt that there needed to be some reasonable limitations set. He was concerned about the possibility of buildings becoming vacant when a new store is built.

### **Hearing Closed to the Public**

The Commission took a 5-minute break.

Commissioner Mattheis stated he did not see a nexus between size and design. You could have a building at 20,000 square-feet that looks ugly and you could have a 150,000 square foot building that is beautiful. He felt the issues were underneath design, economic in nature, and perhaps the idea of scale. He suggested separating the square footage issue from the design guidelines so that it could be discussed further, so that the design guidelines could go forward. In regards to parking standards, he wanted to discuss the number of parking spaces per 1000 square-feet. He also wanted to discuss the language of restaurant vs. food service.

Commissioner White felt that people from Lodi like the small town atmosphere; however, Lodi is a growing city and will to continue to grow as long as people keep moving to Lodi. He was more concerned about the design of the building and not square-footage. He suggested 5 parking spaces per 1,000 square feet with 50% of parking in front of building.

Commissioner Haugan did not want any size limitations set. He was agreeable to

increasing the parking from 4 to 5 spaces per 1,000 square feet.

Commissioner Heinitz was also opposed to setting size limitations on buildings. He was concerned about the economic impacts if businesses don't come to Lodi. He suggested 5 parking spaces per 1,000 square feet with a sliding scale.

Commissioner Phillips also supported that 50% of parking be placed in front of the building and that there be 5 parking spaces per 1,000 square feet. He was also desirous of seeing projects that would maximize Lodi's tax dollar base. He stated the he could agree to a separate discussion regarding size.

Commissioner Aguirre felt there should be more discussion regarding restrictions on building sizes. He suggested stores that had more than one-story. He was also in favor of the 5 parking spaces per 1,000 square feet.

Commissioner Moran also liked the suggestion of 5 parking spaces per 1,000 square feet. She also felt that more discussion was needed on the square footage issue. She suggested incorporating the new landscape requirements to the ordinance.

A motion was made by Commissioner Aguirre, Mattheis second, as amended to approve with the exclusion of size, landscape standards, and parking of 5 spaces per 1,000 sq.ft. and with modification to the following section: 17.58.112-E-to add landscape standards.

Discussion ensued regarding the parking when business types change.

Commissioners Moran and Phillips voiced concerns over the increase in parking along with the restaurant standard.

Commissioner Aguirre withdrew his motion in order to discuss the size limitation issue further.

The Planning Commission on motion of Commissioner Heinitz, Haugan second, voted to recommend to the City Council approval of the Zoning Ordinance Amendment adding Chapter 17.58 regarding Design Standards for Large Retail Establishments with the following changes:

- 1) That no further discussion on size occur.
- 2) Section 17.58.112-that an item "E" be added to read, "Landscaping in parking areas shall incorporate such material, as necessary, in order to achieve a minimum 50% shading requirement within 5 years of planting."
- 3) Section 17.58.112-C, that the standard for Retail be changed from 4 spaces to 5 spaces for every 1,000 square feet of building space.

Commissioner Phillips and Moran stated they would vote against motion. He felt a Use Permit was a reasonable for maximum size.

Chairman Mattheis felt that more discussion should occur separately and suggested he could not support the motion.

This motion was amended by Commissioner Heinitz with the concurrence of Commissioner Haugan to remove Section 17.58.021 (Maximum Size Limitations) from the Ordinance with further discussion to ensue.

AYES: Commissioners: Aguirre, Haugan, Heintiz, White and Chairman Mattheis

NOES: Commissioners: Phillips and Moran

ABSENT: Commissioners:

ABSTAIN: Commissioners

**Discussion on square footage**

Chairman Mattheis stated the Commission needed a discussion of what is at issue.

Commissioner White stated that the Commission needed to decide if there was going to be discussion on size limit and if so would it require a Use Permit?

Commissioner Haugan felt you had to set a size at the largest so far, 160,000 but was not in favor of any size limitations.

Commissioner Heintiz was not in favor of any size limitations and supported the requirement of a Use Permit.

Commissioner Phillips stated that a square footage limitation should be debated; However, a Use permit would allow staff to take a double look at a project.

Commissioner Aguirre suggested a 130,000 square foot limitation with a Use Permit.

Commissioner Moran felt more discussion was needed regarding the square footage issue. She liked the idea of a Use Permit. She felt that there should be another open forum on the matter.

Commissioner Mattheis suggested bringing the square footage issue back for further discussion as a Planning Matter at a future Planning Commission meeting.

Commissioner Phillips asked staff to come back with some wording on a conditional use permit.

Chairman Mattheis asked Mr. Schwabauer about any CEQA issues with any size limitation. Mr. Schwabauer felt there were no concerns.

A motion was made by Commissioner Haugan to not discuss the size issue any further. This motioned died due to lack of a second.

Chairman Mattheis needed additional information before a decision could be made and asked that the discussion be continued until a future meeting. The Commission concurred.

**Comments by the Public**

Ann Cerney, 900 W. Vine Street, Lodi. Ms. Cerney appreciated the work done by the Commission. If commercial development is to take place, look at the whole picture, not just economically. If the State takes sales taxes from the cities, it would not be worth having a large project. She liked the concept of putting a moratorium on big box projects until the square footage issue was resolved.

Frieda Kroll, 2315 N. Thurman Road, Acampo. Ms. Kroll moved from a small town to Lodi. She had seen beautiful big buildings and she also worked for Wal-Mart. The Commission had done a fine done with the development of the city and should not

make a size limitation.

Kathy Grant, 841 Cardinal Street, Lodi. Ms. Grant felt the landscape designed should not be all about aesthetics, but also conservation. She asked that equal ground be replaced whenever land is taken away for development.

Michael Folkner, 46 Valley Oak Place, Woodbridge. Mr. Folkner shared that a new Wal-Mart Superstore would employ around 600 people. He is proud of all his employees and noted that the new store would open jobs for everyone.

#### ADJOURNMENT

As there was no further business to be brought before the Planning Commission, Chairman Mattheis adjourned the session at 11:15 p.m.

Respectfully submitted,

A handwritten signature in cursive script that reads "Lisa Wagner". The signature is written in black ink and is positioned above the printed name and title.

Lisa Wagner  
Secretary

MAR-09-2004 16:50

SAVE MART

209 577 3857 P.01/01



P.O. Box 4278, Modesto, California 95352-4278  
1600 Standiford Avenue, Modesto, California 95350  
Corporate Office (209) 577-1600

March 9, 2004

VIA US MAIL & FACSIMILE (209) 333-6842

Mr. Konradt Bartlam  
Community Development Director  
CITY OF LODI  
221 West Pine Street  
Lodi, CA 95240

Dear Mr. Bartlam:

Thank you for your letter to me dated February 27, 2004. The purpose of my previous letter dated February 20, 2004 was to alert you to the fact that under the new guidelines the parking ratios proposed are very lenient. I also attempted to demonstrate that retailers will accept parking ratios as low as 4.0 per thousand if they really want the location.

Your letter to me indicated that even though the parking ratios were generous, there were other factors contained within the guidelines that would prevent shopping centers with a "sea of parking in front." You specifically cited the requirement that fifty percent (50%) of the parking for the site occur in front of the principal building. While I think the language contained in your Section 17.58.112 attempts to accomplish the goal of spreading out the parking, a careful reading suggests the language contained in subsections A and B are confusing and thus could be the result of a dispute later on. Item A implies the fifty percent (50%) parking requirement occur only within the land area devoted to the large retail establishment. By carefully drawing out a parcel for the large retail establishment, it is possible to spread out the parking such that fifty percent (50%) or less is within the Front Parking Area. Section B suggests this Front Parking Area include both the parking devoted to the large retail establishment and any front pad sites. It seems to me that these two sections are somewhat contradictory.

The guidelines also suggest that any large retail building with two street frontages must have entries from both streets. In the case of a Wal-Mart Super Store, this can easily be handled by cutting an entry point to their garden center in order to meet this requirement.

I look forward to attending the City Council meeting on March 17, 2004, and hope you will convey my comments to the Council for their consideration.

Very truly yours,

Jim Watt  
Vice President of Real Estate

JW/as

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY  
OF LODI AMENDING LODI MUNICIPAL CODE TITLE 17 -  
ZONING BY ADDING CHAPTER 17.58 DESIGN  
STANDARDS FOR LARGE RETAIL ESTABLISHMENTS

=====

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LODI AS FOLLOWS:

Section 1. Lodi Municipal Code Title 17 – “Zoning” is hereby amended by adding Chapter 17.58 “Design Standards for Large Retail Establishments” to read as follows:

Chapter 17.58

DESIGN STANDARDS FOR LARGE RETAIL ESTABLISHMENTS

Sections:

- 17.58.010 – Purpose
- 17.58.020 – Applicability
- 17.58.022 - Variances
- 17.58.030 – Facades and Exterior Walls
- 17.58.040 – Smaller Retail Stores
- 17.58.050 – Detail Features
- 17.58.060 – Roofs
- 17.58.070 – Materials and Colors
- 17.58.080 – Entryways
- 17.58.090 – Back and Side Facades
- 17.58.100 – Entrances
- 17.58.110 – Off-Street Parking Areas
- 17.58.120 – Back Sides
- 17.58.130 – Outdoor Storage, Trash Collection, and Loading Areas
- 17.58.140 – Pedestrian and Bicycle Flows
- 17.58.150 – Central Features and Community Spaces
- 17.58.160 – Delivery/Loading Operations

Design Standards for Large Retail Establishments

17.58.010 - Purpose

The City of Lodi adopted this ordinance on large retail developments - "superstores" - to provide the community with clear and enforceable policies to mitigate visual impacts. These guidelines provide the opportunity to set standards for future developments to ensure that future development fits with the expectations and meets the needs of the community.

These standards and guidelines are a response to dissatisfaction with corporate chain marketing strategy dictating design that is indifferent to local identity and interests. The main goal is to encourage development that contributes to Lodi as a unique place by reflecting its physical character and adding to it in appropriate ways.

Large retail developments depend on high visibility from major public streets. In turn, their design determines much of the character and attractiveness of major streetscapes in the city. The marketing interests of many corporations, even with strong image making design by professional designers, can be potentially detrimental to community aspirations and sense of place when they result in massive individual developments that do not contribute to or integrate with the city in a positive way. Lodi already has a development review system that promotes solutions to these general issues. The purpose of these standards and guidelines is to augment those existing criteria with more specific interpretations that apply to the design of large retail store developments.

These standards and guidelines require a basic level of architectural variety, compatible scale, pedestrian and bicycle access, and mitigation of negative impacts. The standards are by no means intended to limit creativity; it is the City's hope that they will serve as a useful tool for design professionals engaged in site-specific design in context. They are placed within the framework of the Zoning Ordinance, which provides for variance from the requirements if the proposal is equal to or better than the City's requirements.

#### 17.58.020 – Applicability

The following standards and guidelines are intended to be used as a design aid by developers proposing large retail developments in community regional shopping centers or as uses-by-right; and as an evaluation tool by the City staff, Planning Commission, and Site Plan and Architectural Review Committee in their review processes. These standards and guidelines apply to all retail establishments of more than 25,000 square feet.

The "Intent" is provided in order to educate planners, design consultants, developers and City staff about the design objectives while the "Standards" are mandatory. The intent and standards are to be used in conjunction with all development criteria of the Lodi Municipal Code.

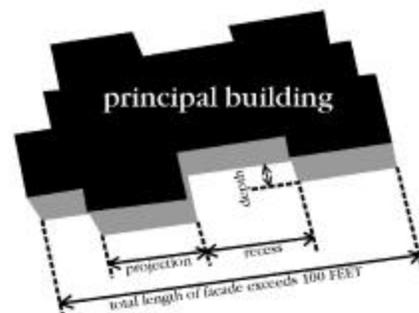
#### 17.58.022– Variances

The Planning Commission is empowered to grant variances to the mandatory standards under the circumstances provided by the California Government Code.

#### 17.58.030 - Facades and Exterior Walls

#### 17.58.031 - Intent:

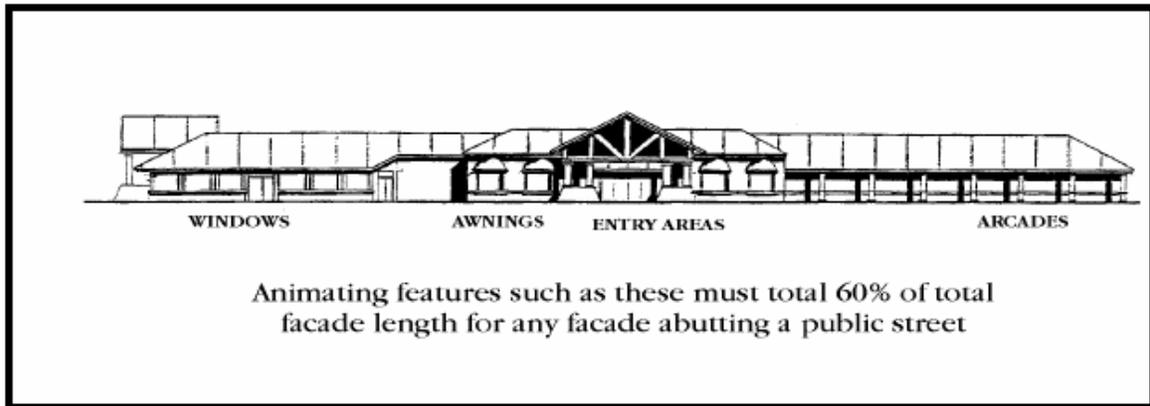
Facades should be articulated to reduce the massive scale and the uniform, impersonal appearances of large retail buildings and provide visual interest that will be consistent with the community's identity, character and scale. This is to encourage a more human scale that Lodi residents will be able to identify with their community.



projections / recesses shall comprise at least 20% of facade length with a minimum depth of 3% of facade length

17.58.032 Standards:

- A. Facades greater than 100 feet in length, measured horizontally, shall incorporate wall plane projections or recesses having a depth of at least 3% of the length of the façade and extending at least 20 percent of the length of the facade. No uninterrupted length of any façade shall exceed 100 horizontal feet.
- B. Ground floor facades that face public streets shall have arcades, display windows, entry areas, awnings, or other such features along no less than 60 percent of their horizontal length.



