

<p>CARNEGIE FORUM 305 WEST PINE STREET LODI, CALIFORNIA</p>	<p>AGENDA LODI PLANNING COMMISSION</p>	<p>REGULAR SESSION WEDNESDAY, JUNE 24, 2015 @ 7:00 PM</p>
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For information regarding this agenda please contact:

Kari Chadwick @ (209) 333-6711
Community Development Secretary

NOTE: All staff reports or other written documentation relating to each item of business referred to on the agenda are on file in the Office of the Community Development Department, located at 221 W. Pine Street, Lodi, and are available for public inspection. If requested, the agenda shall be made available in appropriate alternative formats to persons with a disability, as required by Section 202 of the Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12132), and the federal rules and regulations adopted in implementation thereof. To make a request for disability-related modification or accommodation contact the Community Development Department as soon as possible and at least 24 hours prior to the meeting date.

1. ROLL CALL
2. MINUTES – None
3. PUBLIC HEARINGS
 - a. Request for Planning Commission approval of a Tentative Subdivision Map to divide one parcel into six lots at 360 North Loma Drive. (Applicant: Lenzi Lantz Development; File 2015-13 S; CEQA Determination: Categorical Exemption Pursuant to CEQA Guidelines Section 15315)
 - b. Request for Planning Commission approval of a Use Permit to allow a Type-2 wine tasting room for Scotto Family Cellars at 14 S School Street. (Applicant: Scotto Family Cellars; File 2015-19 U; CEQA Determination: Exempt per Section 15321)
 - c. Request for Planning Commission review of Use Permit 11-U-21 for compliance with conditions of approval at 117 N. Sacramento Street. (Applicant: Rodney Paiste – Vintage Sports Grill; File 2015-16 U; CEQA Determination: Exempt per Section 15321)

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

4. PLANNING MATTERS/FOLLOW-UP ITEMS
 - a. Downtown Vision and Direction
5. ANNOUNCEMENTS AND CORRESPONDENCE
6. ACTIONS OF THE CITY COUNCIL
7. ACTIONS OF THE SITE PLAN AND ARCHITECTURAL REVIEW COMMITTEE
8. ART IN PUBLIC PLACES
9. COMMENTS BY THE PUBLIC (NON-AGENDA ITEMS)
10. COMMENTS BY THE PLANNING COMMISSIONERS & STAFF (NON-AGENDA ITEMS)
11. ADJOURNMENT

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

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

Right to Appeal:

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

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

Item 3a



**CITY OF LODI
PLANNING COMMISSION
Staff Report**

MEETING DATE: June 24, 2015

APPLICATION NO: Subdivision Map: 2015-13 S

REQUEST: Request for Planning Commission approval of a Tentative Subdivision Map to divide one parcel into six lots at 360 North Loma Drive. (Applicant: Lenzi Lantz Development; File 2015-13 S; CEQA Determination: Categorical Exemption Pursuant to CEQA Guidelines Section 15315)

LOCATION: 360 North Loma Drive
The site is located at the southern dead-end of Howard Street.
APN 035-172-25
Lodi, CA 95240

APPLICANT: Baumbach and Piazza
Josh Elson
323 W. Elm Street
Lodi, CA 95240

PROPERTY OWNER: Lenzi Lantz Development
Cliff Lenzi and Sara Lantz
1318 Lake Shore Drive
Lodi, CA 95242

RECOMMENDATION

Staff recommends the Planning Commission approve the request of Lenzi Lantz Development for a Tentative Subdivision Map to subdivide one parcel into six lots, subject to the conditions outlined in the draft resolution.

PROJECT/AREA DESCRIPTION

General Plan Designation: Low Density Residential
Zoning Designation: Low Density Residential
Property Size: 0.76 acre (33,062 sq. ft.)

The adjacent zoning and land use are as follows:

ADJACENT ZONING DESIGNATIONS AND LAND USES			
	GENERAL PLAN	ZONING CLASSIFICATION	EXISTING LAND USE
North	Low Density Residential	Low Density Residential	Residence
South	Low Density Residential	Low Density Residential	Residence
East	Low Density Residential	Low Density Residential	Residence
West	Low Density Residential	Low Density Residential	Residence

BACKGROUND:

The subject property is located north of Lockeford Street and east of Mills Ave. The area is a vacant parcel on Howard Street. This property was part of a Specific Plan for Howard Street in 1969. (Attachment A and B)

There are no pending Code violations and the existing house and out buildings have been demolished.

The applicant is proposing to subdivide a .76 acre (33,062 sq ft) parcel into 5 residential lots with a small parcel for public dedication or merging with an adjacent lot and construct the cul-de-sac bulb for Howard Street. Lots 1 – 5 would include new residences and lot 6 would get a lot line adjustment with the adjacent property.

The net result of this project would be 4 additional residences in Lodi.

ANALYSIS

The properties are currently zoned Low Density Residence (LDR) and designated Low Density Residential (1-8 units per acre) in the General Plan. As proposed, the lots will exceed minimum lot size and width and comply with land use density standards.

General Plan Conformance:

The subject property is currently designated Low Density Residential (1-8 dwelling units per acre) by the Land Use Map of the General Plan. The following General Plan Land Use and Community Design and Livability (CDL) goals and policies are applicable to the proposed subdivision:

- **Land Use Policy 3:** Do not allow development at less than the minimum density prescribed by each residential land use category.
- **Land Use Policy 22:** promote infill development that maintains the scale and character of established neighbors.
- **CDL Policy 2:** Ensure that Zoning and Subdivision ordinances include measures that guide infill development to be compatible with the scale, character and identity of adjacent development.

All of the surrounding parcels are currently designated Low Density Residential (1-8 units per acre). The average density that will be created as a result of the proposed subdivision is approximately 6 units per acre, which is consistent with this Low Density Residential density prescribed by the City's General Plan. Therefore, the proposed subdivision would result in new lot sizes that are consistent with the density prescribed by the General Plan. The attached Tentative Map illustrates the final parcel configuration that would result from the proposed project.

Zoning Compliance:

The following tables depict how each lot will comply with the standard Low Density Residence lot requirements:

PARCEL 1			
Standard	Required	Proposed	Compliance
Lot Area	5,000 sq. ft	5,086 sq. ft.	Yes, Exceeds
Lot Width	50 ft	51.02 ft.	Yes, Exceeds

PARCEL 2			
Standard	Required	Proposed	Compliance
Lot Area	5,000 sq. ft	5,118 sq. ft.	Yes, Exceeds
Lot Width	50 ft	50.01 ft.	Yes, Exceeds

PARCEL 3			
Standard	Required	Proposed	Compliance
Lot Area	5,000 sq. ft	5,910 sq. ft.	Yes, Exceeds
Lot Width	50 ft	58 ft.	Yes, Exceeds

PARCEL 4			
Standard	Required	Proposed	Compliance
Lot Area	5,000 sq. ft	5,610 sq. ft.	Yes, Exceeds
Lot Width	50 ft	58 ft.	Yes, Exceeds

PARCEL 5			
Standard	Required	Proposed	Compliance
Lot Area	5,000 sq. ft	5,325 sq. ft.	Yes, Exceeds
Lot Width	50 ft	52 ft.	Yes, Exceeds

The Zoning Code implements the goals and policies of the General Plan. The subject property is zoned Low Density Residence (LDR). As can be seen from the tables above, the proposed tentative subdivision map meets or exceeds the minimum lot area, lot width, and street frontage standards. The applicant has not prepared construction plans at this time, but any future development on the parcels will be subject to building permit review by City staff to ensure compliance with all applicable zoning standards and all other applicable provisions of the Municipal Code.

The design standards within the zoning code requires frontage onto public streets and design of developments need to match the scale of the neighborhood.

Site Circulation: The project has been designed consistent with the 1969 Specific Plan for Howard Street. The project includes a cul-de-sac that will provide access to the parcels. Parcels 3 and 4 are flag lots and the design is consistent with historic and recently approved lots within Lodi.

The City of Lodi encourages infill development to take advantage of existing infrastructure and reduce sprawl into adjacent agricultural lands.

Pursuant to Lodi Development Code Section 17.52.070, in order to approve the proposed tentative parcel map, the proposed subdivision must be found consistent with the general plan, zoning ordinance, and the Subdivision Map Act (State law). Based on the analysis above, staff finds that the proposed tentative map is in conformance with the General Plan, zoning ordinance, and the Subdivision Map Act. However, if any of the following findings can be made, the tentative map shall be denied.

1. *The proposed subdivision including design and improvements is not consistent with the General Plan or any applicable Specific Plan. **Comment:*** The site contains a General Plan designation of low density residential reserved primarily for single-family residences and compatible uses. The maximum density allowed in the very low General Plan designation is eight (8) dwelling units per net acre. The proposed parcel split creates a density of roughly 6 units per acre. The proposed map is consistent with the General Plan in that creation of six (6) lots for single-family homes are allowed within the maximum density (8) permitted onsite in the very low density, land use designation of the General Plan.
2. *The site is not physically suitable for the type or proposed density of development. **Comment:*** No unusual topographic features are present onsite that would prohibit development of proposed parcels. The site is generally flat, with no regulated sensitive areas or other limiting topographic features. The site consists of a single residential lot and associated structures. The subdivision

will create lots with adequate land area to support a detached single-family dwelling with standard setbacks and ample useable private yard space.

3. *The design of the subdivision or the proposed improvements are likely to cause substantial environmental damage or injure fish or wildlife or their habitat.* **Comment:** The project site is not located in a sensitive environment but rather in a previously disturbed area surrounded by other residential land uses. The scope of the project would only add one new parcel to the area, making it of such minor nature so as not to have a significant adverse impact on the environment.
4. *The design of the subdivision or type of improvements is likely to cause serious public health or safety problems.* **Comment:** Frontage improvements along Howard Street are required for the development of the parcels and public access and utilities for each lot are available. The lots being created will comply with all applicable single-family sanitary sewer service and stormwater runoff treatment requirements, as well as other similar environmental and life safety regulations and standards.
5. *The design of the subdivision or the type of improvements will conflict with easements, acquired by the public at large for access through or use of, property within the proposed subdivision. This finding may not be made if the Commission finds that alternate easements for access or use will be provided, and that they will be substantially equivalent to ones previously acquired by the public. This finding shall apply only to easements of record, or to easements established by judgment of a court of competent jurisdiction, and no authority is hereby granted to the review authority to determine that the public at large has acquired easements of access through or use of property within the proposed subdivision.* **Comment:** There are no public easements that currently encumber the properties to be subdivided, and all modifications made to the existing public improvements fronting the six parcels during development of the properties will be required to be reconstructed to current City standards.
6. *The discharge of wastewater from the proposed subdivision into the community wastewater system would result in violation of existing requirements prescribed by the California Regional Water Quality Control Board.* **Comment:** Future development of the parcels will be subject to review and approval by the City and affected local and regional agencies. Full compliance with applicable water quality regulations would be required prior to issuance of a building permit.
7. *Information available to the City indicates adverse soil or geological conditions and the subdivider has failed to provide sufficient information to the satisfaction of the Public Works Director or the Commission that the conditions can be corrected in the plan for the development.* **Comment:** No information has been found to indicate the project site is considered contaminated, or may contain contaminant particles.
8. *The proposed subdivision is not consistent with all applicable provisions of this Title, any other applicable provision of the Municipal Code, and the Subdivision Map Act.* **Comment:** The procedural requirements of the Map Act are being followed and both parcels will comply with the applicable engineering and zoning standards pertaining to grading, drainage, utility connections, lot size and density.

The tentative subdivision map has been reviewed by the Public Works and Electrical Utility Departments and they recommended approval subject to the conditions outlined in the attached resolution. Staff has found that the proposed Tentative Subdivision Map, subject to the conditions in the attached resolution, meet the requirements of the Zoning Ordinance and is consistent with the General Plan. Based on the information provided in the analysis above, staff recommends approval of the Tentative Subdivision Map subject to the findings and conditions of approval contained in the staff report.

ENVIRONMENTAL ASSESSMENTS

The project is exempt from CEQA review pursuant to § 15315 (Class 15, Minor Land Divisions) of the CEQA Guidelines. Class 15 exempts the division of land into four or fewer parcels when the division is in conformance with the General Plan and Zoning Code, no variances or exceptions are required, all services and access to the proposed parcels to local standards are available, the parcel was not involved in a division of a larger parcel within the previous 2 years, and the parcel does not have an average slope greater than 20 percent. The Applicant's proposed tentative parcel map complies with all applicable residential development standards established in the General Plan and Zoning Code. No variances are required for the proposed subdivision. Access to all public facilities and infrastructure will be provided for each resultant parcel. The subject property is relatively flat and has not been involved in a subdivision within the last 2 years. Based on staff's review of the project, no special circumstances exist that would create a reasonable possibility that the proposed tentative parcel map will have a significant effect on the environment.

PUBLIC HEARING NOTICE:

Legal Notice for the Use Permit was published in the Lodi News Sentinel on Saturday, June 13, 2015. Seventy-two (72) public hearing notices were sent to all property owners of record within a 300-foot radius of the project site as required by California State Law §65091 (a) 3. Public notice also was mailed to interested parties who had expressed their interest of the project.