17.58.040 - Smaller Retail Stores

17.58.041 – Intent:

The presence of smaller retail stores gives a center a "friendlier" appearance by creating variety, breaking up large expanses, and expanding the range of the site's activities. Windows and window displays of such stores should be used to contribute to the visual interest of exterior facades. The standards presented in this section are directed toward those situations where additional, smaller stores, with separate, exterior customer entrances are located in principal buildings.

17.58.042 – Standard:

Where principal buildings contain additional, separately owned stores which occupy less than twenty five thousand (25,000) square feet of gross floor area, with separate, exterior customer entrances:

- A. The street level facade of such stores shall have storefront windows between the height of three feet and eight feet above the walkway grade for no less than 60 percent of the horizontal length of the building facade of such additional stores.
- B. Windows shall be recessed and should include visually prominent sills, shutters, or other such forms of framing.

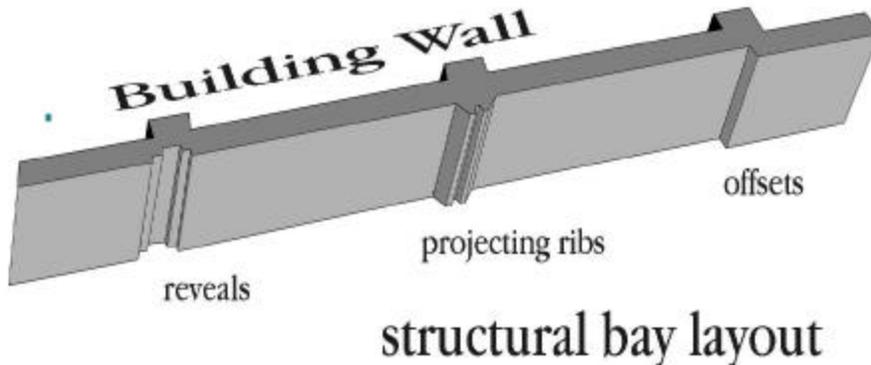
## 17.58.050 - Detail Features

### 17.58.051 – Intent:

Buildings should have architectural features and patterns that provide visual interest at the scale of the pedestrian, reduce massive aesthetic effects, and recognize local character. The elements in the following standard should be integral parts of the building fabric, and not superficially applied trim or graphics, or paint.

### 17.58.052 – Standard

- A. Building facades must include a repeating pattern that shall include no less than three of the elements listed below:
1. Color change.
  2. Texture change.
  3. Material module change.
  4. Expression of architectural or structural bay through a change in plane no less than 12 inches in width, such as an offset, reveal, or projecting rib.



- B. At least one of these elements shall repeat horizontally.
- C. All elements shall repeat at intervals of no more than thirty (30) feet, either horizontally or vertically.

17.58.060 – Roofs

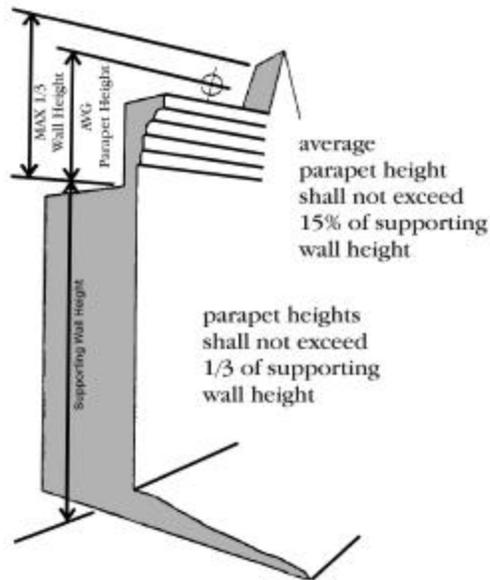
17.58.061 – Intent:

Variations in roof lines should be used to add interest to, and reduce the massive scale of, large buildings. Roof features should complement the character of adjoining neighborhoods.

17.58.062 – Standard:

Roofs shall have no less than two of the following features:

- A. Parapets concealing flat roofs and rooftop equipment such as HVAC units from public view. The average height of such parapets shall not exceed 15% of the height of the supporting wall and such parapets shall not at any point exceed one-third of the height of the supporting wall. Such parapets shall feature three dimensional cornice treatment.



- B. Overhanging eaves, extending no less than 3 feet past the supporting walls.
- C. Sloping roofs that do not exceed the average height of the supporting walls, with an average slope greater than or equal to 1 foot of vertical rise for every 3 feet of horizontal run and less than or equal to 1 foot of vertical rise for every 1 foot of horizontal run.
- D. Three or more roof slope planes.

17.58.070 - Materials and Colors

17.58.071 – Intent:

Exterior building materials and colors comprise a significant part of the visual impact of a building. Therefore, they should be aesthetically pleasing and compatible with materials and colors used in adjoining neighborhoods.

17.58.072 – Standard:

- A. Predominant exterior building materials shall be high quality materials. These include, without limitation:
  - 1. clay brick
  - 2. wood
  - 3. rock or other native stone
  - 4. stucco, of varied finishes.
  - 5. tinted, textured, concrete masonry units
- B. Facade colors shall be low reflectance, subtle, neutral or earth tone colors. The use of high intensity colors, metallic colors, black or fluorescent colors is prohibited.
- C. Building trim and accent areas may feature brighter colors, including primary colors, but neon tubing shall not be an acceptable feature for building trim or accent areas.
- D. Predominant exterior building materials shall not include the following:
  - 1. smooth-faced concrete block
  - 2. smooth finished tilt-up concrete panels
  - 3. pre-fabricated steel panels, except as an architectural roofing material

#### 17.58.080 – Building Entryways

##### 17.58.081 – Intent:

Entryway design elements and variations should give orientation making them easy to identify both day and night as well as providing aesthetically pleasing character to the building. The standards identify desirable entryway design features.

##### 17.58.082 – Standard:

- A. Each principal building on a site shall have clearly defined, highly visible customer entrances utilizing no less than three of the following to become the most prominent features:
  - 1. canopies or porticos
  - 2. overhangs
  - 3. recesses/projections
  - 4. arcades
  - 5. raised corniced parapets over the door
  - 6. peaked roof forms (e.g. gable or hip)
  - 7. arches
  - 8. outdoor patios
  - 9. display windows
  - 10. architectural details such as tile work and moldings which are integrated into the building structure and design
  - 11. integral planters or wing walls that incorporate landscaped areas and/or places for sitting
  
- B. Where additional stores will be located in the principal building, each such store shall have at least one exterior customer entrance, which shall conform to the above requirements.

#### 17.58.090 - Back and Side Facades

##### 17.58.091 – Intent:

All facades of a building which are visible from adjoining properties and/or public streets should contribute to the pleasing scale features of the building and encourage community integration by featuring characteristics similar to the front facade.

##### 17.58.091 – Standards:

All building facades which are visible from adjoining properties and/or public streets shall comply with the requirements of, Section 17.58.030 of these Design Standards and Guidelines.

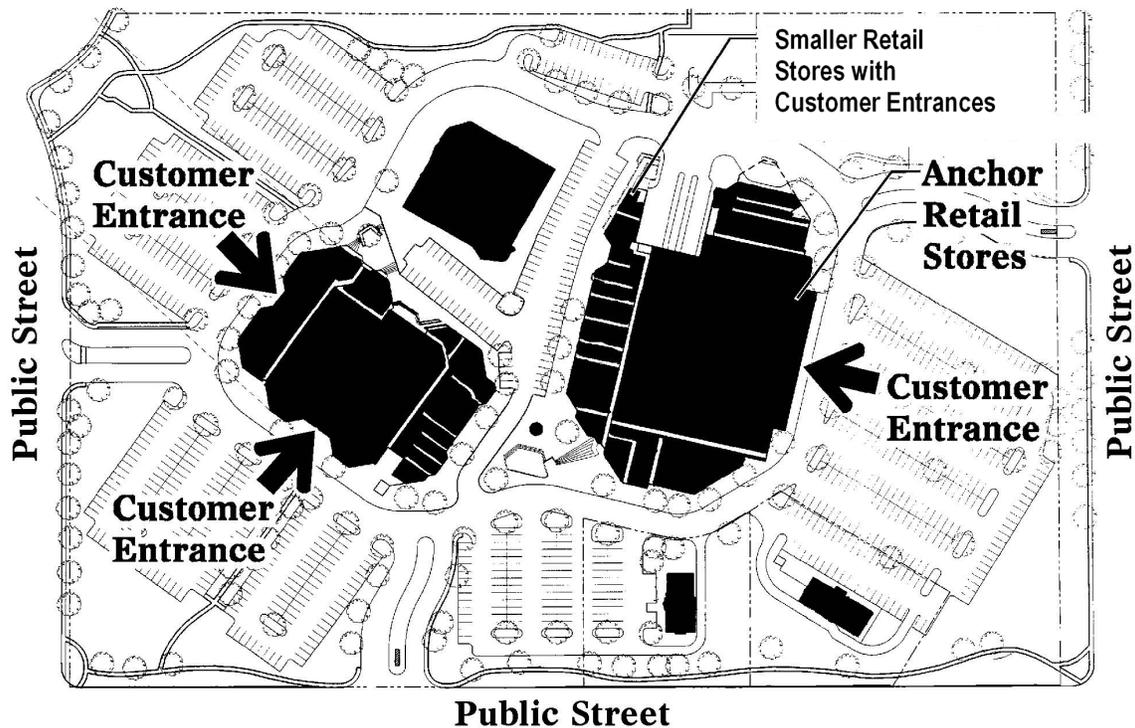
#### 17.58.100 – Pedestrian Entrances

##### 17.58.101 – Intent:

Large retail buildings should feature multiple entrances, which reduce walking distances from parking areas and public sidewalks, and provide convenient access to individual stores, or departments within a store. Multiple entrances can also mitigate the effect of uninterrupted walls and neglected areas that are often facing bordering land uses.

17.58.102 – Standard:

- A. All sides of a principal building that face an abutting public street shall feature at least one customer entrance. Where a principal building faces more than two public streets, this requirement shall only apply to two sides of the building; the side facing the primary street, and another side facing a second street. Movie theatres are exempt from this requirement.



## 17.58.110 – Off-Street Parking Areas

### 17.58.111 – Intent:

Parking areas should provide safe, convenient, and efficient access. Parking should be distributed around large buildings in order to shorten the distances between buildings and public sidewalks, and reduce the visual impact of one large paved surface. With buildings located closer to streets, the scale of the complex is reduced, walking is encouraged, and architectural details take on added importance.

Covering the ground with asphalt has several long-term environmental impacts including excessive storm water run-off during the winter and tremendous increases in the ambient heat radiated by the asphalt. In order to provide adequate parking while practicing good stewardship of resources, the City has established a minimum and maximum range of off-street parking for large retail operations.

### 17.58.112 – Standard:

- A. No more than fifty (50) percent of the off-street parking area for the lot, tract or area of land devoted to the large retail establishment shall be located between the front facade of the large retail establishment and the abutting streets (the "Front Parking Area. The front parking area shall be determined by drawing a line from the front corners of the building, parallel with the building sides, straight to the public street forming a 90 degree angle with the front façade.
- B. Parking spaces in the Front Parking Area shall be counted to include all parking spaces within the boundaries of the Front Parking Area, including:
  - (i) all partial parking spaces if the part inside the Front Parking Area boundary lines constitutes more than one-half ( $\frac{1}{2}$ ) of the parking space, and
  - (ii) all parking spaces associated with any pad sites located within the Front Parking Area boundaries.
- C. The minimum number of off-street parking spaces to be provided by a large-scale retail operation shall be 2 spaces for every 1,000 square feet of building space. The maximum number of off-street parking spaces shall not exceed the following:
  - Retail: Five (5) spaces for every 1,000 square feet of building space.
  - Restaurant: Fifteen (15) spaces for every 1,000 square feet of building space.
  - Fitness/Health Club: Six (6) spaces for every 1,000 square feet of building space.

For phased developments, parking areas shall only be constructed when the adjoining building for which the parking is required is built.

Additional parking stalls, beyond the maximums provided, may be allowed when developed in a multi-level structure with Planning Commission approval.

- D. Parking lot light poles shall not exceed a height of 25 feet.
- E. Landscaping in parking areas shall incorporate such material, as necessary, in order to achieve a minimum 50% shading requirement within 5 years of planting.

#### 17.58.120 - Back Sides

##### 17.58.121 – Intent:

The rear or sides of buildings often present an unattractive view of blank walls, loading areas, storage areas, HVAC units, garbage receptacles, and other such features. Architectural and landscaping features should mitigate these impacts.

##### 17.58.122 – Standard:

- A. The minimum setback for any building facade shall be thirty-five (35) feet from the nearest property line.
- B. Where the façade of a large scale retail building faces a public street that is adjacent to an existing or planned residential zone boundary or uses, an earthen berm no less than 6 feet in height, containing evergreen trees planted at intervals of 20 feet on center, or the equivalent in clusters, shall be provided.
- C. Garbage receptacles shall be constructed of solid textured masonry material with a decorative masonry cap. The gates frames shall be constructed of heavy gauge steel and provided with a solid opaque finish. Enclosures shall be provided with a cover such that storm water run-off from the enclosure is minimized.

#### 17.58.130 - Outdoor Storage, Trash Collection, and Loading Areas

##### 17.58.131 – Intent:

Loading areas and outdoor storage areas exert visual and noise impacts on surrounding neighborhoods. These areas, when visible from adjoining properties and/or public streets, should be screened, recessed or enclosed. While screens and recesses can effectively mitigate these impacts, the selection of inappropriate screening materials can exacerbate the problem. Appropriate locations for loading and outdoor storage areas include areas between buildings, where more than one building is located on a site and such buildings are not more than 40 feet apart, or on those sides of buildings that do not have customer entrances.

17.58.132 – Standard:

- A. Areas for outdoor storage, truck parking, trash collection or compaction, loading, or other such uses shall not be visible from abutting streets.
- B. No areas for outdoor storage, trash collection or compaction, loading, or other such uses shall be located within 20 feet of any public street, public sidewalk, or internal pedestrian way.
- C. Loading docks, truck parking, outdoor storage, utility meters, HVAC equipment, trash collection, trash compaction, and other service functions shall be incorporated into the overall design of the building and the landscaping so that the visual and acoustic impacts of these functions are fully contained and out of view from adjacent properties and public streets, and no attention is attracted to the functions by the use of screening materials that are different from or inferior to the principal materials of the building and landscape.
- D. Non-enclosed areas for the storage and sale of seasonal inventory shall be permanently defined and screened with landscaping, walls and/or fences. Materials, colors, and design of screening walls and/or fences and the cover shall conform to those used as predominant materials and colors on the building. If such areas are to be covered, then the covering shall conform to those used as predominant materials and colors on the building.

17.58.140 - Pedestrian and bicycle Flows

17.58.141 – Intent:

Pedestrian and bicycle accessibility opens auto-oriented developments to the neighborhood, reducing traffic impacts and enabling the development to project a friendlier, more inviting image. This section sets forth standards for public sidewalks and internal circulation systems that can provide user-friendly access as well as pedestrian safety, shelter, and convenience within the center grounds.

17.58.142 – Standard:

- A. Sidewalks at least 8 feet in width shall be provided along all sides of the lot that abut a public street.
- B. Continuous internal pedestrian walkways, no less than 8 feet in width, shall be provided from the public sidewalk or right-of-way to the principal customer entrance of all principal buildings on the site. At a minimum, walkways shall connect focal points of pedestrian activity such as, but not limited to, transit stops, street crossings, building and store entry points, and shall feature adjoining landscaped areas that include trees, shrubs, benches, flower beds, ground covers, or other such materials for no less than 50 percent of their length.

- C. Sidewalks, no less than 8 feet in width, shall be provided along the full length of the building along any facade featuring a customer entrance, and along any facade abutting public parking areas. A minimum six (6) foot wide landscaped area shall be provided adjacent to the sidewalk, except where features such as arcades or entry ways are part of the façade.
- D. Internal pedestrian walkways provided in conformance with Part (b.) above shall provide weather protection features such as awnings or arcades within 30 feet of all customer entrances.
- E. All internal pedestrian walkways shall be distinguished from driving surfaces through the use of durable, low maintenance surface materials such as pavers, bricks, or scored concrete to enhance pedestrian safety and comfort, as well as the attractiveness of the walkways. Traffic calming measures shall be incorporated where pedestrian walkways intersect with drive aisles.
- F. Bicycle circulation shall be separated from vehicular traffic and shall be provided from each public street access to bicycle parking areas required throughout the site.

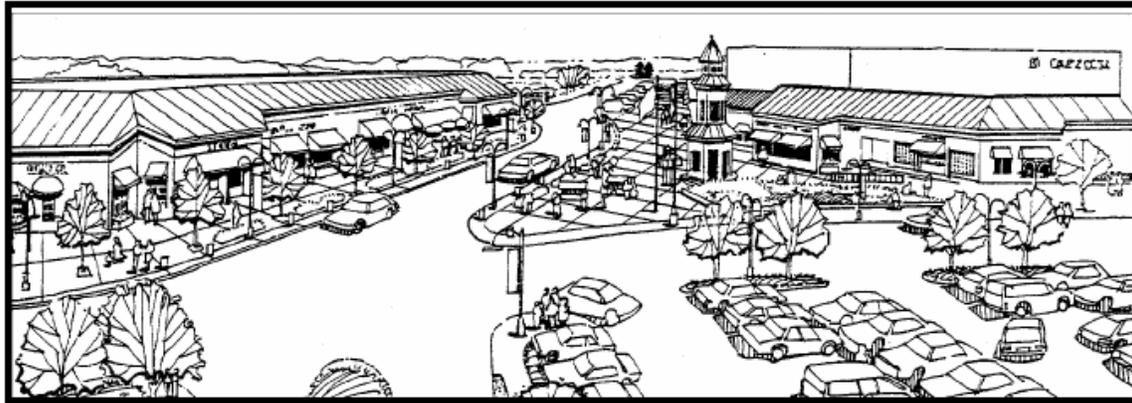
#### 17.58.150 - Central Features and Community Spaces

##### 17.58.151 – Intent:

Buildings should offer attractive and inviting pedestrian scale features, spaces, and amenities. Entrances and parking lots should be configured to be functional and inviting with walkways conveniently tied to logical destinations. Bus stops and drop-off/pick-up points should be considered as integral parts of the configuration. Pedestrian ways should be anchored by special design features such as towers, arcades, porticos, pedestrian light fixtures, bollards, planter walls, and other architectural elements that define circulation ways and outdoor spaces. Examples of outdoor spaces are plazas, patios, courtyards, and window shopping areas. The features and spaces should enhance the building and the center as integral parts of the community fabric.

##### 17.58.152 – Standard:

- A. Each retail establishment subject to these standards shall contribute to the establishment or enhancement of community and public spaces by providing at least two of the following: patio/seating area, pedestrian plaza with benches, transportation center, window shopping walkway, outdoor playground area, kiosk area, water feature, clock tower, or other such deliberately shaped area and/or a focal feature or amenity that, in the judgment of the Planning Commission, adequately enhances such community and public spaces.
- B. All such areas shall have direct access to the public sidewalk network and such features shall not be constructed of materials that are inferior to the principal materials of the building and landscape.



Example of a center with numerous special features and community spaces.

17.58.160 - Delivery/Loading Operations

17.58.161 – Intent:

Delivery and loading operations should not disturb adjoining neighborhoods, or other uses.

17.58.162 – Standard:

- A. No delivery, loading, trash removal or compaction, or other such operations shall be permitted between the hours of 10:00 p.m. and 7:00 a.m. unless the applicant submits evidence that sound barriers between all areas for such operations effectively reduce noise emissions to a level of 60 db, as measured at the lot line of any adjoining property.
- B. Delivery trucks shall not be allowed to remain running in an idle state during loading and unloading activities.

SECTION 2. All ordinances and parts of ordinances in conflict herewith are repealed insofar as such conflict may exist.

SECTION 3. No Mandatory Duty of Care. This ordinance is not intended to and shall not be construed or given effect in a manner which imposes upon the City, or any officer or employee thereof, a mandatory duty of care towards persons or property within the City or outside of the City so as to provide a basis of civil liability for damages, except as otherwise imposed by law.

SECTION 4. Severability. If any provision of this ordinance or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application. To this end, the provisions of this ordinance are severable. The City Council hereby declares that it would have adopted this ordinance irrespective of the invalidity of any particular portion thereof.

SECTION 5. This ordinance shall be published one time in the "Lodi News-Sentinel," a daily newspaper of general circulation printed and published in the City of Lodi and shall take effect thirty days from and after its passage and approval.

Approved this \_\_\_\_ day of \_\_\_\_\_, 2004

\_\_\_\_\_  
LARRY D. HANSEN  
Mayor

Attest:

SUSAN J. BLACKSTON  
City Clerk

=====

State of California  
County of San Joaquin, ss.

I, Susan J. Blackston, City Clerk of the City of Lodi, do hereby certify that Ordinance No. \_\_\_\_ was introduced at a regular meeting of the City Council of the City of Lodi held March 17, 2004, and was thereafter passed, adopted and ordered to print at a regular meeting of said Council held \_\_\_\_\_, 2004, by the following vote:

- AYES: COUNCIL MEMBERS –
- NOES; COUNCIL MEMBERS –
- ABSENT: COUNCIL MEMBERS –
- ABSTAIN: COUNCIL MEMBERS –

I further certify that Ordinance No. \_\_\_\_ was approved and signed by the Mayor on the date of its passage and the same has been published pursuant to law.

SUSAN J. BLACKSTON  
City Clerk

Approved as to Form:

D. STEPHEN SCHWABAUER  
Interim City Attorney

NOTICE OF PUBLIC HEARING  
OFFICE IS HEREBY GIVEN that on  
Wednesday, March 17, 2004 at the hour of  
10 p.m., or as soon thereafter as the mat-  
ter may be heard, the City Council will con-  
duct a Public Hearing at the Carnegie  
Forum, 305 West Pine Street, Lodi, to con-  
sider the following matter:

j) to consider the Planning Commission's  
recommendation of approval to the City  
Council to adopt a Zoning Ordinance  
amendment adding Chapter 17.56 regarding  
Design Standards for Large Retail  
Establishments.

Information regarding this item may be  
obtained in the office of the Community  
Development Department, 221 West Pine  
Street, Lodi, California. All interested per-  
sons are invited to present their views and  
comments on this matter. Written statements  
may be filed with the City Clerk at any time  
prior to the hearing scheduled herein, and  
oral statements may be made at said hear-

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  
Public Hearing.

By Order of the Lodi City Council  
S: SUSAN J. BLACKSTON  
City Clerk

Dated: March 4, 2004

Approved as to form:  
S: D. STEPHEN SCHWABAUER  
Interim City Attorney  
March 5, 2004  
— 6485



*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 THE PLANNING COMMISSION'S  
RECOMMENDATION OF APPROVAL TO THE CITY COUNCIL TO ADOPT A ZONING  
ORDINANCE AMENDMENT ADDING CHAPTER 17.58 REGARDING DESIGN  
STANDARDS FOR LARGE RETAIL ESTABLISHMENTS

**LEGAL AD**

**PUBLISH DATE:** Saturday, March 6, 2004

**TEAR SHEETS WANTED:** Three (3) please

**SEND AFFIDAVIT AND BILL TO:** SUSAN BLACKSTON, CITY CLERK  
City of Lodi  
P.O. Box 3006  
Lodi, CA 95241-1910

**DATED:** THURSDAY, MARCH 4, 2004

**ORDERED BY:**

*Patricia Ochoa*  
\_\_\_\_\_  
PATRICIA OCHOA  
ADMINISTRATIVE CLERK

\_\_\_\_\_  
JACQUELINE L. TAYLOR, CMC  
DEPUTY CITY CLERK

\_\_\_\_\_  
JENNIFER M. PERRIN, CMC  
DEPUTY CITY CLERK

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

*PLEASE FAX OVER PROOF OF BORDERED AD. THANK YOU!!*

Faxed to the Sentinel at 369-1084 at 3:00 (time) on 3/4/04 (date) 2 (pages)  
LNS DMA Phoned to confirm receipt of all pages at 3:15 (time) Jac PO Tricia Jen (initials)



**CITY OF LODI**  
Carnegie Forum  
305 West Pine Street, Lodi

**NOTICE OF PUBLIC HEARING**

Date: March 17, 2004

Time: 7:00 p.m.

For information regarding this notice please contact:

**Susan J. Blackston**  
City Clerk  
Telephone: (209) 333-6702

**EXHIBIT A**

**NOTICE OF PUBLIC HEARING**

NOTICE IS HEREBY GIVEN that on **Wednesday, March 17, 2004** 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 matter:

- a) to consider the Planning Commission's recommendation of approval to the City Council to adopt a Zoning Ordinance Amendment adding Chapter 17.58 regarding Design Standards for Large Retail Establishments

Information regarding this item may be obtained in the office of the Community Development Department, 221 West Pine Street, Lodi, California. All interested persons are invited to present their views and comments on this matter. Written statements may be filed with the City Clerk 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 Public Hearing.

By Order of the Lodi City Council:

Susan J. Blackston  
City Clerk

Dated: March 4, 2004

Approved as to form:

D. Stephen Schwabauer  
Interim City Attorney



## DECLARATION OF POSTING

### **PUBLIC HEARING TO CONSIDER THE PLANNING COMMISSION'S RECOMMENDATION OF APPROVAL TO THE CITY COUNCIL TO ADOPT A ZONING ORDINANCE AMENDMENT ADDING CHAPTER 17.58 REGARDING DESIGN STANDARDS FOR LARGE ESTABLISHMENTS**

On Thursday, March 4, 2004 in the City of Lodi, San Joaquin County, California, a copy of a Notice of Public Hearing to consider the Planning Commission's recommendation of approval to the City Council to adopt a Zoning Ordinance Amendment adding Chapter 17.58 regarding Design Standards for Large Retail Establishments (attached hereto, marked Exhibit "A"), was posted at the following four 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 March 4, 2004, at Lodi, California.