RECOMMENDED MOTIONS

Should the Planning Commission agree with staff's recommendation, the following motions are suggested:

"I move that the Planning Commission adopt a Resolution finding that the project is exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15315 and approve the request of Lenzi Lantz Development for a Tentative Subdivision Map to subdivide one parcel into six lots, subject to the conditions outlined in the draft resolution."

ALTERNATIVE PLANNING COMMISSION ACTIONS:

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

Respectfully Submitted,

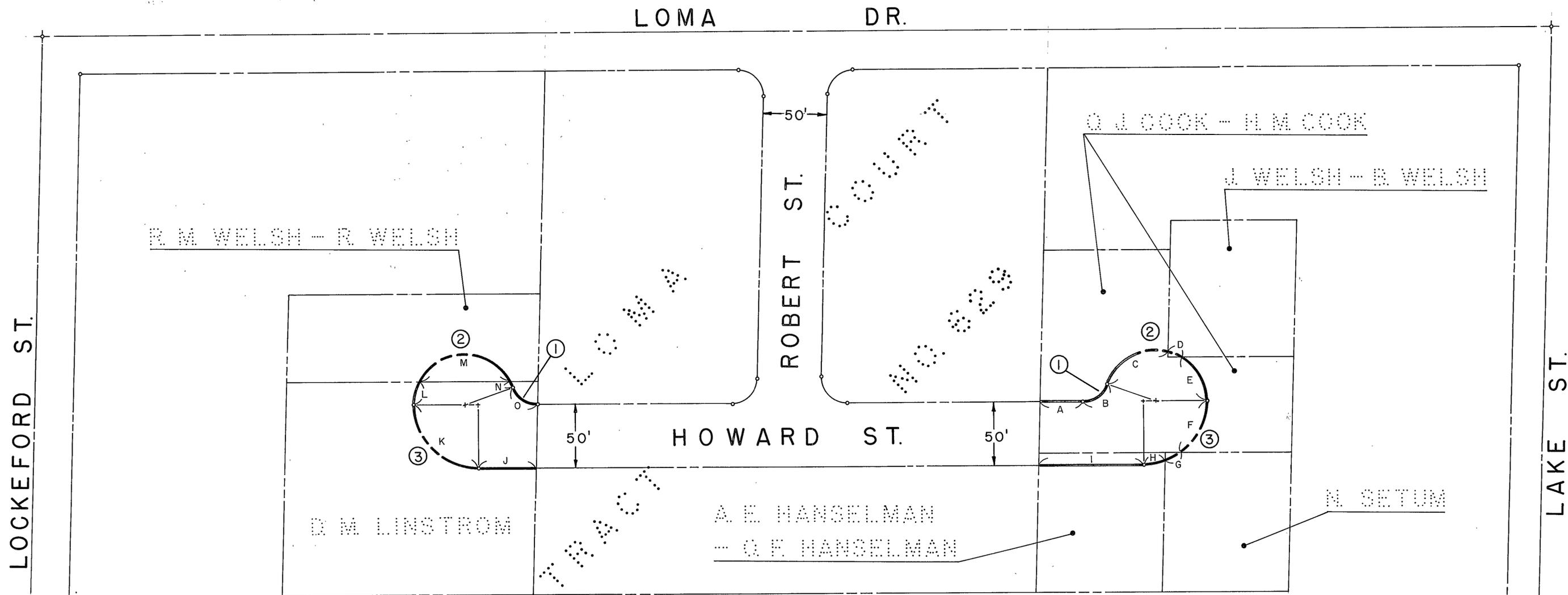
Concur,

Craig Hoffman
Senior Planner

Stephen Schwabauer
Community Development Director

ATTACHMENTS:

- A. Vicinity / Aerial Map
- B. Howard Street Specific Plan from 1969
- B. Tentative Map
- C. Draft Resolution



CURVE DATA

CURVE NO.	RADIUS	CENTRAL ANGLE	ARC LENGTH
①	20'	70° 31' 44"	24.62'
②	40'	160° 31' 44"	112.07'
③	50'	90° 00' 00"	78.54'

LEGEND

- CENTERLINE
- EXISTING R/W or PROPERTY LINES
- FUTURE R/W

Adopted by Resolution No. 69-2 of the Planning Commission of the City of Lodi, October 27, 1969.

James B. Schroeder
James B. Schroeder
Secretary

Adopted by Ordinance No. 917 of the City Council of the City of Lodi, December 3, 1969.

Bessie L. Bennett
Bessie L. Bennett
City Clerk

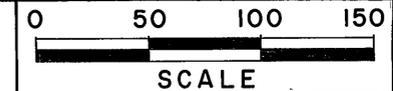
PROPERTY LINE DIMENSIONS

A	34.35'	F	46.37'	K	78.54'
B	24.62'	G	15.68'	L	18.66'
C	57.88'	H	16.49'	M	88.34'
D	11.64'	I	82.30'	N	5.07'
E	42.55'	J	45.19'	O	24.62'

NOTES

1. Property ownership is as of Oct. 27, 1969 and is shown for ease in identification only.

SPECIFIC PLAN
HOWARD STREET
LOCKEFORD ST. TO LAKE ST.



DRAWING
69D78



TENTATIVE MAP
 SUBDIVISION MAP - "The Village Oaks"
 BEING A PORTION OF LOT 33 OF "GERARD TRACT"
 BEING A PORTION OF SEC. 2, T.3 N.6 E., M.D.B.&M.,
 CITY OF LODI, SAN JOAQUIN COUNTY, CALIFORNIA
 NOVEMBER, 2014 SCALE: 1" = 20'
 SHEET 1 OF 1

OWNER:
 LENZI LANTZ DEVELOPMENT
 ATTN: CLIFF LENZI, SARA LANTZ
 847 N. CLUFF AVE., SUITE B-1
 LODI, CALIFORNIA 95242
 (209) 224-5950

MAP PREPARED BY:
 BAUMBACH AND PIAZZA, INC.
 323 WEST ELM STREET
 LODI, CALIFORNIA 95240
 (209) 368-6618

PROJECT DESCRIPTION:
 SUBDIVIDE A PORTION OF LOT 33 OF "GERARD TRACT" INTO 6 LOTS AND DEDICATE A PORTION AS A CUL-DE-SAC FOR HOWARD STREET.

ASSESSOR PARCEL NUMBER:
 035-172-25

SITUS ADDRESS:
 360 NORTH LOMA DRIVE
 LODI, CALIFORNIA 95242

ZONING:
 R-LD

GENERAL PLAN DESIGNATION:
 LDR

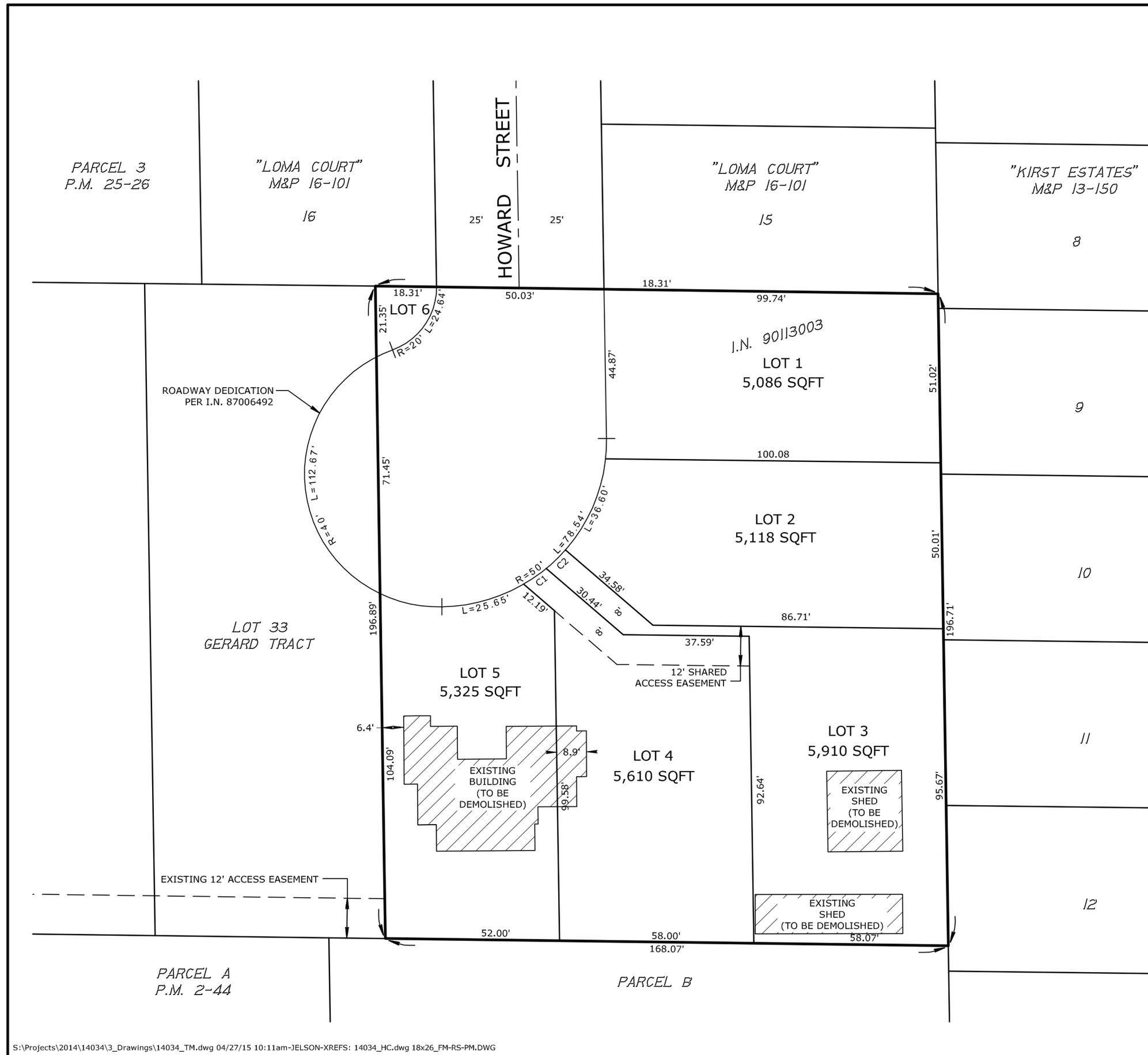
FLOOD INFORMATION:
 NOT SUBJECT TO 100 YEAR FLOOD

UTILITIES AND FACILITIES:
 WATER - CITY OF LODI
 SEWAGE - CITY OF LODI
 STORM DRAINAGE - CITY OF LODI
 ELECTRICITY - CITY OF LODI
 GAS - PG&E
 TELEPHONE - SBC

CURVE DATA		
CURVE	RADIUS	LENGTH
C-1	50'	8.25'
C-2	50'	8.04'



Scale: 1" = 20'



RESOLUTION NO. P.C. 15-XX

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LODI APPROVING THE REQUEST OF LENZI LANTZ DEVELOPMENT FOR A TENTATIVE SUBDIVISION MAP TO SUBDIVIDE ONE PARCEL INTO SIX LOTS

- WHEREAS**, the Planning Commission of the City of Lodi has heretofore held a duly noticed public hearing, as required by law, on the requested Use Permit, in accordance with the Lodi Development Code, Section 17.74 (Public Hearings); and
- WHEREAS**, the property is located at 360 North Loma Drive. The site is located at the southern dead-end of Howard Street. (APN 035-172-25); and
- WHEREAS**, the project proponent is Lenzi Lantz Development, Cliff Lenzi and Sara Lantz, 1318 Lake Shore Drive, Lodi, CA 95242; and
- WHEREAS**, the project surveyor is; Baumbach and Piazza, Josh Elson, 323 W. Elm Street, Lodi, CA 95240and
- WHEREAS**, the property owner is Lenzi Lantz Development, Cliff Lenzi and Sara Lantz, 1318 Lake Shore Drive, Lodi, CA 95242; and
- WHEREAS**, the property is zoned Low Density Residential; and
- WHEREAS**, the property has a General Plan land use designation of LDR, Low Density Residential; and
- WHEREAS**, all legal prerequisites to the adoption of this Resolution have occurred; and

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

1. The project is exempt from CEQA review pursuant to § 15315 (Class 15, Minor Land Divisions) of the CEQA Guidelines. Class 15 exempts the division of land into four or fewer parcels when the division is in conformance with the General Plan and Zoning Code, no variances or exceptions are required, all services and access to the proposed parcels to local standards are available, the parcel was not involved in a division of a larger parcel within the previous 2 years, and the parcel does not have an average slope greater than 20 percent. The Applicant's proposed tentative parcel map complies with all applicable residential development standards established in the General Plan and Zoning Code. No variances are required for the proposed subdivision. Access to all public facilities and infrastructure will be provided for each resultant parcel. The subject property is relatively flat and has not been involved in a subdivision within the last 2 years. Based on staff's review of the project, no special circumstances exist that would create a reasonable possibility that the proposed tentative parcel map will have a significant effect on the environment.
2. The procedural requirements of the Map Act have been strictly followed and the tentative parcel map complies with all applicable engineering and zoning standards pertaining to grading, drainage, utility connections, lot size and density.
3. The density and lot sizes that will be created as a result of the proposed parcel map are consistent with the density range of 1-8 units per acre prescribed by the Land Use Chapter of the General Plan, and there is no applicable specific plan governing the site.
4. The site is physically suitable for the type or proposed density of development. The proposed parcel map will create one new lot with adequate land area to support a detached single-family dwelling with standard setbacks and ample useable private yard space.
5. The project site is not located in a sensitive environment or in close proximity to the habitat of any sensitive wildlife species, but rather in a fully developed urban area surrounded by other residential and institutional land uses. The scope of the project will only add four single-family

dwellings to the area, making it of such minor nature so as not to have a significant adverse impact on the environment.