ORDERED BY:

**SUSAN J. BLACKSTON  
CITY CLERK**

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Jacqueline L. Taylor, CMC  
Deputy City Clerk

A handwritten signature in cursive script that reads "Patricia Ochoa".

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Patricia Ochoa  
Administrative Clerk

---

Jennifer M. Perrin, CMC  
Deputy City Clerk



## DECLARATION OF MAILING

### **PUBLIC HEARING TO CONSIDER THE PLANNING COMMISSION'S RECOMMENDATION OF APPROVAL TO THE CITY COUNCIL TO ADOPT A ZONING ORDINANCE AMENDMENT ADDING CHAPTER 17.58 REGARDING DESIGN STANDARDS FOR LARGE RETAIL ESTABLISHMENTS**

On March 4, 2004, 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 Public Hearing to consider the Planning Commission's recommendation of approval to the City Council to adopt a Zoning Ordinance Amendment adding Chapter 17.58 regarding Design Standards for Large Retail Establishments, marked Exhibit "A"; said envelopes were addressed as is more particularly shown on Exhibit "B" attached hereto.

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 March 4, 2004, at Lodi, California.

ORDERED BY:

**SUSAN BLACKSTON  
CITY CLERK, CITY OF LODI**

ORDERED BY:

\_\_\_\_\_  
JACQUELINE L. TAYLOR  
DEPUTY CITY CLERK

\_\_\_\_\_  
JENNIFER M. PERRIN  
DEPUTY CITY CLERK

  
\_\_\_\_\_  
PATRICIA OCHOA  
ADMINISTRATIVE CLERK

Design Standards for Large Retail Establishments.

- 1) John Donovan, 425 W. Walnut Street #4, Lodi, CA 95240

EXHIBIT B

## ITEM G-3

All of the attached communications pertain to the issue of large retail establishments and were received subsequent to Council Members' mail delivery on Tuesday, March 16.

*(Excerpt from City Clerk's procedure for handling Council Communication – related to the definition of "Blue Sheets".)*

### **"Blue Sheets"**

*Communication to the City Council pertaining to an item on the current agenda that was received after the last mail delivery to Council Members, is copied on blue paper with the corresponding agenda item number identified at the top right corner. This communication is placed on the Council dais alongside the agenda for review by Council Members prior to the item discussion. Blue sheets are also distributed to the City Manager, City Attorney, other affected departments, the press table, and are included in the "blue sheet" binder on the public information table in the Carnegie Forum on the day of the meeting.*

**LODI IRON WORKS. INC.**

P.O. BOX 1150

LODI, CALIFORNIA 95241

PHONE (209) 368-5395

FAX (209) 339-1453

March 17, 2004

To the Members of Lodi City Council:

My name is Kevin Van Steenberge; I reside at 1208 Devine Drive, Lodi, CA. I am president of Lodi Iron Works, and on the board of directors of several entities.

I am in favor of the Wal Mart Supercenter coming to Lodi, as my company uses many different suppliers in this community including Wal Mart. I believe if a business wants to expand, we should encourage them especially if this helps increase our tax revenue. Now days, tax revenue has been difficult to generate here in the State of California and funding our city coffers is getting more difficult. I encourage expansion, as this would help existing businesses from getting additional taxes.

I don't think having a Wal Mart Supercenter is going to chase business away from other stores; I believe this will attract more business. Look what happened with Walgreen moving close to Lakewood Drugs. This helps attract additional business for the area.

Wal Mart has been very generous to many local organizations, as I know they donate back to the community. As a board member of the Micke Grove Zoological Society – (fund raising arm for the Zoo), Wal Mart has generously donated to this organization to help our Zoo.

Please consider the positives aspects of this great American company wanting to expand in our community.

Thank you and good luck with you decision.

Regards,  
LODI IRON WORKS, INC

Kevin Van Steenberge  
President

RECEIVED  
2004 MAR 17 PM 1:51  
CITY CLERK  
CITY OF LODI



# LODI IRON WORKS, INC.

PO BOX 1150, LODI, CA 95241-1150  
209-368-5395 FAX 209-339-1453

*Fax Cover Sheet*

*Date: 3-17-04*

*TO: Susan Blackston*

*COMPANY: City Clerk for City of Lodi*

*FAX #: 333-6807*

*FROM: Kevin Van Steenberge - President*

*PHONE #: (209) 368-5395*

*FAX #: (209) 339-1453*

*# OF PAGES INC. THIS PAGE: 2*

*Susan,*

*Please forward the attached letter to each  
council member for tonight's meeting.  
I am unable to attend due to another  
commitment.*

*Regards*

**Jennifer Perrin**

---

**From:** Jennifer Perrin  
**Sent:** Wednesday, March 17, 2004 1:47 PM  
**To:** 'Patricia Wakefield'; Larry Hansen; Beckman@lodi; Emily Howard; Keith Land; Susan Hitchcock  
**Cc:** Dixon Flynn; Janet Keeter; Steve Schwabauer; Susan Blackston; Rad Bartlam  
**Subject:** RE: Big box stores

Dear Pat and Bud Wakefield:

This reply is to confirm that your message was received by the City Clerk's Office and each member of the City Council. In addition, by copy of this e-mail, we have forwarded your message to the following departments for information, referral, or handling: 1) City Manager, 2) City Attorney, and 3) Community Development.

Thank you for expressing your views.

/s/ Jennifer M. Perrin, Deputy City Clerk

-----Original Message-----

**From:** Patricia Wakefield [mailto:mgisela@inreach.com]  
**Sent:** Wednesday, March 17, 2004 1:41 PM  
**To:** Larry Hansen; Beckman@lodi; Emily Howard; Keith Land; Susan Hitchcock  
**Subject:** Big box stores

It makes *no sense* to approve another Wal-Mart (including grocery). 3 large grocery stores at this intersection? This is planned obsolescence leading to area blight. It is your responsibility to logically improve this area--not destroy it.

With your approval the present ugly Wal-Mart will be empty. Who would want that building who would be an asset to our community--no one. Then Safeway or Food-4-Less would go out--more empty stores. In this economy how long would it take to fill these stores?

About the ugly big boxes. Again, it is your responsibility to improve our community. Now is the time to set *upgraded standards* (many communities already have) for our city. Let's make this the beautiful and inviting city that we all have taken pride in in the past. Look at downtown Walnut Creek, etc.

As for this SW corner development. We need to save this area for an upscale department store that will not compete with Penney's and Marshall's leading to more empty stores.

Please do the right thing for our city. Let us see some real planning for our future!

Thank you.

Pat and Bud Wakefield  
249 Charles St.  
Lodi, 95240

**Jennifer Perrin**

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**From:** Jennifer Perrin  
**Sent:** Wednesday, March 17, 2004 1:50 PM  
**To:** 'Ginny'; Larry Hansen  
**Cc:** John Beckman; Emily Howard; Keith Land; Susan Hitchcock; Dixon Flynn; Janet Keeter; Steve Schwabauer; Susan Blackston; Rad Bartlam  
**Subject:** RE: Big Retail Development - YES!

Dear Don and Ginny Perry:

This reply is to confirm that your message was received by the City Clerk's Office and each member of the City Council. In addition, by copy of this e-mail, we have forwarded your message to the following departments for information, referral, or handling: 1) City Manager, 2) City Attorney, and 3) Community Development.

Thank you for expressing your views.

/s/ Jennifer M. Perrin, Deputy City Clerk

-----Original Message-----

**From:** Ginny [mailto:[ginnylue@comcast.net](mailto:ginnylue@comcast.net)]  
**Sent:** Wednesday, March 17, 2004 1:41 PM  
**To:** Larry Hansen  
**Cc:** John Beckman; Emily Howard; Keith Land; Susan Hitchcock  
**Subject:** Big Retail Development - YES!

Dear Mayor Hansen and Council Members,

We **support** Wal-Mart's building a Super Center in Lodi for the following reasons:

1. The City needs the tax base this store will provide.
2. The super center will create new jobs for Lodians.
3. Residents will no longer need to travel outside Lodi for products and services.
4. This store will reduce the amount of gasoline used to shop out of town.

Please don't let the few who speak out loudly against this project, speak for the majority of us in Lodi who want to see this plan proceed!

Thank you,

Don & Ginny Perry  
303 Tioga Drive  
Lodi, CA 95242  
[ginnylue@comcast.net](mailto:ginnylue@comcast.net)

**Jennifer Perrin**

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**From:** Jennifer Perrin  
**Sent:** Wednesday, March 17, 2004 10:39 AM  
**To:** 'carol'; Larry Hansen  
**Cc:** John Beckman; Emily Howard; Keith Land; Susan Hitchcock; Dixon Flynn; Janet Keeter; Steve Schwabauer; Susan Blackston; Rad Bartlam  
**Subject:** RE: Wednesday, March 17th Council Meeting

Dear Carol Cash:

This reply is to confirm that your message was received by the City Clerk's Office and each member of the City Council. In addition, by copy of this e-mail, we have forwarded your message to the following departments for information, referral, or handling: 1) City Manager, 2) City Attorney, and 3) Community Development.

Thank you for expressing your views.

/s/ Jennifer M. Perrin, Deputy City Clerk

-----Original Message-----

**From:** carol [mailto:kettols@lodinet.com]  
**Sent:** Wednesday, March 17, 2004 10:30 AM  
**To:** Larry Hansen  
**Cc:** John Beckman; Emily Howard; Keith Land; Susan Hitchcock  
**Subject:** Wednesday, March 17th Council Meeting



Good Evening or Good Morning. It is my strong desire to see that a Wal\*Mart Supercenter comes to our Town/City of Lodi. Let's face it, we can't go back to the 1950's, 60's, 70's, 80's, 90's so why are some of our Lodians bent on limiting the inevitable? We don't do the same things here any more. The town of Lodi isn't the same, regardless of whether there is a Supercenter here or not. We will never see a newspaper of 3-5 pages again, downtown doesn't close up at 5:00 p.m. any longer and we are growing by leaps and bounds.

I really can not understand why the leaders and some groups in Lodi like to keep things stirred up here. Isn't this a city of free enterprise? Do the owners of other retail shops/stores have the right to vote against free enterprise? How quickly they have forgotten the freedoms that we appreciate when we say the Pledge of Alliance and sing our National Anthem. We all stand in Union and give thanks together for our freedom(s) and that includes Wal\*Mart shoppers and Associates who work there.

We as employees of Wal\*Mart sweat for our daily bread just like the rest of the world. This attack has been ruthless at times and not anywhere near truthful.

The green postcard we received today in the mail must have cost some person(s) quite a bit of money and we found it quite an insult. Too bad the money it cost for that mailing wasn't donated to a family in need. It is written as though it comes from you, the City Council Members.

Why not give Wal\*Mart a chance to provide the City of Lodi additional jobs, a great place to shop and prove all these negative accusers wrong? Money will flow throughout the City when we most need it.

There is much more good in having the Wal\*Mart Supercenter in our town than what you are hearing from the Union Members and the "nay-sayers". This is our plea and our families plea.

Wal\*Mart is proud, not ashamed of what it can do and has done for the customers in offering great prices and convenience.

Question is, do we want to be a poor town, overrun with our youth and other individuals not having anywhere to go except downtown for shopping and entertainment (which really can not accommodate everyone anyway, nor appeals to everyone; Do we want to be satisfied with fewer jobs available, while people move here in town and have to go elsewhere to make a living, and their monies are spent in other towns where attractions and shopping malls are abundant? Shopping should not be limited to downtown, mervyns, target and K-Mart. Why is it that Wal\*Mart is not allowed to grow? Downtown can be rennovated, other stores can relocate and grow, but Wal\*Mart is a so-called "Giant" and is given resistance for doing so well in accommodating the needs of the customers. It is the number one retailer, due to what it has offered the communities over the years; Supercenters are doing well in many other states and exists, along side of and across the street with many other retailers. Their intent is not to put anyone out of business, but rather give the consumer their choice of shopping and to be competitive and stay competitive, not to be the only place to shop.as is the claim. Business owners need to get creative and provide other things in order to compete; What is wrong with that? Lakewood Mall Pharmacist said 40 years in the business and they are still growing strong. No one is putting them out of business. We need this Supercenter to satisfy the needs of the community. Please put this matter of resistance to rest and let the Supercenter come to town. Thank you. Carol Cash

**Jennifer Perrin**

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**From:** Susan Blackston  
**Sent:** Wednesday, March 17, 2004 8:32 AM  
**To:** 'W Maxwell'  
**Cc:** City Council; Dixon Flynn; Rad Bartlam; Steve Schwabauer  
**Subject:** RE: big box stores

Dear William Maxwell:

This reply is to confirm that your message was received by the City Clerk's Office and each member of the City Council. In addition, by copy of this e-mail, we have forwarded your message to the following departments for information, referral, or handling: 1) City Manager, 2) City Attorney, and 3) Community Development.

Thank you for expressing your views.

/s/ Susan J. Blackston, City Clerk

-----Original Message-----

**From:** W Maxwell [mailto:bmaxwell3@comcast.net]  
**Sent:** Thursday, March 18, 2004 8:40 AM  
**To:** Susan Blackston; Susan Hitchcock; Emily Howard; Keith Land; John Beckman; Larry Hansen  
**Subject:** big box stores

Dear Council Members:

As a second generation property owner in Lodi I have great hopes for downtown. But every new development on the outskirts drives another nail in the coffin of downtown and makes Lodi less of a "community". We have seen it repeated countless times.

Konradt Bartlam claims that to restrict Wal-Mart's expansion into Lodi at this point would not be "constant". So after all the orchards and vineyards are paved over, at least you'll be able to say you were "fair".

The time to draw the line in the sand is now. Numerous studies have shown the long term detrimental effects of these box stores far out weigh the short term tax gain.

I would like to develop my property in downtown Lodi, but due to its small size and code restrictions my options are limited. I am hoping property values in downtown Lodi increase to the point where I can attract an investor. As long as the city continues to allow unlimited sprawl on the edges of the city, downtown will never live up to its potential.

William Maxwell  
Maxwell Properties

**Jennifer Perrin**

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**From:** Campion [campion@inreach.com]

**Sent:** Tuesday, March 16, 2004 9:26 PM

**To:** Larry Hansen; John Beckman; Emily Howard; Keith Land; Susan Hitchcock

**Subject:** Big Boxes

Dear Council Member:

As a Lodi Citizen, I am all in favor of a Lowe's and can't wait for it; however, am *not* in favor of a larger Walmart or Costco-type.

Sincerely,

Tamara Clauson Campion

421 Applewood Dr.

Lodi, CA 95242

209/369-3525

**Jennifer Perrin**

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**From:** carolyn hayes [carolynsblues@hotmail.com]  
**Sent:** Wednesday, March 17, 2004 12:49 AM  
**To:** Larry Hansen; John Beckman; Emily Howard; Keith Land; Susan Hitchcock  
**Cc:** carolynsblues  
**Subject:** WALMART

As far as I see it, limiting big-box (ie:WalMart) in Lodi will only serve to drive our own citizens to shop in other towns instead of keeping their revenue here. If they prefer to shop at the larger stores (as I do), then they will drive "all the way" to I-5 and Eight Mile Rd to shop in THEIR nice new superstore (as I will)!

Go ahead and put in all the superstores you want to..and allow the CITIZENS to decide where they want to spend THEIR \$\$..meanwhile Lodi can use the badly needed revenue and jobs to continue to boost ITS economy to keep up with the staggering demands placed upon it by the rapid growth we're experiencing.

*We are no longer a nice "little" town, and need to start thinking about expanding our options for people HERE in town..too many of our citizens drive to the bigger stores and malls to spend their \$\$..its time we gave them those same choices (and created THOSE jobs for OUR citizens) here in our own town. With the growth the way it is, and the rise in crime, etc that we're dealing with; we'd better figure out how to keep as much of OUR revenue HERE as we can.*

Its time to quit the games and the accusations and make them an ACTIVE part of this community (like they claim they want to be). MAKE them build an attractive location AND provide benefits and competitive wages if they truly want to help. GET them involved in community sponsorship programs, scholarship programs, upgrading roads due to increased traffic, adequate security, etc. Lets figure out a way to make this work to everyones advantage!

AND NO, I DON'T WORK FOR WALMART!

Carolyn L Hayes  
Lodi, CA

## Jennifer Perrin

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**From:** Jack and Linda e-mail [harkins@inreach.com]  
**Sent:** Tuesday, March 16, 2004 8:43 PM  
**To:** Larry Hansen; John Beckman; Emily Howard; Keith Land; Susan Hitchcock  
**Subject:** Size Limit on Future Retail

Hello to all,

We are concerned citizens that are living in Lodi. We moved to Lodi 13 years ago, which turned out to be on the cutting edge of a changing community. We were drawn to this community for many things, one being it's size and charm. We have family in the Bay Area and when we gave them directions it was, take Hwy 5 to the Hwy 12 exit, drive 7 miles east to the first signal light, Ham Lane. Well we all know that has significantly changed. For the better, we think not.

Why would this community need another "Super, Super, Superstore"! We have enough grocery stores to handle Lodi and the neighboring area. We certainly do NOT need this proposed Wal-Mart Superstore. Wal-Mart also pays below average wages, minimal benefits. Is this the type of business you would be proud of. Because of this, sure they can keep the prices down. We believe that the focus should be on the current retail owners. Take the current location of Wal-Mart, within a 3 mile radius we already have: Safeway, Raley's, Apple Market, Salisbury Market, Albertson's, S-Mart, Food 4 Less and various smaller food stores, plus various retail stores.

What happened to focusing on Downtown and the current businesses in Lodi? We were talking about this very issue last Sunday when we had been shopping at Target. Take a look at that intersection, Lower Sacramento and Kettleman and seriously think about the traffic congestion. We currently live off Ham Ln on Sylvia Dr. Now with the increased homes on Harney Ln, the proposed bottleneck that you all seem to be considering, Lodi will become LANDLOCKED. Not a pretty sight in case of an emergency or even worse, HOLIDAY SHOPPING!

Lodi has already lost so much. One of the other apparent "false statements" that had first been explained to us as new members of this community was there will always be a green belt between Lodi and Stockton and Lodi and Highway 5. HAHAAHAHA, well that certainly is not true. This is some of the best agricultural land in the Country, how to you propose feeding the future generations.

Time to think about the tax base if we start losing the businesses faster than we already have experienced. It is time you start listening to the folks that you are supposed to represent....

Not as Proud of Lodi as we were 13 years ago,  
Jack and Linda Harkins  
819 Sylvia Dr  
Lodi

**Jennifer Perrin**

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**From:** jpjohnson@sjcoe.net  
**Sent:** Wednesday, March 17, 2004 6:18 AM  
**To:** Larry Hansen; John Beckman; Emily Howard; Keith Land; Susan Hitchcock  
**Subject:** Anti- Big Boxes

Dear City Council Members,

My wife and I have lived in Lodi for 11 years and love it here. We think this is a great place to raise our daughter, Erin (6) and our son Adam (3). We consider ourselves knowledgeable, concerned, and involved citizens who care about the future of the city.

I confess I am not as familiar with the details of the "beautification" ordinance as I would like to be but I would like to submit my broader concern for your consideration.

**I strongly oppose Walmart in particular and big box retailers in general.**

I think the best prospect for the future of Lodi lies in small family-owned businesses. I realize this approach will make it more difficult to pay the city's bills, but the nonmonetary rewards are immeasurable. I guess I oppose Lodi becoming another mediocre valley town (like Manteca) that looks like all the other mediocre valley towns that have been coopted by these big retailers and corporate franchises.

I consider myself a free-market advocate and I usually oppose government encroachment in this area. But I fear that boycotting these establishments and trying to educate people about the damage they cause to a local economy is not going to be enough.

It is in Lodi's best interest to support locally owned business enterprises by preventing the overwhelmingly powerful competition of national chains.

Thank you for your service.

Joe Johnson  
369-7641

**Jennifer Perrin**

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**From:** Kent & Connie During [DuringtheStay@comcast.net]  
**Sent:** Wednesday, March 17, 2004 6:36 AM  
**To:** John Beckman; Larry Hansen; Susan Hitchcock; Emily Howard; Keith Land  
**Subject:** Keeping agriculture land

Lodi is a uniquely lovely place to live. I've always thought of it as sort of an oasis here in the valley where businesses are squeezing in on us. I work in Sacramento so travel that corridor daily. I see what ugliness has happened at Elk Grove. I see the traffic congestion caused by that city's tremendous growth. I see the big sprawling shopping & I read that more will come. I travel to Stockton and see the large mall that was just built on the west side of Hwy 5, south of 8 Mile Road. I travel to Tracy and truly mourn for those lovely valleys now dotted with cement parking lots and the stores that go with them. Drive further to Pleasanton only to see more. How in the world can we sustain this kind of commercialization? How in the world can we afford to lose this amount of agricultural land? What does this say about us as a culture -- that we have to have these businesses so close together?

Please don't make Lodi ugly like Elk Grove! Please don't allow the huge, huge stores to come in. You've worked so hard to make the downtown so nice again. Thank you! But have you taken a look at what Kettleman Lane looks like? I don't want that entire street to eventually look like the block between Church and Hutchins cuz it's not much to be proud of.

Please don't get side swiped by the tax base that these stores will offer; we don't want a quick fix only to be left with a dead, skeletal behemoth.

Connie During  
367-0262  
[DuringtheStay@comcast.net](mailto:DuringtheStay@comcast.net)

**Jennifer Perrin**

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**From:** Luanne Hyde [hyde@inreach.com]  
**Sent:** Tuesday, March 16, 2004 9:55 PM  
**To:** Susan Hitchcock; Larry Hansen; Keith Land; John Beckman; Emily Howard  
**Subject:** "Big Box" stores

Dear City Council Representative:

Bring on the "Big Box" Stores.

When did saving money become a crime? When it threatens the small business owner? Or, when the business is successful and it takes up more space in order to fully serve the ever-increasing needs of its customers? Can't you see that protecting a few small businesses by reducing the size of a business or its parking lot will only come back to bite us all in the future?

If Lodi keeps fighting the growth of businesses that can better serve the people here, the people will just drive to Stockton, Elk Grove or Modesto; taking with them their business and a great deal of Lodi's possible tax revenue.

Yes, small businesses can and will suffer; especially if they don't come up with some new approach to ward off the drain on their income. But, isn't that what capitalism is all about? The man, or woman, who builds a better mouse trap - creates the successful business that brings home a larger slab of bacon.

It's time the small merchants in Lodi stop complaining about what is happening to them, every time they feel threatened by a new business, and begin gearing their business to the NEEDS of their local and potential out-of-town customers.

If customers want things that are cheaper, change to items that can be sold at a cheaper price. If the customers want service give them the service they won't find in a big box store. If they want live music played while they enjoy a cup of coffee or a book, give it to them. Be adventurous! Try new things! That's what business is all about.

We must STOP trying to exclude stores that WILL serve the needs of the people. And, whatever you do, please don't allow a large store to come into town but reduce their parking spaces. That move will only make holidays like Easter, Thanksgiving and Christmas a nightmare of traffic jams and a time when angry stressed out drivers get even more angry and stressed.

Please START meeting the needs of people in Lodi. Let us have stores that give us quality and price in one location. Is that so wrong? And, for heaven's sake, don't make us drive around the block 50 times during peak shopping times to find a parking space.

I know that Lodians would like to keep their town small with an air of friendliness and hometown charm but times have and are changing. We can no longer stay as we were in the '50s. Those years are gone! We have to move on. Even if moving on means allowing the larger stores to come into town. There will be another store that will quickly gobble up the old Wal-Mart location. It is a good one and it will not sit idle for long.

In the meantime, the larger stores will provide a tax base for the city and add an attraction to visiting Lodi. Invite them. Don't fight them!

Businesses in Downtown Lodi will survive if they, too, meet the needs of the people. There are some thriving new businesses today that were not here a few years ago. They are here because someone had a dream and used an innovative approach to bring people into their new ventures. At times, they even asked their clientele to pay more for an item than they ever had before. Who would have imagined a few years ago that we would pay three times or more for a cup of coffee just because it was made with an exotic name by a company called "Starbucks?" Impossible? Never!

It's time to tell those who are crying "foul" to stop playing umpire and step up to the plate. Don't blame the proposed arrival of a creative business for your demise. Make your business more creative

and COMPETE!!!

Take Responsibility! Make it happen!

Many others have proven you can beat the "big boys" at their game. You just have to spend more time creating and less time whining and crying "It will kill us if the big box stores come to town!!!" I for one want the big stores in all their glory and with all the products and services they have to offer. The residents of Lodi and the City of Lodi will receive the many bargains and benefits from the store being here.

As our City's representatives, I ask you "Please let it happen." We need stores such as the proposed Wal-Mart Superstore.

I can't tell you how disappointed I was when Home Depot didn't come to Lodi. I was looking forward to buying in Lodi instead of going to Stockton to purchase items from Home Depot. I like their merchandise! If the store I want is not in Lodi, I will shop where there is a store.

My point is, consumers will find the stores that sell the items they want, whether they are in Lodi, Stockton, Modesto, Galt or Elk Grove.

Why not let it be in our town, LODI?

Thank you for reading this and for considering my wishes along with others you have received, when you discuss this matter on Wednesday.

Luanne Hyde  
(209) 931-0263

# BergDavis Public Affairs

RECEIVED

MAR 16 2004

City Clerk  
City of Lodi

# Fax

Date: 3/16/04

To: Lodi City Council members

Company:

Fax Number: 209/333-6807

From: Dan Conway

Pages to Follow: 1

Message:

Please distribute to Council members as soon as possible.

Thank you!

*This facsimile transmission is intended only for the use of the addressee named above and may contain information that is privileged and confidential. Please forward directly to the addressee.*

## Lodi or Stockton?

Does Lodi really need any more ENORMOUS BIG BOXES?

**Traffic**

**Increased Crime**

**Decaying Vacant Buildings**

**Reduced Open Space**

**Lost Farmland**

Do we want to live in beautiful Lodi or be just another Stockton?

Please call or email city council members and let them know that we want a **size-limit** on future retail in Lodi.