6. The lots being created will comply with all applicable single-family sanitary sewer service and stormwater runoff treatment requirements, as well as other similar environmental and life safety regulations and standards.
7. The proposed Tentative Subdivision Map can be served by all public utilities.
8. The proposed Tentative Subdivision Map does not conflict with easements, acquired by the public at large, for access through or use of property within the proposed map.
9. The Tentative Subdivision Map complies with the requirements of Chapter 17.52 of the Lodi Development Code regulating Tentative Maps.
10. None of the mandatory findings for tentative map denial within the State Subdivision Map Act, § 66474 apply to this proposal.
11. The project is an in-fill project that creates 4 new residential units. The project does not require Growth Allocation Units.

NOW, THEREFORE, BE IT DETERMINED AND RESOLVED by the Planning Commission of the City of Lodi that Parcel Map Application No. 2015-13 S is hereby approved, subject to the following conditions:

1. The applicant/owner and/or successors in interest and management shall defend, indemnify, and hold the City of Lodi, its agents, officers, and employees harmless of any claim, action, or proceeding (including legal costs and attorney's fees) to attack, set aside, void, or annul this Use Permit, so long as the City promptly notifies the applicant of any claim, action, or proceedings, and the City cooperates fully in defense of the action or proceedings. The City may elect, in its sole discretion, to participate in the defense of said claim, action, or proceeding.
2. The Tentative Subdivision Map shall expire within 24 months of Planning Commission approval or a time extension must be granted by the Planning Commission.
3. The Final Map shall be in substantial conformance to the approved Tentative Subdivision Map, as conditioned, and that any future development shall be consistent with applicable sections of the Municipal Code.
4. Any buildings constructed on the new parcels shall be subject to setback, lot coverage, off street parking, and all other City of Lodi Municipal Code requirements.
5. The applicant shall meet all requirements of the adopted edition of the California Building, Fire and City of Lodi Municipal Codes in effect at the time of building permit application.
6. All development shall comply with the City of Lodi Stormwater Run-off requirements, including the quantitative treatment standards. Conformance with the stormwater runoff control requirements must be demonstrated prior to issuance of building permit.
7. Any fees due the City of Lodi for processing this Project shall be paid to the City within thirty (30) calendar days of final action by the approval authority. Failure to pay such outstanding fees within the time specified shall invalidate any approval or conditional approval granted. No permits, site work, or other actions authorized by this action shall be processed by the City, nor permitted, authorized or commenced until all outstanding fees are paid to the City.
8. No variance from any City of Lodi adopted code, policy or specification is granted or implied by this approval.
9. The construction of the new buildings and related site improvements shall require building permits. All plan submittals shall be based on the City of Lodi Building Regulations and currently

adopted 2013 California Building codes. Please review our policy handouts for specific submittal procedures.

Public Works Department:

The following conditions of approval are required for the subject project per City codes and standards, all to be accomplished prior to, or concurrent with the final Subdivision map filing unless noted otherwise. In the event a condition of approval conflicts with a map designation, the condition of approval overrides the map designation.

10. Engineering and preparation of improvement plans and construction cost estimate per City Public Improvement Design Standards for all public improvements prior to final map filing. Plans to include:
 - a) Approved tentative map, signed by the Community Development Director.
 - b) Storm drainage facilities design shall conform to the City of Lodi Storm Water Development Design Standards. Include details/calculations for tributary areas entering into the existing storm water and wastewater pipelines.
 - c) Current soils report. If the soils report was not issued within the past three (3) years, provide an updated soils report from a licensed geotechnical engineer.
 - d) Grading, drainage and erosion control plan.
 - e) Copy of Notice of Intent for NPDES permit, including storm water pollution prevention plan (SWPPP).
 - f) All utilities, including street lights and electrical, signal modifications, gas, telephone and cable television facilities.
 - g) Striping plans for street dedications, including appropriate signage.
 - h) Provide an onsite truck turning analysis. Include truck dimensions.
 - i) Joint Trench plans.
 - j) Undergrounding of existing overhead utilities as required by the City of Lodi Electric Utility Department.

A complete plan check submittal package, including all the items listed above plus the Map/Improvement Plan Submittal cover letter, Improvement Plan Checklist and engineering plan check fees, is required to initiate the Public Works Department plan review process for the engineered improvement plans.

11. Abandonment/removal of wells, septic systems and underground tanks in conformance with applicable City and County requirements and codes prior to approval of public improvement plans.
12. A temporary construction easement for the purposes of constructing the public improvements adjacent to Lot 33 of Gerard Tract shall be obtained from the owner of that parcel prior to approval of the public improvement plans.
13. Access to lots 1-6 shall be restricted to Howard Street. The existing 12'-wide access easement along the south boundary of Lot 33 of Gerard Tract shall serve that parcel exclusively. Subdivider agrees to extinguish all access rights to the subdivision from Loma Street.
14. All existing structure within the map boundary shall be properly demolished and disposed of in accordance with all State and Local regulations.
15. Storm drain facilities currently terminate at the intersection of Howard Street and Robert Street and consist of a 12-inch diameter concrete pipe along Robert Street between Howard Street and Loma Drive. Applicant must install necessary storm drain pipelines and provide calculations

demonstrating the new and existing storm drain infrastructure is adequate to serve the improvements within the map boundary.

16. Installation of all public utilities and street improvements in conformance with City of Lodi master plans and design standards and specifications, including, but not limited to, the following:
 - a) Installation of rolled curb, gutter, sidewalk (Standard Plan 136), and street lights along the perimeter of the proposed cul-de-sac in accordance with City Standard Plans.
 - b) Installation/extension of the wastewater, water and storm drain infrastructure as required and in accordance with City design and construction standards.
 - c) Undergrounding of utilities serving the proposed subdivision.
17. All public improvements to be installed within one year of final map filing under the terms of an improvement agreement to be approved by the City Council prior to final map filing. The developer will be required to provide warranty security in the amount of 10% of the value of the public improvements. The warranty period will be two (2) years commencing on the date of acceptance of the public improvements.
18. Project design and construction shall be in compliance with applicable terms and conditions of the City's Stormwater Management Plan (SMP), and shall employ the Best Management Practices (BMPs) identified in the SMP.
 - a) Stormwater Development Standards will be required for this project. The design of projects containing more than 5,000 square feet of new impervious area are required to follow these Standards.
 - b) State-mandated, year around construction site inspections to assure compliance with the City of Lodi Storm Discharge Permit are required. The fee for the inspections is the responsibility of the developer and must be paid prior to map filing or commencement of construction operations, whichever occurs first.
19. All project design and construction shall be in compliance with the Americans with Disabilities Act (ADA). Project compliance with ADA standards is the developer's responsibility.
20. Dedication of all street right-of-way and necessary public utility easements for the construction of public improvements within the subdivision boundary. Roadway dedication for the adjacent "Lot 33" was conveyed by separate instrument (I.N. 87006492). Street dedication within map boundary shall be in the form of a street easement deed and conform to City street section design standards and the Howard Street Specific Plan (Drawing 69D78). Any deviations must be approved by the City Engineer.
21. All property dedicated to the City of Lodi shall be free and clear of all liens and encumbrances and without cost to the City of Lodi and free and clear of environmental hazards, hazardous materials or hazardous waste. Developer shall prepare and submit a hazardous materials report and shall indemnify the City against any and all hazardous materials and/or ground water contamination for all property/easements dedicated to the City.
22. Submit final map per City and County requirements including the following:
 - a) Preliminary title report.
 - b) Standard note regarding requirements to be met at subsequent date.
 - c) Final Map Guarantee.
 - d) Annexation to Community Facilities District 2007-1.
23. Payment of the following prior to building permit issuance unless noted otherwise:

- a) Filing and processing fees and charges for services performed by City forces per the Public Works Fee and Service Charge Schedule.
 - b) Habitat Conservation Fee.
 - c) Regional Transportation Impact Fee (RTIF)
 - d) Stormwater Compliance Inspection Fee prior to building permit issuance or commencement of construction operations, whichever occurs first.
24. Payment of the following prior to obtaining the building certificate of occupancy unless noted otherwise:
- a) Filing and processing fees and charges for services performed by City forces per the Public Works Fee and Service Charge Schedule.
 - b) Development Impact Mitigation Fees per the Public Works Fee and Service Charge Schedule at the time of project acceptance.

The above fees are subject to periodic adjustment as provided by the implementing ordinance/resolution. The fee charged will be that in effect at the time of collection indicated above.

25. In order to assist the City of Lodi in providing an adequate water supply, the Owner/Developer on behalf of itself, its successors and assigns, shall enter into an agreement with the City that the City of Lodi be appointed as its agent for the exercise of any and all overlying water rights appurtenant to the proposed parcels, and that the City may charge fees for the delivery of such water in accordance with City rate policies. In addition, the agreement shall assign all appropriative or prescriptive rights to the City. The agreement will establish conditions and covenants running with the land for all lots within the boundaries of the parcel map and provide deed provisions to be included in each conveyance.
26. Copy of Notice of Intent for NPDES permit, including storm water pollution prevention plan (SWPPP) as required by current State storm water regulations. If SWPPP is not required, an erosion control plan shall be included with the improvement plan submittal.
27. Project design and construction shall be in compliance with applicable terms and conditions of the City's Stormwater Management Plan (SMP) and Development Standard Plan (DSP); project shall employ the Best Management Practices (BMPs) identified in the SMP for projects deemed complete for processing by July 1, 2015.

If the project is not deemed complete for processing by July 1, 2015, the City shall require the most current Post-Construction Standards be applied on applicable new and redevelopment Regulated Projects, both private development requiring municipal permits and public projects, to the extent allowable by applicable law.

28. Payment of the following:
- a) Filing and processing fees and charges for services performed by City forces per the Public Works Fee and Service Charge Schedule, including construction and post construction storm drain inspection fees.
 - b) Development Impact Mitigation Fees per the Public Works Fee and Service Charge Schedule at certificate of occupancy.
 - c) Regional Transportation Impact Fee (RTIF) at the time of building permit issuance.
 - d) Stormwater compliance inspection fee prior to map filing or commencement of construction operations, whichever is first.

- e) Annexation into the City of Lodi Community Facilities District – Estimated at \$5,000 prior to recording the final subdivision map. The annexation process generally requires 2-3 months to complete.

The above fees are subject to periodic adjustment as provided by the implementing ordinance/resolution. The fee charged will be that in effect at the time of collection indicated above.

29. Obtain the following permits:

- a) San Joaquin County well/septic abandonment permit if needed.
- b) Grading Permit issued from the City of Lodi Building Department.
- c) Encroachment Permit issued from the City of Lodi Public Works Department for any work within the public right of way or on existing public water, wastewater and storm drain infrastructure.
- d) Demolition permits

30. Verification must be provided showing that the fire engines, emergency vehicles and garbage trucks, can navigate the proposed street. Provide Fire Department approval for the access easement width to Lot 3 prior to map approval.

Dated: June 24, 2015

I certify that Resolution No. 15-XX was passed and adopted by the Planning Commission of the City of Lodi at a regular meeting held on June 24, 2015 by the following vote:

AYES: Commissioners:

NOES: Commissioners:

ABSENT: Commissioners:

ATTEST _____
Secretary, Planning Commission

Item 3b.



**CITY OF LODI
PLANNING COMMISSION
Staff Report**

MEETING DATE: June 24, 2015

APPLICATION NO: Use Permit: 2015-19 U

REQUEST: Request for Planning Commission approval of a Use Permit to allow a Type-2 wine tasting room for Scotto Family Cellars at 14 S School Street. (Applicant: Scotto Family Cellars; File 2015-19 U; CEQA Determination: Exempt per Section 15321)

LOCATION: 14 S. School Street
APN 043-036-19

APPLICANTS: Scotto Family Cellars
Paul Scotto
2715 W. Kettleman Lane, Suite 203-314
Lodi, CA 95242

PROPERTY OWNER Dobbins Properties, LLC
Matt Dobbins
Po Box 1566
Woodbridge, CA 95258

RECOMMENDATION

Staff recommends the Planning Commission approve the request of Scotto Family Cellars for a Use Permit Amendment to allow the sale of beer and wine, Alcoholic Beverage Control (ABC) Type 2 license, for a wine tasting room, 14 S School Street, subject to conditions in the attached resolution.

PROJECT/AREA DESCRIPTION

General Plan Designation: Downtown Mixed Use
Zoning Designation: Downtown Mixed Use
Property Size: 2,000 sq. ft. tenant space

The adjacent zoning and land use characteristics:

	ADJACENT ZONING DESIGNATIONS AND LAND USES		
	GENERAL PLAN	ZONING CLASSIFICATION	EXISTING LAND USE
North	Downtown Mixed Use	Downtown Mixed Use	Retail/Services
South	Downtown Mixed Use	Downtown Mixed Use	Retail/Services
East	Downtown Mixed Use	Downtown Mixed Use	Retail/Services
West	Downtown Mixed Use	Downtown Mixed Use	Retail/Services

SUMMARY

The applicants, Scotto Family Cellars are requesting a use permit to operate a wine tasting room on School Street in the downtown area.