Larry Hansen:	333-6800 ext 9280	<a href="mailto:Hansen@lodi.gov">Hansen@lodi.gov</a>
John Beckman:	333-6800 ext 9281	<a href="mailto:Beckman@lodi.gov">Beckman@lodi.gov</a>
Emily Howard:	333-6800 ext 2913	<a href="mailto:howard@lodi.gov">howard@lodi.gov</a>
Keith Land:	333-6800 ext 2938	<a href="mailto:land@lodi.gov">land@lodi.gov</a>
Susan Hitchcock:	333-6800 ext 2969	<a href="mailto:hitchcock@lodi.gov">hitchcock@lodi.gov</a>

**KEEP LODI BEAUTIFUL**

[aBetterLodi@yahoo.com](mailto:aBetterLodi@yahoo.com)

**Jennifer Perrin**

---

**From:** Caroline Lange [cslange@direcway.com]

**Sent:** Tuesday, March 16, 2004 1:40 PM

**To:** Larry Hansen; John Beckman; Emily Howard; Keith Land; Susan Hitchcock

**Subject:** Big Boxes

Dear City Council Members,

My concern is different that other people's relating to the size of retail stores in Lodi, The Wal-Mart super center will be a detriment to retail business in the entire city of Lodi because of the location. The city's planning commission and council need to focus on ways to redevelop commercial retail business in the rest of Lodi and deemphasize the Kettleman Lane - Lower Sacramento Road area. By doing this Lodi will become a more viable, enjoyable place to live and do business.

Sincerely,

Stanton L. Lange

## Jennifer Perrin

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**From:** bebert2@juno.com  
**Sent:** Tuesday, March 16, 2004 11:49 AM  
**To:** Larry Hansen; John Beckman; Emily Howard; Keith Land; Susan Hitchcock  
**Subject:** Future Retail in Lodi

I'm in favor of keeping our small-town atmosphere. If I wanted MORE traffic and pollution and LESS open spaces and farmland I would have stayed in the Bay Area!!!

I'd rather drive to Stockton or Elk Grove, to buy from the big stores if something I need can't be bought in town, than to have them in my own backyard.

Brenda Ebert  
2516 Carriage Dr  
Lodi 95242

## Jennifer Perrin

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**From:** Jean Whitted [bjwhitted@hotmail.com]  
**Sent:** Tuesday, March 16, 2004 11:02 AM  
**To:** Larry Hansen  
**Cc:** Susan Hitchcock; John Beckman; Emily Howard; Keith Land

Opposed to "big box". Approve limit size of retail developments.

Jean Whitted  
1449 Keagle Way  
Lodi, CA 95242

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Get business advice and resources to improve your work life, from bCentral.  
<http://special.msn.com/bcentral/loudclear.armx>

## Jennifer Perrin

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**From:** DAVID PHILLIPS [katmandu@inreach.com]  
**Sent:** Tuesday, March 16, 2004 9:24 AM  
**To:** DAVID PHILLIPS; Larry Hansen; John Beckman; Emily Howard; Keith Land; Susan Hitchcock  
**Subject:** Re: Size limits

this message was sent but I did not sign my name; I apologize.

Corene Phillips (Dave's wife)

----- Original Message -----

**From:** DAVID PHILLIPS  
**To:** [hansen@lodi.gov](mailto:hansen@lodi.gov) ; [beckman@lodi.gov](mailto:beckman@lodi.gov) ; [howard@lodi.gov](mailto:howard@lodi.gov) ; [land@lodi.gov](mailto:land@lodi.gov) ; [hitchcock@lodi.gov](mailto:hitchcock@lodi.gov)  
**Sent:** Tuesday, March 16, 2004 9:02 AM  
**Subject:** Size limits

dear council members,

Since I cannot attend the meeting on wednesday night because I have 2 small children, I wanted to express my concerns regarding big box stores in Lodi. A small town atmosphere and a unique identity are valuable assets that enhance our quality of life, and make us a special place to live. Tourism is starting to thrive, bringing in revenue and positive publicity for our town. Tourists are not going to flock here to see large retail that looks the same as Fresno or Stockton.

We also must maximize our sales tax revenue by attracting business that does not yet exist here, and encourage sales of taxable products. Adding more groceries to the mix will not create jobs or new revenue, and I fear it will create blight in other parts of our city.

Therefore I ask you to please consider size limits on new retail, or at least have a review process for any stores over 75,000 square feet.

If you can't come to a consensus then please put a 1 year moratorium on new large scale retail and let the citizens of Lodi vote on their future.

**Jennifer Perrin**

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**From:** Colleen Smith [csmith@paqinc.com]

**Sent:** Tuesday, March 16, 2004 8:49 AM

**To:** Larry Hansen; John Beckman; Emily Howard; Keith Land; Susan Hitchcock

**Subject:** Limit the size of retail developments

I am requesting that you vote NO.....Protect the uniqueness of Lodi... LIMIT THE SIZE OF RETAIL DEVELOPMENTS!

Thanks  
Colleen Smith

**Jennifer Perrin**

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**From:** Bryan Meier [fivem1990@sbcglobal.net]

**Sent:** Tuesday, March 16, 2004 8:18 AM

**To:** Larry Hansen; John Beckman; Emily Howard; Keith Land; Susan Hitchcock

**Subject:** size limit

Please put a size limit on future retail stores. A super Wal Mart store in not really needed in Lodi.  
Lets keep Lodi beautiful.

Thank you,  
Bryan Meier

**Jennifer Perrin**

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**From:** Bruce S Albers [meatman@lodinet.com]

**Sent:** Tuesday, March 16, 2004 7:09 AM

**To:** Larry Hansen; John Beckman; Emily Howard; Keith Land; Susan Hitchcock

**Subject:** Walmart

I have lived in Lodi all my life and have worked for a small business here for 33 years !!My boss pays \$700 a month for my health insurance for my family walmart dont pay for there workers and what they offer makeing \$8.00 and hour they cant afford it .If they would take 1% of their profit each year they could take care of their workers ,my insurance and yours would be alot less money !! By letting them bulid a big store you will be hurting alot of people in this town !! Please limit the size of the stores so I can keep my job and take care of my family .Thanks Bruce Albers

**Jennifer Perrin**

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**From:** carol [kettols@lodinet.com]  
**Sent:** Monday, March 15, 2004 9:45 PM  
**To:** Larry Hansen  
**Cc:** John Beckman; Emily Howard; Keith Land; Susan Hitchcock  
**Subject:** Wednesday, March 17th Council Meeting



Good Evening or Good Morning. It is my strong desire to see that a Wal\*Mart Supercenter comes to our Town/City of Lodi. Let's face it, we can't go back to the 1950's, 60's, 70's, 80's, 90's so why are some of our Lodians bent on limiting the inevitable? We don't do the same things here any more. The town of Lodi isn't the same, regardless of whether there is a Supercenter here or not. We will never see a newspaper of 3-5 pages again, downtown doesn't close up at 5:00 p.m. any longer and we are growing by leaps and bounds.

I really can not understand why the leaders and some groups in Lodi like to keep things stirred up here. Isn't this a city of free enterprise? Do the owners of other retail shops/stores have the right to vote against free enterprise? How quickly they have forgotten the freedoms that we appreciate when we say the Pledge of Alliance and sing our National Anthem. We all stand in Union and give thanks together for our freedom(s) and that includes Wal\*Mart shoppers and Associates who work there.

We as employees of Wal\*Mart sweat for our daily bread just like the rest of the world. This attack has been ruthless at times and not anywhere near truthful.

The green postcard we received today in the mail must have cost some person(s) quite a bit of money and we found it quite an insult. Too bad the money it cost for that mailing wasn't donated to a family in need. It is written as though it comes from you, the City Council Members.

Why not give Wal\*Mart a chance to provide the City of Lodi additional jobs, a great place to shop and prove all these negative accusers wrong? Money will flow throughout the City when we most need it.

There is much more good in having the Wal\*Mart Supercenter in our town than what you are hearing from the Union Members and the "nay-sayers". This is our plea and our families plea.

Wal\*Mart is proud, not ashamed of what it can do and has done for the customers in offering great prices and convenience.

Question is, do we want to be a poor town, overrun with our youth and other individuals not having anywhere to go except downtown for shopping and entertainment (which really can not accommodate everyone anyway, nor appeals to everyone; Do we want to be satisfied with fewer jobs available, while people move here in town and have to go elsewhere to make a living, and their monies are spent in other towns where attractions and shopping malls are abundant? Shopping should not be limited to downtown, mervyns, target and K-Mart. Why is it that Wal\*Mart is not allowed to grow? Downtown can be rennovated, other stores can relocate and grow, but Wal\*Mart is a so-called "Giant" and is given resistance for doing so well in accommodating the needs of the customers. It is the number one retailer, due to what it has offered the communities over the years; Supercenters are doing well in many other states and exists, along side of and across the street with many other retailers. Their intent is not to put anyone out of business, but rather give the consumer their choice of shopping and to be competitive and stay competitive, not to be the only place to shop.as is the claim.

Business owners need to get creative and provide other things in order to compete; What is wrong with that? Lakewood Mall Pharmacist said 40 years in the business and they are still growing strong. No one is putting them out of business. We need this Supercenter to satisfy the needs of the community. Please put this matter of resistance to rest and let the Supercenter come to town.

Thank you. Carol Cash

**Jennifer Perrin**

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**From:** Hellwig [hellwig@lodinnet.com]

**Sent:** Monday, March 15, 2004 7:05 PM

**To:** Larry Hansen; John Beckman; Emily Howard; Keith Land; Susan Hitchcock

**Subject:** Super-sized Walmart?

Dear City Council Members,

Haven't you heard? Super-sizing creates obesity! We don't need this. We have a lot of great small businesses in Lodi. I personally work for one of them. I don't even shop at Walmart because it's too big and impersonal. Have you tried getting any customer service help at one of these stores? I would like to see a size limit on future retail in Lodi. Being a small town was the appeal that brought me here. I'll gladly move if Lodi develops an "obesity" problem.

Regards,

Sherri Hellwig

## Jennifer Perrin

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**From:** Marcia Savage [ms1599@comcast.net]  
**Sent:** Monday, March 15, 2004 8:33 PM  
**To:** Larry Hansen; John Beckman; Emily Howard; Keith Land; Susan Hitchcock  
**Subject:** Wal-Mart

Dear Mayor and Council Members:

I urge you to read the article below from the Center for American Progress. A Wal-Mart Supercenter will have a profound effect on Lodi and its existing businesses. Big is not always better. Thank you for your time and tremendous effort in dealing with this controversy.

Marcia Savage  
316 E. Elm St.  
Lodi 339-1599

### WAL-MART

#### Looking to Dominate

Across the country, communities are girding for battle against Wal-Mart domination as the company moves to add 220 new U.S. supercenters this year alone. According to Purdue University consumer sciences Professor Richard Fineberg, "[Wal-Mart's] plan is to dominate. They want to dominate the market. They want every consumer dollar spent to be spent in Wal-Mart." But Americans are fighting back. For example, the San Francisco Chronicle reports, citizens in the city of Gilroy, California, are standing up against the building of a new Wal-Mart Supercenter, citing concerns over the impact on wages and land use. A "coalition of small businesses, environmentalists, grocery store workers and residents" is urging the City Council slow the project down. Recently, communities across California were ripped apart when "70,000 grocery workers went on strike" after local grocery stores tried to slash wages and benefits to stay competitive with Wal-Mart. And now citizens in Michigan, Indiana, New York, Washington and Kansas are also fighting back.

**WELFARE WAGES:** Wal-Mart is able to keep prices so low due to the rock-bottom wages it pays its non-unionized workers, coupled with a lack of proper benefits. And it's the American taxpayer who is stuck picking up the slack. The average supercenter worker makes \$8.23 an hour. At that low wage, according to a new report put together by Rep. George Miller (D-CA), the average Wal-Mart store would leave taxpayers in a community stuck picking up about \$420,750 per year, including in part about "\$36,000 a year for free and reduced lunches" for the kids of Wal-Mart families; "\$108,000 a year for children's health insurance costs; \$42,000 a year for Section 8 housing assistance; and \$125,000 a year for federal tax credits and deductions for low-income families." As an example of the size of the problem, look to Georgia, where "Wal-Mart had more employees depending on state health-insurance assistance than any other major employer in the state." In California, a study showed that in 2002, Wal-Mart workers relied on 50% more taxpayer-funded health care per employee than those at other large retail stores, with taxpayers subsidizing more than \$20 million worth of medical care.

**KILLING THE COMPETITION:** When Wal-Mart comes to town, it drives smaller stores out of business. The new Wal-Mart Superstores, which carry groceries as well as retail items, have begun to take over the grocery market, causing stores to either slash wages and benefits in an attempt to compete or to close altogether. And, in many cases, the death of a grocery store leads to many other stores going under. For example, in many towns, the local grocery store serves to anchor small strip-mall developments. "If the anchor stores fail, the entire mall tends to follow suit," leaving Wal-Mart to dominate in sales.