Scotto Family Cellars is a 5th generation winemaker and has been making wine in Lodi since 1995. They were granted a Use Permit (12-U-13) in September 2013 to establish a wine production facility at the corner of Lodi Ave and Cluff Ave.

The applicants are looking for increased commercial visibility and are looking to be a part of the downtown wine tasting room experience.

The tenant space is 2,000 sq. ft. in size and approximately 700 sq. ft. will be dedicated to retail sales. The wine tasting room will include a fenced patio on School Street

The tasting room will be open the following hours:

Tuesday – Thursday: 11:00 am to 9:00 pm

Friday and Saturday: 11:00 am to 11:00 pm

Sunday: 12:00 pm to 5:00 pm.

The proposed hours of operation are similar to other wine tasting rooms in Lodi.

15 nights a month, entertainment will be hosted, with amplified music to end by 10:00 pm. Entertainment will include music, comedians, wine club events, wine club release parties, informative food and beverage classes, catered meals and other similar events. There will be no on-site food preparation beyond hors d'oeuvres from a microwave or toaster oven.

The wine tasting room use is consistent with the City's vision of making Lodi a wine tasting tourist destination point. The wine tasting rooms are a large part of this vision, for they not only compliment other downtown businesses such as restaurants and boutiques, but add to the character of the City by promoting local wineries and viticulture. This Use Permit is to allow the sale of bottles and cases of wine, a wine tasting operation, use of the wine tasting space for various events such as wine dinners catered by outside vendors, private mixers, wine tasting and parties for organizations and businesses who want to rent space, and to host feature wine tasting events that may include educational components.

Per Land Use Code Section 17.22.030, onsite consumption of alcohol is permitted in the Downtown Mixed Use (DMU) zoning designation, subject to a use permit. The City established the Use Permit requirement to gain local control over whether or not a license is appropriate for a particular location and place conditions upon the use. The State Department of Alcoholic Beverage Control primarily controls license issuance, based on concentration of licenses within a particular Census Tract.

Because this area is within the Downtown Business District, there is an existing over concentration of ABC licenses within this Census Tract. However, wineries, wine production facilities and associated wine tasting rooms and retail sales of wine are exempt from ABC regulations related to over-concentration and the need to obtain public necessity and convenience from the Planning Commission.

The Commission should review the application to ensure that sale of alcohol will not adversely affect surrounding residents, businesses, and institutions and to ensure that any such use operates in a manner compatible with existing and future adjacent uses. In the past, the Planning Commission and the Planning staff have generally supported wineries and wine manufacturing

operations that wish to acquire an ABC on-sale license because, typically, they do not create alcohol related problems.



The project site is within Census Tract 42.04, which covers the area north of Lodi Avenue, west of the U.P.R.R., south of Lockeford Street and east of Ham Lane. In the past, the Planning Commission and City staff has supported wine tasting rooms in the downtown area to enhance the City’s vision of making Lodi a wine tasting tourist destination point. The Scotto Family Cellars is a part of this vision and will help make the downtown area a destination point.

The discretionary Use Permit procedure enables the Planning Commission to impose conditions designed to avoid, minimize potentially adverse effects. Staff believes that the Planning Commission can make the required findings to approve the requested Use Permit. The required findings are as follows:

1. *The proposed use is allowed with a Use Permit within the applicable zoning district and complies with all applicable provisions of this Development Code.* **Comment:** The proposal involves a Type 2 alcohol license for a wine tasting room within the downtown area. The Downtown Mixed Use (DMU) Zoning District, which allows sale of alcohol for on-site consumption in accordance with Development Code Section 17.22.030. The intent of the DMU zoning district is to provide for a range of uses, emphasizing high quality development, and to encourage revitalization of downtown. The proposal is consistent with this intent and making Lodi a wine tasting tourist destination point.
2. *The proposed use is consistent with the General Plan and any applicable specific plan.* **Comment:** The General Plan land use designation for this area is Downtown Mixed Use, which allows onsite beverage consumption. The proposed wine tasting room is the type of business allowed by the General Plan. The on-site consumption of wine in conjunction with a wine tasting room operation, in accordance with a Type 2 Alcoholic Beverage Control License

and with the conditions attached herein, would be consistent and in harmony with the Downtown Mixed Use The wine tasting room use is a common way for wine manufacturers to expand and improve their business activities and is therefore, consistent, with the General Plan.

3. *The location, size, design and operating characteristics of the use or development is compatible with and shall not adversely affect or be materially detrimental to the health, safety, or welfare of persons residing or working in the area, or be detrimental or injurious to public or private property or improvements.* **Comment:** The proposed sale of alcohol in conjunction with a wine tasting room is compatible with existing and future land uses in the immediate vicinity of the project area. The Downtown Business District envisions wine tasting rooms, retail services, restaurants and the like as the type of business encouraged to operate in the Downtown area. In addition, the primary function of the facility is wine tasting room and retail services. No aspect of the proposed uses have been identified that would create new detrimental impacts.
4. *The location, size, design, and operating characteristics of the proposed use would be compatible with the existing and future land uses in the vicinity.* **Comment:** The proposed use complies with all requirements as set forth for the issuance of this Use Permit, in that the site is adequate in size, shape and topography for the proposed use, consisting of an existing building. Second, restaurants/bars, tasting rooms and other commercial uses with sale of alcohol operate in this area. Third, the proposed use, as conditioned, will not have an adverse effect upon the use, enjoyment or valuation of property in the neighborhood because the proposed use will be located within an existing building with no additions to the footprint of the building. Fourth, the characteristics of the proposed sale of alcohol in a tasting room operation are customary for these types of businesses.
5. *The proposed project has been reviewed in compliance with the California Environmental Quality Act (CEQA) and the Lodi Environmental Review Guidelines.* **Comment:** The project was found to be Categorical Exempt according to the California Environmental Quality Act, §15321, Class 21 (a) (2). The project is classified as an “Enforcement action by regulatory agencies” because it is the “adoption of an administrative decision for the use or enforcing the general rule, standard, or objective.” No significant environmental impacts are anticipated and no mitigation measures are required.

Staff sent a copy of the application to various City departments for comment and review. Their comments and requirements have been incorporated into the attached resolution. The Community Development Department is of the opinion that the proposed project is consistent with the surrounding land uses and zoning; and with the City’s policy to encourage the wine production and wine tasting industry. The intended nature of this operation does not promote excessive onsite consumption of alcohol and, therefore, staff does not expect any problems with the proposed establishment. The proposed use is consistent with the City’s vision of making Lodi a wine tasting tourist destination. We, therefore, are recommending that the Use Permit be approved, subject to the attached resolution.

ENVIRONMENTAL ASSESSMENT:

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

for use or enforcing the general rule, standard, or objective.” No significant environmental impacts are anticipated and no mitigation measures are required.

PUBLIC HEARING NOTICE:

Legal Notice for the Use Permit was published in the Lodi News Sentinel on Saturday, June 13, 2015. Thirty (30) public hearing notices were sent to all property owners of record within a 300-foot radius of the project site as required by California State Law §65091 (a) 3. Public notice also was mailed to interested parties who expressed their interest of the project.

RECOMMENDED MOTIONS

Should the Planning Commission agree with staff’s recommendation, the following motions are suggested:

“I move that the Planning Commission adopt a Resolution finding that the project is exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15321 and approve the Use Permit to allow Alcoholic Beverage Control (ABC) Type 2 license at 14 S. School Street subject to the findings and conditions of approval contained in the draft Resolution.”

ALTERNATIVE PLANNING COMMISSION ACTIONS:

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

Respectfully Submitted,

Concur,

Craig Hoffman
Senior Planner

Stephen Schwabauer
Community Development Director

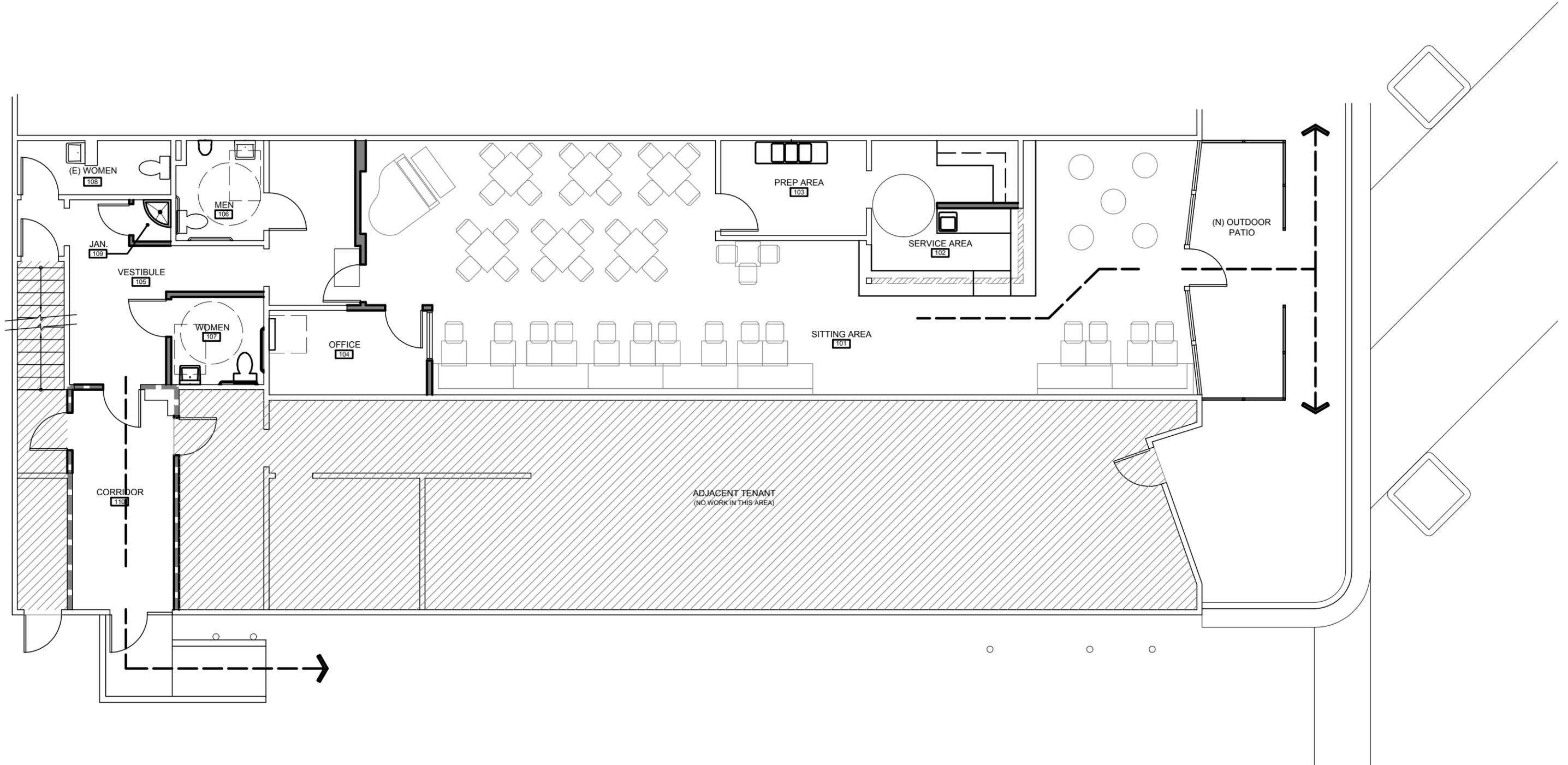
ATTACHMENTS:

- A. Vicinity / Aerial Map
- B. Frontage View
- C. Floor Plan
- D. Draft Resolution

STREET FRONTAGE



14 South School Street



FLOOR PLAN

SCALE : 1/8" = 1' - 0"

RESOLUTION NO. P.C. 15-XX

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LODI APPROVING THE REQUEST OF SCOTTO FAMILY CELLARS, FOR A USE PERMIT FOR TYPE-2 ABC LICENSE AT 14 SOUTH SCHOOL STREET

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

WHEREAS, the project proponents are Scotto Family Cellars, Paul Scotto, 2715 W. Kettleman Lane, Suite 203-314, Lodi, CA 95242; and

WHEREAS, the project parcel is owned by Dobbins Properties, LLC, Matt Dobbins, Po Box 1566, Woodbridge, CA 95258; and

WHEREAS, the project is located at 14 South School Street, Lodi, CA 95240 (APN: 043-036-19); and

WHEREAS, the property has a General Plan designation of Downtown Mixed Use and is zoned Downtown Mixed Use (DMU); and

WHEREAS, based upon the facts and analysis presented in the staff report, and public testimony received and subject to the conditions of approval listed below, the Planning Commission finds that the establishment, maintenance or operation for the requested use or building applied for, will not, under the circumstances of this particular case, be detrimental to the health, safety, morals, comfort, convenience and general welfare of the persons residing or working in the neighborhood of such proposed use, or be injurious or detrimental to property and improvements in the neighborhood or to the general welfare of the City; and

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

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

1. The project was found to be Categorically Exempt according to the California Environmental Quality Act Section 15321, Class 21. The project is classified as an "Enforcement action by regulatory agencies" because it is the "adoption of an administrative decision or order enforcing or revoking the lease, permit, license, certificate, or entitlement for use or enforcing the general rule, standard, or objective." No significant environmental impacts are anticipated and no mitigation measures are required.
2. The proposal involves a Type 2 alcohol license for a wine tasting room within the downtown area. The Downtown Mixed Use (DMU) Zoning District, which allows sale of alcohol for on-site consumption in accordance with Development Code Section 17.22.030. The intent of the DMU zoning district is to provide for a range of uses, emphasizing high quality development, and to encourage revitalization of downtown. The proposal is consistent with this intent and making Lodi a wine tasting tourist destination point.
3. The General Plan land use designation for this area is Downtown Mixed Use, which allows onsite beverage consumption. The proposed wine tasting room is the type of business allowed by the General Plan. The on-site consumption of wine in conjunction with a wine tasting room operation, in accordance with a Type 2 Alcoholic Beverage Control License, would be consistent and in harmony with the Downtown Mixed Use. The wine tasting room use is a common way for wine manufacturers to expand and improve their business activities and is therefore, consistent, with the General Plan.

4. The proposed sale of alcohol in conjunction with a wine tasting room is compatible with existing and future land uses in the immediate vicinity of the project area. The Downtown Business District envisions wine tasting rooms, retail services, restaurants and the like as the type of business encouraged to operate in the Downtown area. In addition, the primary function of the facility is wine tasting room and retail services. No aspect of the proposed uses have been identified that would create new detrimental impacts.
5. The proposed use complies with all requirements as set forth for the issuance of this Use Permit, in that the site is adequate in size, shape and topography for the proposed use, consisting of an existing building.
6. Restaurants/bars, tasting rooms and other commercial uses with sale of alcohol operate in this area.
7. The proposed use, as conditioned, will not have an adverse effect upon the use, enjoyment or valuation of property in the neighborhood because the proposed use will be located within an existing building with no additions to the footprint of the building.
8. The characteristics of the proposed sale of alcohol in a tasting room operation are customary for these types of businesses.
9. The proposed use complies with all requirements as set forth for the issuance of this Use Permit, in that the site is adequate in size, shape and topography for the proposed use, consisting of an existing building.
10. Restaurants / bars, tasting rooms and other commercial uses that offer entertainment and areas for people to gather operate in this area.
11. The proposed use would not have a substantial adverse economic effect on nearby uses because operation of a wine tasting room in accordance with applicable laws and under the conditions of this Use Permit is anticipated to be an economic benefit to the community.
12. The availability of public facilities and utilities is adequate to serve the proposed use, in that Scotto Family Cellars will be located within a building where public facilities and services are currently provided, including sewer, water, electricity, phone, etc.
13. The proposed use can be compatible with the surrounding use and neighborhood if the business is conducted properly and if the Applicant/Operator works with neighboring businesses and residents to resolve any problems that may occur.
14. The proposed use would not be detrimental to the general welfare of persons residing and working in the immediate vicinity, the neighborhood or the community at large because the sale of alcohol with a wine tasting room is not associated with detrimental impacts to the community.

NOW, THEREFORE, BE IT DETERMINED AND RESOLVED by the Planning Commission of the City of Lodi that Use Permit Application No. 2015-19 is hereby approved, subject to the following conditions:

Community Development-Planning

1. The applicant/project proponent and/or property owner and/or developer and/or successors in interest and management shall, at their sole expense, defend, indemnify and hold harmless the City of Lodi, its agents, officers, directors and employees, from and against all claims, actions, damages, losses, or expenses of every type and description, including but not limited to payment of attorneys' fees and costs, by reason of, or arising out of, this Use Permit approval. The obligation to defend, indemnify and hold harmless shall include, but is not limited to, any action to arbitrate, attack, review, set aside, void or annul this Use Permit

approval on any grounds whatsoever. The City of Lodi shall promptly notify the developer of any such claim, action, or proceeding and shall cooperate fully in the defense.

2. The applicant/project proponent and/or property owner and/or developer and/or successors in interest and management shall operate the project in strict compliance with the approvals granted herein, City standards, laws, and ordinances, and in compliance with all State and Federal laws, regulations, and standards. In the event of a conflict between City laws and standards and a State or Federal law, regulation, or standard, the stricter or higher standard shall control. Material violation of any of those laws in connection with the use may be cause for revocation of this Use Permit.
3. Starting from the effective date the business commences, this Use Permit shall be subject to a six-month and one-year review by Community Development Department and/or the Police Department. If the Community Development Department/Police Department determines it necessary, the Use Permit shall be subject to review by the Planning Commission to consider the business's operation for compliance with the conditions of the Use Permit, and in response to any legitimate complaints thereafter. Further, the City reserves the right to periodically review the area for potential problems. If problems (on-site or within the immediate area) including, but not limited to, public drunkenness, the illegal sale or use of narcotics, drugs or alcohol, disturbing the peace and disorderly conduct result from the proposed land use, the Use Permit may be subject to review and revocation by the City of Lodi after a public hearing and following the procedures outlined in the City of Lodi Municipal Code. Additional reviews may be prescribed by the Community Development Department, the Police Department and/or Planning Commission as needed during and after the one year probationary period.
4. If operation of this use results in conflicts pertaining to parking, noise, traffic, loitering, public safety or other impacts, at the discretion of the Community Development Department, this conditional use permit may be referred to the Planning Commission for subsequent review at a public hearing. If necessary, the Commission may modify or add conditions of approval to mitigate such impacts, or may revoke said conditional use permit bound upon applicable findings.
5. The City Council, Lodi Police Department, the Planning Commission and City staff may, at any time, request that the Planning Commission conduct a hearing on this Use Permit for the purpose of amending or adding new conditions to the Use Permit or to consider revocation of the Use Permit if the Use Permit becomes a serious policing problem.
6. The Applicant/Operator and/or successors in interest and management shall insure that the sale of alcohol does not cause any condition that will cause or result in repeated activities that are harmful to the health, peace or safety of persons residing or working in the surrounding area. This includes, but is not limited to: disturbances of the peace, illegal drug activity, public intoxication, drinking in public, harassment of people passing by, assaults, batteries, acts of vandalism, loitering, excessive littering, illegal parking, excessive loud noises, traffic violations or traffic safety based upon last drink statistics, curfew violations, lewd conduct, or police detention and arrests.
7. All owners, managers and employees selling alcoholic beverages shall undergo and successfully complete a certified training program in responsible methods and skills for selling alcoholic beverages. The certified program must meet the standards of the California Coordinating Council on Responsible Beverage Service or other certifying/licensing body, which the State may designate. The establishment shall comply with the requirements of this section within 30 calendar days of effective date of this Use Permit. Records of each owner's, manager's and employee's successful completion of the required certified training program shall be maintained on the premises and shall be presented upon request by a

representative of the City of Lodi. The business owner shall be responsible for on-going training to accommodate changes in personnel.

8. No person who is in a state of intoxication shall be permitted within the business nor shall an intoxicated patron be sold additional alcoholic beverages. It is the responsibility of the business owner/operator to ensure no patron in state of intoxication is allowed into the premise.
9. The business shall have interior security video cameras operating during all hours that the business is open. The videotapes of the security video cameras shall be maintained for a minimum period of 30 days, and the videotapes must be made immediately available for any law enforcement officer who is making the request as a result of official law enforcement business. The video cameras must be positioned in a way to capture the facial features of anyone entering the business and include cameras that capture all money handling areas. If the Chief of Police determines that there is a necessity to have additional security cameras installed, the owner of the business must comply with the request within 7 calendar days. The Chief of Police can also require that the business change the position of the video cameras if it is determined that the position of the cameras do not meet security needs. The owner of the business must comply with the request within 7 calendar days. The said security video camera shall be installed and approved prior to business opening.
10. Prior to commencement of the use, the applicant shall prepare and submit a practical program for controlling litter, spills, and stains resulting from the use on the site to the Community Development Department for review and approval. The program shall include a detailed time frame for the policing and cleanup of the public sidewalk and right-of-way in front of the subject property as well as the adjacent public right-of-way (25 feet north and south of the subject property, and down the alley) not just in front of the subject tenant space. Failure to comply with that program shall be considered a violation of the Use Permit and shall be subject to administrative remedy in accordance with Chapter 17.72 and Chapter 17.88 of the City of Lodi Municipal Code.
11. The subject property and its immediate surrounding shall be maintained neat and clean at all times. The subject property and its immediate surrounding shall be maintained free from debris and graffiti at all times. The property owner shall remove any debris or graffiti within 24-hours upon notification by the City. Litter on the site and any litter scattered on nearby property, streets, and sidewalks shall be removed daily. If necessary, the applicant shall steam clean the project site and its immediate surrounding premises as often as needed.
12. In the event of graffiti or other extraneous markings occurring, the applicant/operator and/or successors in interest and management shall remove or cover said markings, drawings, or signage within 24 hours of such occurrence, weather permitting. Paint utilized in covering such markings shall be of a color that matches, as closely as possible, the color of the adjacent surfaces.
13. Any change in operational characteristics, expansion in area or other modification to the approved plans shall require an amendment to this Use Permit or the processing of a new Use Permit.
14. That applicants shall be allowed to use the wine tasting space for various events such as wine dinners catered by outside vendors, private mixers, wine tasting and parties for organizations and businesses who want to rent space, and to host feature wine tasting events that may include educational components.
15. All music, including live bands, video and disc jockeys, and karaoke, shall be conducted indoors at all times. Doors shall remain closed during all performances or while music is being played.

16. Typical outside noise levels is approximately 65 to 70 dBA. Live music outside the building should mimic the existing conditions within a few decibels variation.
17. The applicant/project proponent and/or property owner and/or developer and/or successors in interest and management shall be responsible for the control of noise generated by the subject facility including, but not limited to, noise generated by patrons and employees. All noise generated by the proposed use shall comply with the provisions of Chapter 9.24 and other applicable noise control requirements.
18. In the event that the City of Lodi requires all Alcohol Use Permit holders to help fund private security in the downtown area, this business establishment will fund a proportional share.
19. The applicant shall obtain Operational Permits from the Lodi Fire Department, Fire Prevention Bureau. The Operational Permits shall be obtained prior to commencement of restaurant operation. The Fire Department may be contacted at 25 East Pine Street, Lodi, CA 95240-2127. Phone Number (209) 333-6739.
20. Any changes to the existing building, which are regulated by the current codes, shall require a building permit. All plan submittals shall be based on the City of Lodi Building Regulations and currently adopted 2013 California Building code. Please review our policy handouts for specific submittal procedures.
21. The patio area shown on the public sidewalk must receive a downtown encroachment permit from the Public Works Department for the proposed outdoor seating and serving of alcohol as per the Downtown Development and Standards Guidelines.
22. Any fees due the City of Lodi for processing this Project shall be paid to the City within thirty (30) calendar days of final action by the approval authority. Failure to pay such outstanding fees within the time specified shall invalidate any approval or conditional approval granted. No permits, site work, or other actions authorized by this action shall be processed by the City, nor permitted, authorized or commenced until all outstanding fees are paid to the City.
23. No variance from any City of Lodi adopted code, policy or specification is granted or implied by this approval.

I certify that Resolution No. 15-XX was passed and adopted by the Planning Commission of the City of Lodi at a regular meeting held on June 24, 2015 by the following vote:

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

ATTEST _____
Secretary, Planning Commission

Item 3c.



**CITY OF LODI
PLANNING COMMISSION
Staff Report**

MEETING DATE: June 24, 2015

APPLICATION NO: Use Permit Review: 2015-16 U (11-U-21)

REQUEST: Request for Planning Commission review of Use Permit 11-U-21 for compliance with conditions of approval at 117 N. Sacramento Street. (Applicant: Rodney Paiste – Vintage Sports Grill; File 2015-16 U; CEQA Determination: Exempt per Section 15321)

LOCATION: 117 N. Sacramento Street
APN 043-026-07

APPLICANTS: Vintage Sports Grill
Rodney Paiste
125 Ridge Drive
Lodi, CA 95240

PROPERTY OWNER Miguel Guerrero
1331 S. Wilson Way
Stockton, CA 95205

RECOMMENDATION

Staff recommends the Planning Commission review Use Permit 11-U-21 for compliance with conditions of approval at 117 N. Sacramento Street and re-adopt a Resolution finding that the project is exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15321 and re-approve the Use Permit and modified conditions of approval to allow a Type 48 ABC license at 117 N. School Street subject to the findings and conditions of approval contained in the draft Resolution

PROJECT/AREA DESCRIPTION

General Plan Designation: Downtown Mixed Use
Zoning Designation: Downtown Mixed Use
Property Size: The old Woolworths building sits on about a half-acre.

The adjacent zoning and land use characteristics:

	ADJACENT ZONING DESIGNATIONS AND LAND USES		
	GENERAL PLAN	ZONING CLASSIFICATION	EXISTING LAND USE
North	Downtown Mixed Use	Downtown Mixed Use	Retail/Services
South	Downtown Mixed Use	Downtown Mixed Use	Retail/Services
East	Downtown Mixed Use	Downtown Mixed Use	Retail/Services
West	Downtown Mixed Use	Downtown Mixed Use	Retail/Services

SUMMARY

Staff is requesting the Planning Commission to review Use Permit 11-U-21 for compliance with conditions of approval at 117 N. Sacramento Street.

During the first 4 months of 2015, staff was concerned by the number of nuisance activities in the downtown area. This included vandalism, public intoxication, fights and other negative activities taking place late at night and early in the morning. Staff requested police logs indicating where undesirable activities were taking place.