**THE WAL-MART EVICTION:** At an average of 200,000 square feet, the typical Wal-Mart Supercenter is the size of 100 three-bedroom homes. As a result, the stores displace existing homes and entire neighborhoods. Families who want to keep their homes "have few options against a corporation that plans to spend an estimated \$12 billion this year on construction and renovation." **MADE IN...CHINA?:** Sam Walton's biography was titled "Made in America." These days, "Made in China" would be a more accurate name. Far from the all-American image the corporation likes to portray, Wal-Mart's "imports from China have grown so large - \$13 billion - that Wal-Mart is putting American factories out of business." "This is no longer a U.S. flagwaving company," Sen. Richard Durbin (D-IL) said. "This is a company which sells Chinese goods because they are cheap, because they [the Chinese] manipulate currency to the disadvantage of American producers." In an unusual move this week, Wal-Mart, the world's largest retailer, actually "held its annual board meeting in China...with top managers taking a closer look at a

market whose potential they think could rival the United States." CONGRESSIONAL  
OPPOSITION: The opposition to Wal-Mart stretches all the way to Capitol Hill. "Rep. Sherrod Brown, an Ohio Democrat, vows that he will never shop at a Wal-Mart. Rep. Bernie Sanders, an independent from Vermont, said he could 'go on for a few hours' about why he doesn't like Wal-Mart. And Rep. George Miller of California, the ranking Democrat on the House Committee on Education and the Workforce, vows that if his party ever regains control of Congress, 'you bet there will be hearings on Wal-Mart.'" In fact, Miller recently released a report on the devastation left in Wal-Mart's wake, titled "Everyday Low Wages: The Hidden Price We All Pay for Wal-Mart." It outlines the ways "Wal-Mart's wages and benefits are so low that it forces workers to turn to public assistance to make ends meet, and thereby forces costs onto taxpayers both nationwide and locally." WAL-MART BUYS INFLUENCE: In order to shore up federal support, however, Wal-Mart is using its deep pockets. According to a study by the non-partisan Center for Responsive Politics, Wal-Mart is now the second highest contributor to the 2004 elections, having already contributed more than \$1 million to federal candidates. Last year, Wal-Mart didn't even rank in the top 100. "Wal-Mart's rise is significant because of the impact it might have on congressional debates about health care, labor and other hot-button regulatory issues," says Larry Noble, the Center's executive director. "They're clearly making a move," he says.

**Jennifer Perrin**

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**From:** mary miller [valley\_embroidery@sbcglobal.net]  
**Sent:** Monday, March 15, 2004 10:04 PM  
**To:** Larry Hansen  
**Cc:** John Beckman; Emily Howard; Keith Land; Susan Hitchcock  
**Subject:** No Big Boxes

Hello, My name is Lindsey Miller, I am 15 years old and have been living in Lodi for 15 years, and have always enjoyed it. I am against Big Boxes in Lodi, like many other Lodians. Lodi is a very special city. We have many things that other cities and towns do not have these days such as Lodi Lake, open space, many parks and churches, and the beautiful downtown. All of these things add to the character of this lovely town.

We already have a Wal-Mart, KMart, Target, and soon-to-be Lowe's. We don't need anymore Big Boxes. If we continue building these stores we will put out the small businesses in town. These stores offer low-wage jobs, and in the long run don't do a lot to contribute to the success of the community. Only to the success of their own store.

Big Box stores will turn our community into every other city in the area. They will bring more people, more traffic, more pollution and it will decrease the community aspect that we have here. The Kettleman part of Lodi is already busy enough, we don't need to add more to it by building a SUPER Wal-Mart. There are already two grocery stores across the street from the opposed site of the SUPER Wal-Mart, and another one down the street (Raley's), why do we need another one inside of a wal-Mart?

If anything, my personal opinion is to build onto the already existing Wal-Mart. There is plenty of unused parking lot. I say, build onto the current site or leave it how it is. Also, what would the HUGE empty Wal-Mart be if they built a new one across the street?

Bottom Line, we DON'T need it! Lodi is the kind of city that doesn't need flashy chain stores, or popular-at-the-time discount stores to attract people and we Lodians know that. The reason we're doing this is because we love this town the way it is.

**Jennifer Perrin**

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**From:** Terry [TCope@softcom.net]

**Sent:** Monday, March 15, 2004 6:07 PM

**To:** Larry Hansen

**Cc:** John Beckman; Emily Howard; Keith Land; Susan Hitchcock

Put me down as a vote **AGAINST** the big box stores

Way too many added cars on our roads and intersections- including the worsening of air quality  
Smaller, local businesses put out of business and the resulting empty buildings

I have a large concern for our city and quality of life we moved here for.

Let's have quality, not quantity.

Terry Cope

## Jennifer Perrin

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**From:** Ken Kramlich [kenneth@wgcnet.com]  
**Sent:** Monday, March 15, 2004 4:49 PM  
**To:** John Beckman; Keith Land; Larry Hansen; Susan Hitchcock; Emily Howard  
**Subject:** Wal-Mart

I urge you to approve the construction of the new Super center Wal-Mart. It seem every time something new comes to town there people that predict nothing but gloom and doom. We had people complain when Rallies and Food-4-less came to town. All the grocery stores would go broke, now we here the same thing again. So I urge you to approve this development Lodi needs to grow with the times. They help the community in many ways. They have given grants to the Veterans and other organizations. Thank-you.

Ken & Darlene Kramlich

1233 Glenhurst Dr

Lodi, Ca. 95240

G-03

**Jennifer Perrin**

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**From:** Jennifer Perrin  
**Sent:** Wednesday, March 17, 2004 4:51 PM  
**To:** 'Hayley Hummel'; Larry Hansen; John Beckman; Emily Howard; Keith Land; Susan Hitchcock  
**Cc:** Dixon Flynn; Janet Keeter; Steve Schwabauer; Susan Blackston; Rad Bartlam  
**Subject:** RE: size limit on future retail in Lodi

Dear Hayley Jackson:

This reply is to confirm that your message was received by the City Clerk's Office and each member of the City Council. In addition, by copy of this e-mail, we have forwarded your message to the following departments for information, referral, or handling: 1) City Manager, 2) City Attorney, and 3) Community Development.

Thank you for expressing your views.

/s/ Jennifer M. Perrin, Deputy City Clerk

-----Original Message-----

**From:** Hayley Hummel [mailto:JackHumm@msn.com]  
**Sent:** Wednesday, March 17, 2004 4:42 PM  
**To:** Larry Hansen; John Beckman; Emily Howard; Keith Land; Susan Hitchcock  
**Subject:** size limit on future retail in Lodi

To whom it may concern:

I am currently employed by Albertsons where we are protected by the local 588 Union. This is something I am very prideful in having on my side. With the increase in Big box stores this may wreck what I have been working for these past 7 years!!! Please put a size limit on any new department stores coming to Lodi. We really are doing fine just the way we are... Don't you agree. Thank you for your time, and any questions regarding give me a call at 339-9395.

Sincerely,  
Hayley Jackson  
a proud Lodi Citizen.

*filed 3-17-04*  
*G-3*

**MEMORANDUM**

**TO:** City Clerk  
**FROM:** Judy V. Davidoff  
**DATE:** March 17, 2004  
**RE:** March 17, 2004 City Council Meeting  
Agenda Item G-3 - Design Standards for Large Retail Establishments

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Please include the attached letter as part of the record for the City Council's consideration of Agenda Item G-3 - Design Standards for Large Retail Establishments. This letter was submitted as part of the Planning Commission's consideration of this item.



STEEFEL, LEVITT & WEISS  
A Professional Corporation

February 10, 2004

16982

VIA FACSIMILE AND MAIL

Honorable Chair and Members of the Planning Commission  
City of Lodi  
221 W. Pine Street  
Lodi, CA 95242

Re: Restrictions on Size of Retail Uses in the Proposed Large  
Scale Retail Design Guidelines

Dear Honorable Chair and Members of the Planning Commissioners:

On Wednesday February 11, 2004, the City of Lodi ("City" or "Lodi") Planning Commission will further consider proposed Design Standards for Large Scale Retail Establishments ("Design Standards"). The Planning Commission first considered the Design Standards at its January 28, 2003 meeting, at which time it decided further deliberation was needed and directed the Planning Department to review and, as needed, revise the proposed Design Standards. One of the revisions discussed was to include a size restriction on all future retail projects.

On behalf of our client, Wal-Mart Stores, Inc., we submit this letter to address the serious concerns raised by the proposed size restriction. For the reasons discussed below, we agree with the Community Development Director's recommendation and urge the Planning Commission **not** to include a size restriction on retail developments in the Design Standards.

A restriction on the size of retail uses, either as a ban or by requiring a use permit, is a significant change from Lodi's existing land use policy. Lodi has engaged in an extensive and lengthy planning process to determine the appropriate location for large-scale retail within the community. In particular, Lodi has determined that large-scale retail is an appropriate use in the Four Corners area. Consistent with that prior planning decision, Lodi has already approved a Target and Lowe's in that area. During this planning process, Lodi never considered a ban on, or requiring a conditional use permit for, retail uses over a certain size. In fact, neither the General Plan nor the Zoning Ordinance includes any limitation on the size of retail use. To impose a restriction now on the size of retail uses would be inconsistent with past planning efforts for the Four Corners area.

In addition to being contrary to Lodi's history of planning, the proposed restriction on the size of retail uses raises serious questions that must be considered and addressed before any such restriction is adopted. The City has not conducted, to our knowledge,

any studies or analysis on the impact of such a restriction. Some of the key items the City must consider include the following:

- **Restricting the size of retail uses presents environmental impacts which require review under CEQA;**
- **Restricting retail development will have significant negative economic impacts on the City;**
- **A maximum size restriction for retail buildings is inconsistent with Lodi's extensive planning efforts, especially in the Four Corners area;**
- **Existing large-scale retail stores in Lodi would become non-conforming uses and buildings and could not expand or significantly change;**
- **Amendments to the General Plan and Zoning Ordinance are needed to restrict the size of retail uses in Lodi; and**
- **A ban on certain size uses limits the City's discretion for future development.**

We strongly urge the Planning Commission to reject any proposed size restriction on retail uses. Adopting a "ban" or requiring a conditional use permit on certain retail uses is not the answer and does little more than limit the City's discretion with regard to future uses and negatively impact the economic retail base from Lodi.

However, if the Planning Commission desires to further consider this issue, it must separate this issue from the proposed Design Standards and conduct further study. The size limitation is not related to architectural design issues. The Planning Commission must conduct a complete and thorough analysis of the environmental, planning and economic impacts of the proposed restriction before formally considering its adoption.

A. **Restricting the Size of Retail Uses Requires Review Under CEQA.**

Any restriction on the size of retail uses would require review under CEQA. CEQA applies to discretionary projects approved by public agencies. *See* Public Res. Code sec. 21080(a). Changes to land use policy, including General Plan and Zoning Ordinance amendments, are discretionary actions and deemed "projects" under CEQA. *See id* at 15378(a)(1). They require CEQA review because they have a potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment. *See Bozung v. Local Agency Formation Commission*, 13 Cal.3d 263, 277-279 (1975).

Here, evidence exists to support an assertion that a restriction on retailers of a certain size may cause a significant environmental impact. Past studies have shown that limiting

retail development to smaller users generates more traffic than associated with a single large-scale retail tenant since residents are forced to make several trips for their goods instead of one single trip. Residents also are forced to travel further distances, outside the jurisdiction, to shop at the large-scale retailer, thereby exacerbating traffic and air quality impacts. Accordingly, restricting the size of retail uses may have significant environmental impacts which require full review and analysis under CEQA.

**B. Adopting a Size Restriction on Retail Uses is Inconsistent with Lodi's Planning Efforts, Requires Changes to the General Plan and Zoning Ordinance, and Creates Unintended Planning Impacts.**

Restricting the size of retail uses in Lodi could have several significant impacts on the City and existing large-scale retail users that have not been studied or analyzed. Adopting such a provision without adequately considering all potential ramifications would be a mistake and could violate California law. The City has not prepared any studies or evaluated the impact of banning or requiring a conditional use permit for large-scale retail stores over a certain square footage. Absent this analysis, adopting such a maximum size restriction could be seen as arbitrary, capricious, wholly lacking in evidentiary support and easily subject to legal challenge. In particular, if it can be shown the provision is aimed at a particular project or retailer, it is subject to challenge on equal protection grounds. It is an abuse of discretion for the City to enact legislation that is intended to discriminate. See Friends of Davis v. City of Davis, 83 Cal.App.4<sup>th</sup> 1004, 1013 (2000).

**1. Existing Large-Scale Retail Stores Would Become Non-Conforming Buildings and Could be Forced to Relocate Outside the City.**

Lodi presently has several large-scale retail stores over 100,000 square feet, including, but not limited to, Target, Lowe's (under construction), K-Mart and Wal-Mart. If a maximum size restriction were adopted, either a ban or a conditional use requirement, these stores would become nonconforming buildings under the Lodi Zoning Ordinance, which means their ability to repair, restore or make any additions or alterations to the buildings would be severely limited. The stores also would either be unable to expand or severely restricted from expanding, thereby significantly impairing their ability to conduct business within the City limits. Furthermore, since the Lowe's is not yet constructed, it is unclear how this change in zoning regulation would affect its existing entitlement.

As a result, when the existing large-scale retail stores outgrow their current buildings, seek to update, modernize or expand their operations, they will be forced to locate outside the City limits. The City will then be left with large empty non-conforming buildings that will be difficult, if not impossible to re-tenant. The City also will lose a significant source of tax revenue and is likely to see an increase in sales tax leakage as consumers take their dollars and spend them at retail establishments outside the City.

2. General Plan and Zoning Ordinance Amendments are Needed to Restrict the Size of Retail Uses in Lodi.

The General Plan and Zoning Ordinance dictate development within the City. They are adopted as legislative acts and regulate the size, scale and intensity of development. In fact, the General Plan is essentially the "constitution" of land use identifying the building density and intensity recommended for the various districts. *See* Cal. Gov't Code sec. 65302(a). These density's and intensity's cannot be changed without a formal amendment to the General Plan. *See also* Leshar Communications, Inc. v. City of Walnut Creek, 52 Cal.3d 531, 540-541 (1990).