The area on North Sacramento Street around the Vintage Sports Grill had a higher call rate than other areas and Police staff was concerned by the high rate of calls and unsustainable draw on Police services.

Police staff discussed their concerns with the Vintage operators in February and gave suggestions on how to improve operations and reduce nuisance activities. Based upon these discussions, the Vintage instituted a number of changes.

- New security staff was brought in.
- A seasoned doorman was hired with experience in downtown Lodi.
- Dress code was instituted.
- Security staff wear "Security" shirts to identify staff and be more visible.
- Large parties from out of town are discouraged and not booked.
- Unruly customers are asked to leave earlier in the night and not held onto until late at night.
- Vintage closes earlier to get customers off street earlier.
- The last call crowd has been reduced.
- Security staff stays at the Vintage after the establishment has closed to provide added presence on Sacramento Street.
- Vintage and El Grullense staff work together to streamline providing food to customers and have premade food to reduce wait times.

Since March of 2015, the changes in Vintage operations have been noticeable and Police nuisance calls have been greatly reduced. Police and Planning staff are supportive of the changes made over the past 4 months.

Staff finds the Vintage use to be consistent with the conditions of approval in the draft resolution. Staff also requests that 4 new conditions be added to ensure that nuisance activities do not occur.

34. In the event that the City of Lodi requires all Alcohol Use Permit holders to help fund private security in the downtown area, this business establishment will fund a proportional share.

35. The Vintage operator will be required to reimburse the City of Lodi for nuisance police calls that are the direct result of business operations.

36. The Vintage Use Permit will be reviewed in 6 months and 12 months, if needed, for condition compliance and nuisance behavior. Staff may request an earlier review.

37. For the next 6 months, the Vintage will close at 1:30 am. At the 6 month review, the applicant may request a later close time based upon compliance with conditions and a lack of nuisance behavior.

ENVIRONMENTAL ASSESSMENT:

The project was found to be Categorical Exempt according to the California Environmental Quality Act, Article 19 §15321, Class 21 (a) (2). The project is classified as an “Enforcement action by regulatory agencies” because it is the “adoption of an administrative decision or order enforcing or revoking the lease, permit, license, certificate, or entitlement for use or enforcing the general rule, standard, or objective.” No significant environmental impacts are anticipated and no mitigation measures are required.

PUBLIC HEARING NOTICE:

Legal Notice for the Use Permit was published in the Lodi News Sentinel on Saturday, June 13, 2015. Thirty-three (33) public hearing notices were sent to all property owners of record within a 300-foot radius of the project site as required by California State Law §65091 (a) 3. Public notice also was mailed to interested parties who expressed their interest of the project.

RECOMMENDED MOTIONS

Should the Planning Commission agree with staff’s recommendation, the following motions are suggested:

“I move that the Planning Commission re-adopt a Resolution finding that the project is exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15321 and re-approve the Use Permit and modified conditions of approval to allow a Type 48 ABC license at 117 N. School Street subject to the findings and conditions of approval contained in the draft Resolution.”

ALTERNATIVE PLANNING COMMISSION ACTIONS:

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

Respectfully Submitted,

Concur,

Craig Hoffman
Senior Planner

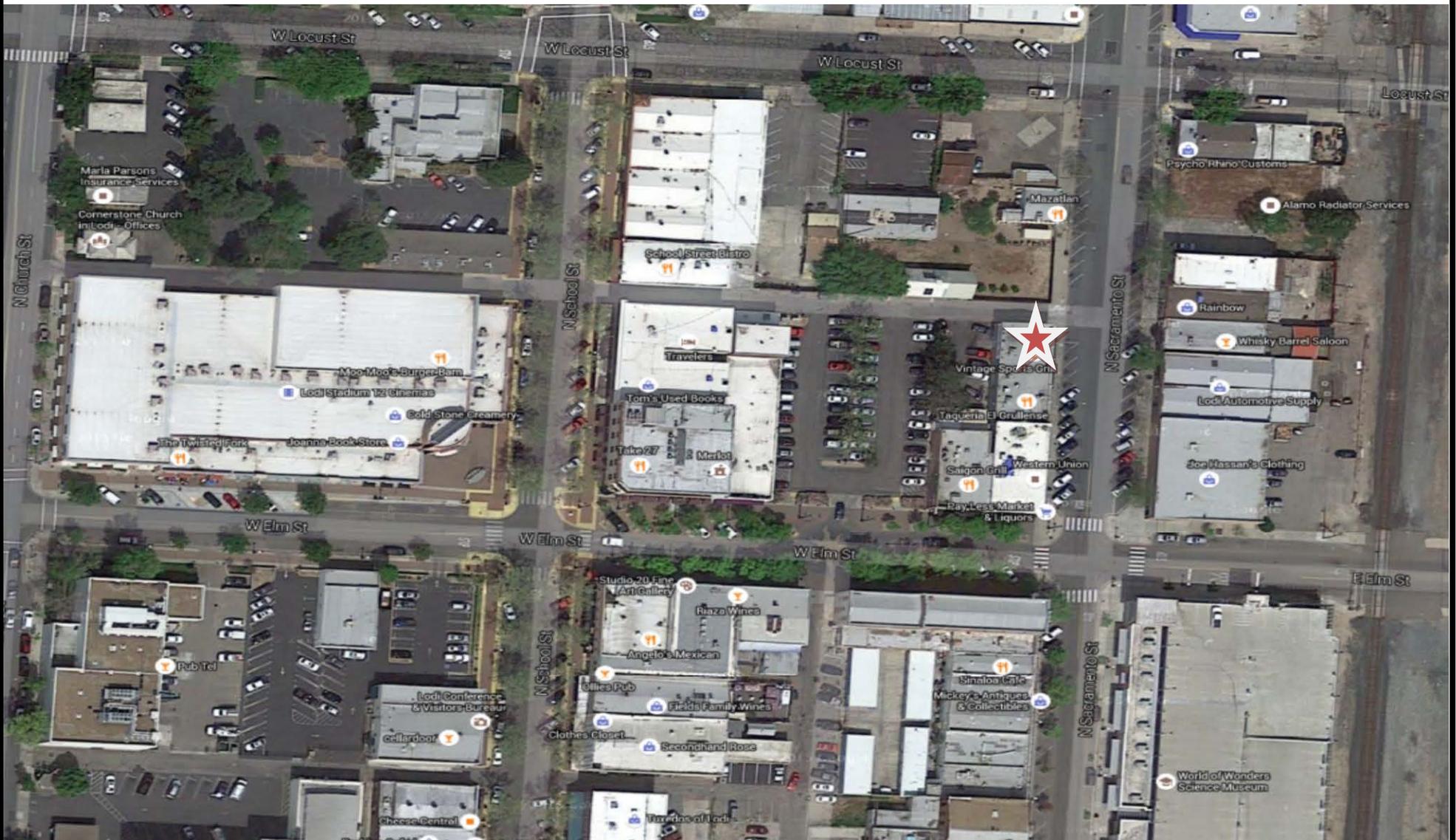
Stephen Schwabauer
Community Development Director

ATTACHMENTS:

- A. Vicinity / Aerial Map
- B. Letter from Vintage Sports Grill
- C. Original Staff Report
- D. Draft Resolution

VICINITY MAP

NORTH



SOUTH

117 N. Sacramento Street

May 13, 2015

To Whom It May Concern:

This letter is in regards to the review that is being conducted for recent events that has occurred at Vintage Sports Grill, notably the incident on February 21, 2015. After said incident, we as a business implemented and adhered to certain security policies and changes to staff. The most significant change is the replacement of two of our security guards and hired two new guards in their place. Our new doorman that we recently hired has over 20 years of security experience and has already impacted security in positive ways. We have stressed specific security rules and regulations to our staff is as they are as follows:

- Dress code is priority. 99 percent of problems may be proactively stopped at the front door.
- No intoxicated patrons are to be granted entry into our establishment. If they appear to be too inebriated, they will not be let in.

Another issue that was addressed was in the booking of large parties for our VIP areas. This caused problems in the past and to rectify it, our policy is to book only parties of 8 or less. By doing so, it lessens possible conflicts that may occur, as well as being manageable if issues surface.

Another problem addressed was the issue of patrons lingering around after hours, which also exacerbated past issues. El Grullense, the restaurant establishment next to Vintage Sports Grill, has agreed to close earlier and to also premake certain items on their menu to facilitate quicker service. Also, we are proactively seeking to come up with solutions for the vandalism that has occurred in and around School Street by teaming up with the other business owners near us to enact measures to minimize it.

Lastly, our security staff is scheduled to stay later to after closing to help ensure patrons leave safely and in a timely manner.

After these measures were implemented, our business has not seen any incidents since the February 21 incident. Vintage Sports Grill is open to any suggestions or policies that you may ask of us to ensure that we have a place here in Lodi. We have been in business for three years now and hope to be for years to come.

Sincerely,

Vintage Sports Grill

**CITY OF LODI
PLANNING COMMISSION
Staff Report**

MEETING DATE: February 8, 2012

APPLICATION NO: Use Permit: 11-U-21

REQUEST: Request for Planning Commission approval of a Use Permit to allow a Type-48 On-Sale General ABC license at 117 North Sacramento Street. (Applicants: Rodney Paiste and John Russell. File Number: 11-U-21).

LOCATION: 117 North Sacramento Street
(APN: 043-026-07)
Lodi, CA 95240

APPLICANT: Rodney Paiste and John Russell
125 Ridge Drive
Lodi, CA 95240

PROPERTY OWNER: Miguel Guerrero
1331 South Wilson Way
Stockton, CA 95205

RECOMMENDATION

Staff recommends that the Planning Commission approve the requested Use Permit to allow a Type-48 ABC license in conjunction with the operation of a proposed sports bar known as Vintage Sports Grill in an existing tenant space located at 117 North Sacramento Street, subject to the conditions outlined in the draft resolution.

PROJECT/AREA DESCRIPTION

General Plan Designation: DMU, Downtown Mixed Use

Zoning Designation: C-M, Commercial Light-Industrial

Property Size: 2,103 sq. ft.

The adjacent zoning and land use are as follows:

	General Plan	Zone	Land Use
North	Downtown Mixed use	C-M, , Commercial-Light Industrial	Vacant lot with miscellaneous improvements
South	Downtown Mixed use	C-M, , Commercial-Light Industrial	A restaurant
East	Downtown Mixed use	C-M, , Commercial-Light Industrial	Mixture of retail/commercial
West	Downtown Mixed use	C-M, , Commercial-Light Industrial	Vacant lot/private parking lot

SUMMARY

The applicants have requested approval of a Use Permit to occupy a vacant suite totaling 2,103-square-foot for a sports bar known as Vintage Sports Grill at 117 North Sacramento Street, near the corner of Elm Street and Sacramento Street. In addition, the applicant would like to create an enclosed outdoor patio along Sacramento Street frontage to serve alcohol. The project site is within the Downtown Business District, which conditionally permits alcohol sales as well as food service. If approved, the applicant would have to obtain a Type 48 On-Sale General (beer, wine, distilled spirits) Alcoholic Beverage Control (ABC) License. The Downtown Business District has an over-concentration of ABC

licenses. In order to approve an additional license, the Planning Commission must make a find of public need and necessity. Staff recommends the Commission approve the requested Use Permit application.

BACKGROUND

Available City records indicate the vacant tenant space has been used by adjacent restaurant called Taqueria El Grullense. Taqueria El Grullense, who owns the subject property, has used this space as an additional dining area as needed. The existing Taqueria El Grullense, which has its own dining area, is connected to the project site via a food pass-through window to serve food. Aside from the existing pass-through windows, there is no other opening that directly connects the proposed bar with the existing restaurant. Taqueria El Grullense has an active Type 41 On-Sale (eating place) beer and wine license. The restaurant has not been a source of police enforcement matters. There are no outstanding code violations.

ANALYSIS

The applicants request approval of a Use Permit to occupy a suite totaling 2,103-square-feet for a sports bar known as the Vintage Sports Grill, within the Downtown Business District. The project site is zoned Commercial- Light Industrial (C-M). Under the C-M zoning district, the applicants may sell alcohol for on consumption with the granting of a Use Permit by the Planning Commission. If approved, the applicant would be required to obtain a Type 48 On-Sale General (Bars, Taverns, nightclubs) ABC license, which authorizes the sale of beer, wine and distilled spirits for onsite consumption.

The proposed sports bar would function daily from 4:00 p.m. to 1:30 a.m. The primary function of the proposed use would be the showing of sporting events on the 8 televisions placed within the seating area. In addition, an outdoor seating area is proposed along the eastern frontage. A video and disc jockey booth would be installed inside to provide music for dancing and karaoke in the evenings. The proposed business would provide employment for approximately 7-10 people during operating hours, depending on the day of the week, with a larger number of employees on the weekends. The proposed bar would not prepare food on the premises. However, the adjacent restaurant, which is connected via a pass-through window, would provide full menu food service for the bar patrons. However, sale of alcohol under the bar's license could only occur within the bar's footprints and, if approved, along the approved outdoor seating area.

Site Layout: The site contains a single structure with two tenant spaces. An existing restaurant occupies one of the tenant spaces and the proposed bar would occupy the northerly tenant space. A food pass-through window connects the suites. An outdoor seating area, in conjunction with the bar, is proposed (see attachment E). There is a private parking lot behind the tenant spaces. However, the project site is within the Downtown Business District as well as Parking District. Businesses within the Downtown Business District do not have to provide onsite parking.

Floor Plan: The existing floor plan consists of bathrooms, stage area, an accessory room and open space (see Attachment D). The proposed use requires a tenant improvement permit the Building Division and Operational Permit from the Fire Department. It's maximum occupancy will need to be calculated during the permitting process.

Commercial Entertainment: The applicants have requested a Live Entertainment permit. The Live Entertainment permit will be reviewed by the Police Department and the Community Development Director per §17.53 of the Lodi Municipal Code. Live Entertainment hours would occur from 9:00 p.m. to 1:30 a.m. daily. Live Entertainment would consist of a disc jockey, bands, single musicians and singers, juke box, amplified music, karaoke, open microphone night, dancing and comedy acts.

Security: The applicant has spoken with staff on several occasions and recently met with both staff and Lt. Fernando Martinez of the Police Department to discuss a security plan for the proposed sports bar. Through these meetings, the applicant, staff and the Police have agreed on measures to help insure the safety of employees, patrons and other businesses within the center in the form of an enhanced security staff presence, installation of security cameras placed at prime locations, and a silent alarm to alert police of any problems. These conditions are outlined in the attached draft resolution.

Noise: The building in which the proposed sports bar would be located is surrounded by commercial and retail establishments. The closest residence is located approximately 450 feet away, at the corner of Locust and School Streets. The majority of activities are proposed to take place within the building. The outdoor seating area could, however, pose potential issues with respect to the proposed television use. As a result, staff has included a condition of approval prohibiting the use of televisions and any type of amplified device outside of the building envelop. Based on the proposed operation and conditions of approval, staff does not anticipate any adverse noise impacts upon the surrounding area. If there becomes a concern regarding noise, a condition has been added to allow for review of the permit by the Community Development Department or, if needed, return to the Planning Commission for additional conditions or even revocation of the permit.

Parking: The project site provides 5 private stalls behind the building. These stalls are shared between the existing restaurant and the proposed use. However, the business is located within the Downtown Parking District. Parking is provided on adjacent streets and public parking lots. Staff does not anticipate parking issues to arise due to the fact the proposed business would generate parking demands later in the evening, after the majority of other businesses in the vicinity have closed. Staff believes that there will be sufficient parking for the proposed use with no impacts upon the parking availability for other tenants. If parking becomes a concern in the future, a condition has been added to allow for review of the permit by the Community Development Department or, if needed, return to the Planning Commission for additional conditions or even revocation of the permit

Signage: None is proposed as part of this application; however, signage would need to be consistent with the Downtown Design Guideline, and would be submitted to the Community Development Department for review and permitting prior to installation.

Comments and Concerns:

Conditionally permitted uses are those uses which, by their nature, require special consideration so that they may be located properly with respect to the objectives of the Municipal Code and with respect to their effects on surrounding uses and properties. One of the primary concerns in reviewing a conditional use permit application is the effect of the proposed use on surrounding properties. As mentioned above, the site is located within a C-2 (General Commercial) zoning district and is also within the Downtown Business District. The Business District is designated for a variety of general commercial uses, including retail, food and drinking services, etc. The proposed expansion of the bar is consistent with the types of uses one would expect to find in a General Commercial zoning district. The proposal is consistent with the General Plan in that eating and drinking establishments and private party/banquet facilities which provide opportunities for cultural and private celebrations such as wedding receptions, wakes, and corporate parties are permitted on land designated Downtown Mixed Use in the Land Use Element of the General Plan.

Although staff is supportive of the project, staff recommends operational conditions to eliminate or mitigate adverse impacts the use may have on adjacent properties. Staff proposes that the use of the patio area for sale and consumption of alcohol should be limited from 4:00 p.m. to midnight daily, except on recognized holidays and special functions, such as Street Faire, Farmer's Market, etc, exempted from this restriction. Staff also has placed a condition requiring the applicants to submit a program or plan for controlling litter, spills, and stains resulting from the use on the site. The program must include and specify a detailed time frame for the policing and cleanup of the public sidewalk and right-of-way in front of the subject property as well as the adjacent public right-of-way (25 feet north and south of the subject property, and west down the alley) not just in front of the subject tenant space. Other conditions include installation of security cameras, presence of an employee in the patio at all times that alcoholic beverages are being served or consumed, and noise and live entertainment related restrictions.

Staff recognizes the project has real potential to change ambient noise levels above the City's noise threshold. Staff recommends the applicant should undertake building modifications to ensure nearby properties and businesses are not unduly affected by noise emanating from the club. To minimize overall sound levels and to meet conformance with the Noise Ordinance, conditions of approval mandate the applicant to install noise mitigation measures where the ambient dBA levels do not exceed the allowable 5 dBA ambient levels. As an added measure to ensure that noise levels generated from the

establishment comply with the Noise Ordinance, final sound measurements must be taken and submitted to Community Development Department prior to issuance of certificate of occupancy for review and approval. If the final measurements indicate that additional noise attenuation is needed, and if final sound measurements do not conform to the Noise Ordinance, the applicant/operator shall provide added measures to comply with the Noise Ordinance.

Staff also proposes operational conditions to limits days and hours live entertainment may occur. Staff proposes that entertainment days and hours should be limited to Thursday-Saturday from 7:00 p.m. to 1:30 a.m. and no live entertainment/DJ, involving dancing, should occur from Sunday-Wednesday, except on recognized holidays and private functions where noise levels fully comply with the Noise Ordinance. Karaoke/Juke boxes may be used at all time. This restriction should be in place for a period of one year at which time they may bring back a written statement for review by the Community Development Director and the Police Department to request extended live entertainment days and hours. In addition, staff has placed a condition requiring the applicants to implement "last call" for alcoholic beverages at 1:30 a.m. for a period of one year at which time they may bring back a written statement for review by the Community Development Department and Police Department to request alcohol sales be extended to a later time as permitted by State laws.

Section 17.72.040 of the Lodi Municipal Code requires a Use Permit for new Off-Sale and On-Sale alcohol licenses as well as changes in license type. The City established the Use Permit requirement to gain local control over whether or not a license is appropriate for a particular location. The State Department of Alcoholic Beverage Control primarily controls issuance based on concentration of licenses within a particular Census Tract. The project area is located on Census Tract 42.04, which covers the area south of Lockeford Street, north of Lodi Avenue, east of Ham Lane and west of Union Pacific Rail Road Company (UPRR) rail-line. This census tract encompasses the Downtown District and is over-concentrated. According to ABC, Census Tract 42.04 contains thirty (30) existing ABC on-sale licenses with only three (3) on-sale licenses allowed based on the ABC criteria. While this is the highest concentration in Lodi, it would not be unexpected in a downtown location. Generally downtowns have a high concentration of eating and drinking establishments. Many of the licenses are in conjunction with eating establishments. The City's Downtown Guidelines specifically call out drinking and eating establishments as the type of businesses that are encouraged in the Downtown area. Because the project area is within the downtown district, there is an existing over concentration of ABC licenses. In order to authorize additional licenses in this census tract, the Planning Commission must make a finding of public convenience and/or necessity.

The applicant's project was referred to the Police, Fire and Building Departments for review and recommendation. The key issues related to approval of bars, lounges and taverns involve the appropriateness of the location and whether or not such establishments can operate without detriment to nearby residential uses and general welfare of the surrounding area. Each department had conditionally recommended approval. Their requirements for approval have been incorporated into the attached draft resolution.

Staff feels the proposed use could be compatible with the surrounding area if properly operated and fully complies with conditions of approval attached herein. Additionally, the applicant will be required to take reasonable steps to discourage and correct objectionable conditions that constitute a nuisance, should they occur, to areas surrounding the bar and adjacent properties. It should be noted that the applicant has been very willing to work with staff and the Police Department making requested changes to create a secure establishment for their patrons and the community as a whole. Staff recommends the Planning Commission approve the Use Permit request subject to the conditions outlined in the attached draft resolution. Conditions have been added to mitigate typical concerns related to bars and other similar establishments. Approval of this Use Permit is essentially probationary. The Use Permit is subject to a six month, one year, and two year review by Community Development Director and/or the Police Department. If the Director/Police Department determines it necessary, the Use Permit is subject to review by the Planning Commission to consider the business's operation for compliance with the conditions of the Use Permit, and in response to any complaints thereafter. The City further reserves the right to periodically review the area for potential problems. If the operator is unable to abide by the

conditions of approval, or prevent objectionable conditions from occurring, the Police Department or the Planning Commission will have the authority to modify, suspend, or revoke this Use Permit approval.

ENVIRONMENTAL ASSESSMENTS

The project was found to be Categorically Exempt according to the California Environmental Quality Act, Article 19 §15321, Class 21 (a) (2). The project is classified as an “Enforcement action by regulatory agencies” because it is the “adoption of an administrative decision or order enforcing or revoking the lease, permit, license, certificate, or entitlement for use or enforcing the general rule, standard, or objective.” No significant environmental impacts are anticipated and no mitigation measures have been required.

PUBLIC HEARING NOTICE:

Legal Notice for the Use Permit was published on Saturday, January 28, 2012. Thirty-five (35) public hearing notices were sent to all property owners of record within a 300-foot radius of the project site as required by California State Law §65091 (a) 3. Public notice also was mailed to interested parties who had expressed their interest of the project. City has received three (3) letters in support of this Use Permit application.

ALTERNATIVE PLANNING COMMISSION ACTIONS:

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

Respectfully Submitted,

Concur,

Immanuel Bereket
Associate Planner

Konradt Bartlam
Community Development Director

ATTACHMENTS:

- A. Vicinity Map
- B. Aerial Photo
- C. Existing Floor Plan
- D. Proposed Floor Plan
- E. Comments Received
- F. Police Department Comments
- G. Draft Resolution

RESOLUTION NO. P.C. 15-XX

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LODI APPROVING THE REQUEST OF RODNEY PAISTE AND JOHN RUSSELL FOR A USE PERMIT TO ALLOW SALE OF BEER, WINE AND DISTILLED SPIRITS AT 117 NORTH SACRAMENTO STREET

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

WHEREAS, the project proponents are Rodney Paiste and John Russell, 125 Ridge Drive, Lodi, CA 95240; and

WHEREAS, the project parcel is owned by Miguel Guerrero, 1331 South Wilson Way, Stockton, CA 95205; and

WHEREAS, the project is located at 117 North Sacramento Street, Lodi, CA 95240 (APN: 043-026-07); and

WHEREAS, the property has a General Plan designation of Downtown Mixed Use and is zoned **Downtown Mixed Use C-M, Commercial Light Industrial**; and

WHEREAS, the requested Use Permit to allow on-site consumption of beer, wine and distilled spirits is an enforcement action in accordance with the City of Lodi Zoning Ordinance; and

WHEREAS, Census Tract 42.04 in which the proposed restaurant is to be located is over concentrated of licenses allowing on premise consumption of alcoholic beverages; and

WHEREAS, because Census Tract 42.04 has an over-concentration of On-sale beer, wine and distilled spirits alcohol licenses, the Planning Commission must make a finding of necessity and/or public convenience in order to permit the issuance of an additional Alcohol Beverage Control license in this tract; and

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

WHEREAS, based upon the facts and analysis presented in the staff report, and public testimony received and subject to the conditions of approval listed below, the Planning Commission finds that the establishment, maintenance or operation for the requested use or building applied for, will not, under the circumstances of this particular case, be detrimental to the health, safety, morals, comfort, convenience and general welfare of the persons residing or working in the neighborhood of such proposed use, or be injurious or detrimental to property and improvements in the neighborhood or to the general welfare of the City; and

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

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

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

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

2. The sale of alcoholic beverages for on-premise consumption as part of a restaurant is a permitted use in the **DMU C-M** Zoning District. The site is suitable and adequate for the proposed use because establishment of a restaurant on this site would not create negative impacts on businesses, residents and instructional uses in the vicinity.
3. On-sale of beer, wine and distilled spirits, in accordance with a Type 48 Alcoholic Beverage Control License and with the conditions attached herein, would be consistent and in harmony with the Downtown Mixed Use General Plan Land Use Designation and **DMU C-M** Zoning District.
4. The proposed use is consistent with the General Plan because commercial uses such as the one proposed are permitted in accordance with Land Use Policy subject to a discretionary review.
5. The proposed use would not have a substantial adverse economic effect on nearby uses because operation of a restaurant in accordance with applicable laws and under the conditions of this Use Permit is anticipated to be an economic benefit to the community.
6. The harmony in scale, bulk, coverage and density of the proposed project is consistent with and compatible to the existing built-in environment and land uses around the subject site, in that the proposed Vintage Sports Grill will be located primarily within an existing building, with minor exterior/patio area additions, thereby maintaining the approved scale, bulk, coverage and density of the building.
7. The availability of public facilities and utilities is adequate to serve the proposed use, in that the Vintage Sports Grill will be located within a building where public facilities and services are currently provided, including sewer, water, electricity, phone, etc.
8. The proposed use is consistent with the General Plan because commercial uses such as the one proposed are permitted in accordance with Land Use Policy subject to a discretionary review.
9. The proposed use would not have a substantial adverse economic effect on nearby uses because operation of a restaurant in accordance with applicable laws and under the conditions of this Use Permit is anticipated to be an economic benefit to the community.
10. The sale and consumption of alcohol can sometimes result in customer behavior problems that can require police intervention.
11. Steps can be taken by the Applicant/Operator to reduce the number of incidents resulting from the over-consumption of alcohol including the proper training and monitoring of employees serving alcohol; the careful screening of IDs of customers to avoid sales to under-aged individuals; limiting the number of drinks sold to individual customers to avoid over-consumption; providing properly trained on-site security to monitor customer behavior both in and outside of the establishment; and working with the Lodi Police Dept. to resolve any problems that may arise.
12. The proposed use can be compatible with the surrounding use and neighborhood if the business is conducted properly and if the Applicant/Operator works with neighboring businesses and residents to resolve any problems that may occur.
13. The proposed use would not be detrimental to the general welfare of persons residing and working in the immediate vicinity, the neighborhood or the community at large

because the sale of alcohol with a restaurant operation is not associated with detrimental impacts to the community.