Imposing a maximum size restriction of retail uses, either by ban or by conditional use permit requirements, would be a restriction on the intensity of land use in the commercial areas of Lodi. It is not, like the changes proposed under the Design Standard, merely a clarification of the general policies included in the General Plan and Zoning Ordinance regarding design, landscaping, parking, etc. It is a change in land use policy that, if adopted, would create inconsistencies with the General Plan and Zoning Ordinance. Accordingly, any such restriction can only be adopted as an amendment to the General Plan and Zoning Ordinance – it cannot be adopted as part of the Design Standards.

3. A Size Restriction on Retail Uses Contradicts Lodi's Over 9 Years of Planning for Large-Scale Retail Projects.

Lodi is a very forward thinking city and began over 9 years ago planning for large-scale retail projects. Lodi undertook a planning process to evaluate the impact of large-scale retail projects and determine where in the City these types of projects should be located. Based on the findings, Lodi determined that large-scale retail projects should be located in the Four Corners area. Consistent with that planning effort, three of the four intersections in the Four Corners area have been developed with large-scale retail projects such as Target, K-Mart, Lowe's and Wal-Mart. Development of the last corner, as proposed by the Browman Development Company, Inc. ("Browman Development"), a long-time Lodi property owner and developer, is consistent with the planning for this area. Any proposed restriction on the size of retail uses would contradict and be inconsistent with the City's long-range planning efforts. Changing the rules this late in the game also is fundamentally unfair to property owners and developers who, in good faith, have been processing applications for large-scale retail with the City over the past several years.

Adopting a maximum size restriction on retail development will severely limit the City's discretion with regard to future development. Size limitations or bans on certain types of development are not good planning tools. They are not flexible and prevent good land use and city planning. Other tools exist besides limitations and bans to address the impacts created by the large-scale retailers. Instead of restricting these uses, the City should consider how to manage and/or minimize their impacts and ensure they contribute, not detract from, the community character of Lodi.

**C. Lodi Has Not Analyzed the Fiscal Impacts of Restricting Large-Retail Users.**

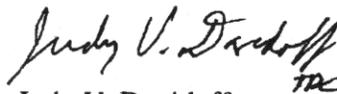
Imposing a maximum size limitation on retail building within Lodi will have significant negative economic impacts on the City that need to be analyzed and considered. Most importantly, the size restriction will prevent large-scale retail users from locating within the City. This, in turn, will likely preclude other smaller retailers from locating in Lodi, since these smaller businesses rely on the traffic generated by the large-scale retailer for a significant amount of their business and can only locate in areas, or shopping centers, with those larger retailers. These retailers are likely to locate just outside of Lodi's jurisdiction in cities and counties where they are permitted and where it is easier to develop. When this occurs, Lodi will lose the significant tax revenue generated by large-scale retailers and the contributions they make to various public works improvements and special projects. Lodi also will likely see a decrease in tax revenue from an increase in retail sales leakage as consumers take their money and spend it on retail outside the City. Lodi is already experiencing significant retail sales leakage to other jurisdictions.

Lodi also should be concerned about losing existing large-scale retailers. If Lodi adopts a maximum size limit for retail buildings or complicated design guidelines, when these large-scale retailers decide to relocate, or need to expand, they will leave Lodi. These relocations and expansions may not occur for several years, but they will occur and by passing a ban or onerous restrictions on development Lodi will essentially be driving them from the City. Accordingly, before adopting a ban or complicated design guidelines, Lodi should carefully consider their economic and fiscal impacts.

\* \* \* \* \*

For the reasons stated above, we strongly urge the Planning Commission to reject any attempt to impose a maximum building size limitation on retail stores.

Sincerely,



Judy V. Davidoff

cc: Konrad Bartlam, Community Development Director  
City Attorney  
Darryl Browman, Browman Development

filed 3-17-04  
G-3

<u>Parking Ratio</u>	<u>Books</u>	<u>Parking Ratio</u>	<u>Furniture Stores</u>
	Barnes & Noble	5	Cost Plus
5	Borders, Inc.		Lamps Plus
5	Tower Books	5	Pier 1 Imports
	<u>Childrens-Learning Centers</u>		Pottery Barn
10	Babies R Us		Restoration Hardware
	Disney Store		William Sonoma
5.5	Kids R Us		Z Gallerie
7.5	Toys R Us		<u>Health Clubs</u>
	<u>Department Stores</u>	5	24 Hour Fitness
	Gottschalks		Bally's Total Fitness
5.7	Kohl's		<u>Home Improvement</u>
	Sears	5.17	Home Depot
	<u>Domestic</u>		<u>Markets</u>
5	Bed Bath & Beyond	5	Albertsons
7.5	Michaels Arts & Crafts	5	Fleming Companies
5	Strouds		Raley's
	<u>Drug Stores</u>	5	Ralphs-Food 4 Less
5	Longs Drug Store	5	Safeway
5.5	Rite Aid	5.4	Trader Joe's
5.5	Walgreens		<u>Pet Store</u>
	<u>Electronics - Appliances</u>		Petco
6	Best Buy	5	PetsMart
5.5	Circuit City		<u>Soft Goods</u>
5	Comp USA	5	Burlington Coat Factory
5	Fry's Electronics		Fashion Bug
5	Good Guys	5	Gap
	<u>Fast Food - Restaurants</u>		Men's Warehouse
20	Applebee's	5	Old Navy
9.33	Chili's	5	Ross Dress for Less
	Claim Jumper		<u>Sporting Goods</u>
15	Del Taco		Copeland's Sports
15	Elephant Bar	5	R.E.I
	Il Fornaio	5	Sportmart/Gart Sports
9	In N Out Burger		<u>Wholesale Clubs</u>
	Jamba Juice	5.25	Costco
	Johnny Carino	5	Sam's Club
10	Johnny Rockets		
	Krispy Kreme Doughnuts		
	Macaroni Grill		
15	Mimi's Café		
18	Olive Garden		
	On the Border		
	Panera		
	PF Changs China Bistro		
13	Pizza Hut		
19	Red Lobster		
	Red Robin		
11	Round Table Pizza		
	Rubio's Baja Grill		
	Starbucks Coffee Company		
18	TGI Fridays		
10	Taco Bell		
	Tony Roma's		



filed 3-17-04  
5-3

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**BROWMAN DEVELOPMENT COMPANY, INC.**  
Development • Leasing • Management

March 17, 2004

**HAND DELIVERED**

Honorable Mayor Larry D. Hansen  
and Members of the City Council  
City of Lodi  
Lodi, California 95241-1910

Dear Honorable Mayor and Members of the City Council:

Re: Existing Concerns - Design Guidelines

Thank you for taking the time out of your schedule to meet with us and review our project and the proposed Design Guidelines. As promised, please find a short memo detailing a few remaining concerns relating to the Design Guidelines for your consideration.

- Big Box Size Limitation: 100,000sf maximum building size (former §17.58.21)
- 50% Parking Maximum in the front (§17.58.112)
- Entrances on two sides for buildings greater than 25,000sf (§17.58.102)
- Flexibility to allow minor modifications/deviations from the Design Guidelines to be reviewed by the Community Development Director for approval or denial.
- Parking stall flexibility with a change of use.

**1. 100,00sf Maximum Building Size**

A Design Criteria should focus on what a building looks like and not to prohibit retailers from coming into a community. A Size limitation is not currently in the Design Guidelines but has been a subject of continued discussion. A limitation of 100,000 square feet if adopted 12 years ago, would prohibit every anchor store operating and under construction at Lower Sacramento Road and Kettleman Lane; Target (116,000 SF), Wal Mart (119,000 SF), Lowes (165,000 SF with garden center). Additionally, this restriction in the future will prohibit Costco (141,000 SF), Macy's (150-300,000 SF), Nordstrom, Bloomingdales (150 -320,000 SF), Ikea Furniture (350,000 SF), Bass Pro Shop, Cabela's Outdoor Equipment and Sporting Goods (225-250,000 SF) from locating within Lodi. Further, a size restriction would send a negative message to both the retail and development community that Lodi is anti-business, leading those retailers to flock to neighboring, perceived more retail friendly cities like Stockton and Elk Grove creating further leakage of sales and business from Lodi.

## **2. 50% Parking Maximum in the front**

Customers visiting a shopping center desire convenient parking as close to the front entrance of a store as possible. The criteria would require a minimum of 50% of the parking within a center to be provided away from the store entrance, in the rear of the building or along the sides making it inconvenient for most customers especially mothers with children and the aged. A more reasonable request is that no more than 75% of the parking be located in the front of the store. Most retail projects in Lodi today and within San Joaquin County provide for the majority of the parking field to be provided near the store entrance. Consistent with Item 1 above, this will hinder Lodi from attracting future quality retailers who are accustomed to providing convenient parking to their customers.

## **3. Multiple Entrances (store entrances required on two sides of a building)**

Multiple entrance requirements are consistent with the super regional malls like Tracy Mall in Tracy. Very few retailers have entrances on two different sides of a building, and all the major retailers at the intersection (Target, Wal Mart, JC Penney, Marshalls, Staples, Big 5, Food 4 Less, Safeway) have their entrance(s) facing their primary parking field. For almost all retailers, including bookstores, electronics stores, etc., it will create costly and inefficient additional security and operational issues and most likely make the retailer pass on Lodi as this requirement significantly deviates from their standard store layouts which they are comfortable with.

## **4. Provide a mechanism in the Design Guidelines to allow the Planning Director the flexibility to approve minor modification requests to the Design Guidelines rather than the California Variance process.**

The Fort Collins Design Criteria (the model for the Lodi Criteria) provides the Planning Director the right to allow alternative Design Solution if (1) Strict application results in undo hardship or (2) If the alternative meets or exceeds design objectives equally well or better then would compliance.

The Lodi Criteria includes a variance process. In California the variance process is very difficult to achieve and would hinder alternative design solutions which could meet or exceed the Criteria's objectives but are not fully set forth in the Design Criteria. The Design Guidelines are planning related items and the Planning Director should have the ability to allow minor modifications to the guidelines when he determines that a hardship case or that the alternatives proposed design meets or exceeds the spirit of the Design Criteria after considering the unique aspects of the particular property. The Planning Director's determination on a guideline if not agreed to by the applicant or the public could be appealed to the Planning Commission or City Council.

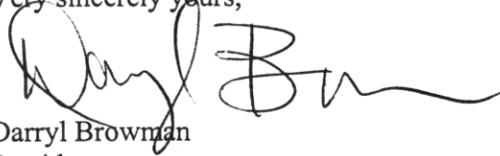
## **5. Create Parking standard flexibility for outparcel buildings or when there is a change of use in an outparcel building.**

Under the Guidelines retail space is allowed a maximum of 5 stalls per 1,000 square feet of building and restaurant space is allowed up to 15 stalls per 1,000 square feet of building. Retail and restaurant business leases are typically short term in length and turn over every 3, 5 or 7

Honorable Mayor Larry D. Hansen  
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Page 3

years. If a restaurant tenant leaves a building, a provision needs to be inserted allowing an owner the flexibility to replace that tenant with any tenant including a bank, or other retail user, without the requirement to eliminate the parking intended for the previous restaurant tenant. Under the guidelines, if a retail tenant had interest in the former restaurant space, the retail tenant could not occupy the space or the previous additional restaurant parking (eg in excess of 5 per 1,000 sq. ft.) would need to be eliminated creating a large economic burden. Further that same space now intended for a retail tenant could revert back to a restaurant tenant in the future causing an additional economic hardship with the need to re-construct the parking field to accommodate the potential future restaurant tenant. Additionally, outparcel multi-tenant buildings are rarely pre-leased 100% before construction and an owner needs the flexibility under the guidelines to provide adequate parking for future tenant uses including both restaurant and retail uses. I would suggest in those cases unleased outparcel spaces be allowed to build 10 stalls per 1,000 square feet space to provide restaurant flexibility in the future.

Very sincerely yours,

A handwritten signature in black ink, appearing to read "Darryl Brownman", written in a cursive style.

Darryl Brownman  
President



filed 3-17-04  
G-3

March 17, 2004

TO: Mayor Hansen & City Council,  
Planning Commission & City Planning Department  
FR: Pat Patrick, President / CEO Lodi Chamber  
On Behalf of the Government Relations Committee  
& The Chamber Board of Directors  
RE: Design Standards for Large Retail Establishments  
Chapter 17.58

For several months, volunteer leadership and local business leaders of the Lodi Chamber have been weighing the issue of revised design standards for large retail establishments. Developers, small business owners and various community members, have been heard. At our last meeting Mr. Bartlam was on hand for input and questions.

The Chamber advocates for business rights to enter into commerce and earn a profit. A "business-friendly environment" is an integral component to this formula. At the same time we want to defend the economic health and aesthetic quality of Lodi.

Therefore, the Chamber Board of Directors and The Government Relations Committee both unanimously support the design standards as submitted to you by the Planning Commission. We feel these standards will provide adequate safeguards to protect aesthetics without unduly burdening business.

Further, these standards, in the Chamber's opinion, negate the need for a square foot limitation. Each new building project should be evaluated on its own merits, value and scale through the process in place.

Respectfully,

Pat Patrick,  
President / CEO