14. The sale of alcoholic beverages at this location can meet the intent of the C-M Zoning District and can provide a public convenience or necessity for customers of the business.

NOW, THEREFORE, BE IT DETERMINED AND RESOLVED by the Planning Commission of the City of Lodi that Use Permit Application No. 11-U-21 is hereby approved, subject to the following conditions:

1. The applicant/project proponent and/or property owner and/or developer and/or successors in interest and management shall, at their sole expense, defend, indemnify and hold harmless the City of Lodi, its agents, officers, directors and employees, from and against all claims, actions, damages, losses, or expenses of every type and description, including but not limited to payment of attorneys' fees and costs, by reason of, or arising out of, this Use Permit approval. The obligation to defend, indemnify and hold harmless shall include, but is not limited to, any action to arbitrate, attack, review, set aside, void or annul this Use Permit approval on any grounds whatsoever. The City of Lodi shall promptly notify the developer of any such claim, action, or proceeding and shall cooperate fully in the defense.
2. The applicant/project proponent and/or property owner and/or developer and/or successors in interest and management shall operate the project in strict compliance with the approvals granted herein, City standards, laws, and ordinances, and in compliance with all State and Federal laws, regulations, and standards. In the event of a conflict between City laws and standards and a State or Federal law, regulation, or standard, the stricter or higher standard shall control. Material violation of any of those laws in connection with the use may be cause for revocation of this Use Permit.
3. Starting from the effective date the business commences the sale of beer, wine and distilled spirits, this Use Permit shall be subject to a six-month, one-year, and two-year review by Community Development Director and/or the Police Department. If the Director/Police Department determines it necessary, the Use Permit shall be subject to review by the Planning Commission to consider the business's operation for compliance with the conditions of the Use Permit, and in response to any complaints thereafter. Further, the City reserves the right to periodically review the area for potential problems. If problems (on-site or within the immediate area) including, but not limited to, public drunkenness, the illegal sale or use of narcotics, drugs or alcohol, disturbing the peace and disorderly conduct result from the proposed land use, the Use Permit may be subject to review and revocation by the City of Lodi after a public hearing and following the procedures outlined in the City of Lodi Municipal Code. Additional reviews may be prescribed by the Community Development Director, the Police Department and/or Planning Commission as needed during and after the first two years of probationary period.
4. If operation of this use results in conflicts pertaining to parking, noise, traffic, loitering, public safety or other impacts, at the discretion of the Community Development Director, this conditional use permit may be referred to the Planning Commission for subsequent review at a public hearing. If necessary, the Commission may modify or add conditions of approval to mitigate such impacts, or may revoke said conditional use permit bound upon applicable findings.
5. "Last call" for alcohol shall be at 1:30 a.m. for a period of one year from commencement of use. At the end of the one year period, the applicant may submit a written request to the Community Development Director and Police Department for

review to allow alcohol sales to extend to a later time. The Community Development Director and Police Department may approve, deny or refer the request to the Planning Commission.

6. The City Council, Lodi Police Department, the Planning Commission and City staff may, at any time, request that the Planning Commission conduct a hearing on this Use Permit for the purpose of amending or adding new conditions to the Use Permit or to consider revocation of the Use Permit if the Use Permit becomes a serious policing problem.
7. The Applicant/Operator and/or successors in interest and management shall insure that the sale of alcohol does not cause any condition that will cause or result in repeated activities that are harmful to the health, peace or safety of persons residing or working in the surrounding area. This includes, but is not limited to: disturbances of the peace, illegal drug activity, public intoxication, drinking in public, harassment of people passing by, assaults, batteries, acts of vandalism, loitering, excessive littering, illegal parking, excessive loud noises, traffic violations or traffic safety based upon last drink statistics, curfew violations, lewd conduct, or police detention and arrests.
8. The business shall have interior security video cameras operating during all hours that the business is open. The videotapes of the security video cameras shall be maintained for a minimum period of 30 days, and the videotapes must be made immediately available for any law enforcement officer who is making the request as a result of official law enforcement business. The video cameras must be positioned in a way to capture the facial features of anyone entering the business and include cameras that capture all money handling areas. If the Chief of Police determines that there is a necessity to have additional security cameras installed, the owner of the business must comply with the request within 7 calendar days. The Chief of Police can also require that the business change the position of the video cameras if it is determined that the position of the cameras do not meet security needs. The owner of the business must comply with the request within 7 calendar days. The said security video camera shall be installed and approved prior to business opening.
9. All owners, managers and employees selling alcoholic beverages shall undergo and successfully complete a certified training program in responsible methods and skills for selling alcoholic beverages. The certified program must meet the standards of the California Coordinating Council on Responsible Beverage Service or other certifying/licensing body, which the State may designate. The establishment shall comply with the requirements of this section within 30 calendar days of effective date of this Use Permit. Records of each owner's, manager's and employee's successful completion of the required certified training program shall be maintained on the premises and shall be presented upon request by a representative of the City of Lodi. The business owner shall be responsible for on-going training to accommodate changes in personnel.
10. No alcoholic beverages shall be consumed on any property adjacent to the licensed premises under the control of ABC license issued to Vintage Sports Grill.
11. A minimum of four (4) Professional security staff shall be present during the hours entertainment occurs and one additional security guard for every 25 patrons. All persons responsible for security for the business shall have training as State-licensed security personnel. Security staff shall be stationed at the entry to the bar, in the area surrounding the premise and in the inside of the business itself. Security staff and their training program shall be subject to the review and approval of the Chief of Police.
12. Prior to the effective date of this Use Permit, a security plan which includes a management training plan, employee and security resource placement, crowd control

and security measures, and provisions for overflow customers shall be submitted to the Community Development Department for review, and shall be approved by the Community Development Director and the Police Chief, or a designee thereof.

13. No person under the age of twenty-one (21) years shall be allowed on the premise at any time.
14. No person who is in a state of intoxication shall be permitted within the business nor shall an intoxicated patron be sold additional alcoholic beverages. It is the responsibility of the business owner/operator to ensure no patron in state of intoxication is allowed into the premise.
15. Consumption of alcohol in the proposed patio area shall be restricted to 1:00 p.m. to 1:30 a.m daily, except recognized holidays and special functions, such as Street Faire, Farmer's Market, etc, shall be exempt from this restriction.
16. The licensee(s) or an employee of the licensee(s) shall be present at the patio area at all times that alcoholic beverages are being served or consumed, to ensure that Alcoholic Beverage Control Act, State statute, County, or City Ordinances are not violated upon this portion of the licensed premises. In addition, a security staff shall be stationed at the entry to the patio area at all times that the patio whenever alcohol beverages are being served or consumed in the patio area. Security staff and their training program shall be subject to the review and approval of the Chief of Police or designee(s) thereof.
17. Prior to commencement of the use, the applicant shall prepare and submit a practical program for controlling litter, spills, and stains resulting from the use on the site to the Community Development Department for review and approval. The program shall include a detailed time frame for the policing and cleanup of the public sidewalk and right-of-way in front of the subject property as well as the adjacent public right-of-way (25 feet north and south of the subject property, and 25 feet down west down the alley) not just in front of the subject tenant space. Failure to comply with that program shall be considered a violation of the Use Permit and shall be subject to administrative remedy in accordance with Chapter 17.72 and Chapter 17.88 of the City of Lodi Municipal Code.
18. Installation of sign(s) shall require a building permit from the Community Development Department. Said sign(s) shall be in full compliance with the City of Lodi Sign Ordinance and any applicable master sign program for the subject site.
19. Window signage shall not exceed twenty-five percent (25%) of the glass area, or separate window pane, upon which the sign is located. All new signage is subject to review and approval by the Planning Division prior to installation.
20. The subject property and its immediate surrounding shall be maintained neat and clean at all times. The subject property and its immediate surrounding shall be maintained free from debris and graffiti at all times. The property owner shall remove any debris or graffiti within 24-hours upon notification by the City. Litter on the site and any litter scattered on nearby property, streets, and sidewalks shall be removed daily. If necessary, the applicant shall steam clean the project site and its immediate surrounding premises as often as needed.
21. In the event of graffiti or other extraneous markings occurring, the applicant/operator and/or successors in interest and management shall remove or cover said markings, drawings, or signage within 24 hours of such occurrence, weather permitting. Paint utilized in covering such markings shall be of a color that matches, as closely as possible, the color of the adjacent surfaces.

22. Any change in operational characteristics, hours of operation, expansion in area, or other modification to the approved plans, shall require an amendment to this Use Permit or the processing of a new Use Permit.
23. There shall be no on-site radio television, video, film, or other electronic or media broadcasts, including recordings to be broadcasted at a later time, which include the service of alcoholic beverages, without first obtaining an approved special event permit issued by the City of Lodi.
24. All music and dancing-related activities, including live bands, video and disc jockeys, and karaoke, shall be conducted indoors at all times. Doors shall remain closed during all performances or while music is being played.
25. Any event or activity staged by an outside promoter or entity, where the applicant, operator, owner or his employees or representatives share in any profits, or pay any percentage or commission to a promoter or any other person based upon money collected as a door charge, cover charge or any other form of admission charge shall be prohibited. A Special Events Permit is required for any event or promotional activity outside the normal operational characteristics of the approved use, as conditioned, or that would attract large crowds, involve the sale of alcoholic beverages, include any form of onsite media broadcast, or any other similar activities.
26. The applicant/project proponent and/or property owner and/or developer and/or successors in interest and management shall be responsible for the control of noise generated by the subject facility including, but not limited to, noise generated by patrons and employees. All noise generated by the proposed use shall comply with the provisions of Chapter 9.24 and other applicable noise control requirements.
27. The applicant shall submit to the Planning Department final sound measurements of the bar/nightclub prior to approval of the Final Certification of Occupancy. If final sound measurements do not conform to the Noise Ordinance, the applicant/operator shall provide added measures to comply with the Noise Ordinance. Failure to comply with this requirement shall void and annul this Use Permit.
28. The applicant shall obtain Operational Permits from the Lodi Fire Department, Fire Prevention Bureau. The Operational Permits shall be obtained prior to commencement of sale of alcohol. The Fire Department may be contacted at 25 East Pine Street, Lodi, CA 95240-2127. Phone Number (209) 333-6739.
29. The applicant shall obtain an encroachment permit from Public Works Department for the proposed outdoor seating and serving area. Encroachment permit shall be obtained prior to commencement of sale of alcohol in the proposed outdoor/patio area. The Public Works Department may be contacted at 221 West Pine Street, Lodi, CA 95240-2127. Phone number (209)333-6706.
30. The applicant shall obtain a tenant improvement permit prior to occupancy. All plan submittals shall be based on the City of Lodi Building Regulations and currently adopted 2010 California Building Code. Please review our policy handouts for specific submittal procedures. The Building and Safety Division may be contacted at 221 West Pine Street, Lodi, CA 95240-2127. Phone number (209)333-6714.
31. The applicant shall obtain all required permits and licenses from the California Department of Alcoholic Beverage Control and the San Joaquin County Health Department prior to commencement of the use and maintain said permits at all times while the use is operating. Copies of all permits and licenses shall be submitted to the Community Development Department prior to commencement of the use.

32. Any fees due the City of Lodi for processing this Project shall be paid to the City within thirty (30) calendar days of final action by the approval authority. Failure to pay such outstanding fees within the time specified shall invalidate any approval or conditional approval granted. No permits, site work, or other actions authorized by this action shall be processed by the City, nor permitted, authorized or commenced until all outstanding fees are paid to the City.
33. No variance from any City of Lodi adopted code, policy or specification is granted or implied by this approval.
34. **In the event that the City of Lodi requires all Alcohol Use Permit holders to help fund private security in the downtown area, this business establishment will fund a proportional share.**
35. **The Vintage operator will be required to reimburse the City of Lodi for nuisance police calls that are the direct result of business operations.**
36. **The Vintage Use Permit will be reviewed in 6 months and 12 months, if needed, for condition compliance and nuisance behavior. Staff may request an earlier review.**
37. **For the next 6 months, the Vintage will close at 1:30 am. At the 6 month review, the applicant may request a later close time based upon compliance with conditions and a lack of nuisance behavior.**

Dated: June 24, 2015

I certify that Resolution No. 15-XX was passed and adopted by the Planning Commission of the City of Lodi at a regular meeting held on June 24, 2015 by the following vote:

AYES: Commissioners:

NOES: Commissioners:

ABSENT: Commissioners:

ATTEST _____
Secretary, Planning Commission