

<p>CARNEGIE FORUM 305 WEST PINE STREET LODI, CALIFORNIA</p>	<p><b>AGENDA</b> <b>LODI</b> <b>PLANNING COMMISSION</b></p>	<p>REGULAR SESSION WEDNESDAY, JULY 22, 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 – “May 13, 2015”, “June 10, 2015” & “June 24, 2015”

3. PUBLIC HEARINGS

a. Request for Planning Commission approval of:

- I. Growth Management Allocation for 22 Low-Density Residential Lots; and
- II. A Subdivision Map for the Vintner Square Subdivision, a 9 acre, 57 unit subdivision; and
- III. Adopt Development Standards for the subdivision known as Vintner Square located within Low Density Residential Zoning District.  
South of Taylor Road and west of Lower Sacramento Road  
(Applicant: Vintners Square LLC; File: 2015-14 GM / S / PD; CEQA Status: Section 15183 – Previous Environmental Review)

**Item 3a continued to the August 26, 2015 Planning Commission Meeting**

- b. Request for Planning Commission approval of a Use Permit to allow a wine production facility, Type 2 ABC license, at 1011 East Pine Street. (Applicant: Vinedos Aurora / Gerardo Espinosa; File 2015-21 U; CEQA Determination: Exempt per Section 15321)
- c. Request for Planning Commission to review existing zoning code in regard to transitional housing and expand as allowed use in all zones with residential housing as an allowed use and make recommendation to the City Council. (Applicant: City of Lodi; File 2015-22 Z; 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
- b. Art In Public Places Development Impact Fee Discussion and Possible 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 2<sup>nd</sup> Floor, 221 West Pine Street, Lodi, California 95240 – Phone: (209) 333-6702.

**LODI PLANNING COMMISSION  
REGULAR COMMISSION MEETING  
CARNEGIE FORUM, 305 WEST PINE STREET  
WEDNESDAY, MAY 13, 2015**

1. CALL TO ORDER / ROLL CALL

The Regular Planning Commission meeting of May 13, 2015 was called to order by Chair Kiser at 7:00 p.m.

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

Absent: Planning Commissioners – Kirsten

Also Present: Senior Planner Craig Hoffman, Deputy City Attorney John Fukasawa and Administrative Secretary Kari Chadwick

2. MINUTES

“March 11, 2015”

MOTION / VOTE:

The Planning Commission, on motion of Commissioner Cummins, Kiser second, approved the minutes of March 11, 2015 as written. (Commissioner Heinitz abstained because he was not in attendance of the subject meeting)

“April 8, 2015”

MOTION / VOTE:

The Planning Commission, on motion of Commissioner Cummins, Kiser second, approved the minutes of April 8, 2015 as written. (Commissioners Olson and Slater abstained because they were not in attendance of the subject meeting)

3. PUBLIC HEARINGS

Vice Chair Heinitz recused himself from the following hearing because he has a business in the sphere of influence of the project.

- a) Notice thereof having been published according to law, an affidavit of which publication is on file in the Community Development Department, Chair Kiser called for the public hearing to consider the request of the Planning Commission for approval of a Use Permit to allow a live entertainment-lounge use for Blend at 115 S. School Street. (Applicant: Michael Thorpe - Blend; File 2015-10 U; CEQA Determination: Exempt per Section 15321)

Senior Planner Craig Hoffman gave a brief PowerPoint presentation based on the staff report. Staff is recommending approval of the project as conditioned.

Commissioner Olson asked if condition number sixteen is going to be a seasonal or an event driven item. Mr. Hoffman stated that there has been some discuss of recent activities that have been taking place in the downtown and the City's obligation in policing nuisance activities. If the decision is made to require all of the Use Permits in the downtown to participate in a program that pays for extra security staff will have to bring back the existing permits to add this language. This will be a year round item.

Commission Hennecke asked if the language for funding is a little too vague. Mr. Hoffman stated that it is set up to be a proportional share based on the type of Use Permit the business is operating under. Ms. Olson asked if it would be based on square footage. Mr. Hoffman stated that is one option. Mr. Hennecke asked if it would be based on gross receipts. Mr. Hoffman stated that it could be done in various manners. Both of these item could be a factor.

Commissioner Slater asked if it was going to be added to Use Permits across the board or just the new permits. Mr. Hoffman stated that the existing permits would need to be pulled back to the Commission to make the revision. Mr. Slater asked if the noise is regulated or is it on an on-call basis. Mr. Hoffman stated that the applicant will call staff out to measure the noise prior to the event, so they will know what level is acceptable. Mr. Kiser asked if the sound proofing has already been installed. Mr. Hoffman stated that he will defer that question to the applicant.

Hearing Opened to the Public

- Michael Thorpe, applicant, came forward to answer questions. Mr. Thorpe stated that he is in agreement with all of the conditions in the resolution and will ensure that the noise levels do not get out of hand.
- Commissioner Slater asked what type of music would be played and if there will be anything along the north wall that will muffle the noise on the glass. Mr. Thorpe stated that the music will be more of lounge style music and other than the speakers that are located outside the music should not be heard outside unless the doors are open.
- Chair Kiser asked if all the employees will be participating in the ABC training. Mr. Thorpe stated that they will. Mr. Kiser asked if Mr. Thorpe had experience with working in a bar. Mr. Thorpe stated that this will be his first experience in owning his own business, but has worked in all aspects of the bar scenario. Mr. Kiser asked what his plans for security will be and if he is agreeable with the condition regarding the shared expense for additional security in the downtown. Mr. Thorpe stated that he will have three security guards of his own and appreciates the thought that has gone into the conditions to keep the downtown safe for everyone.
- Commissioner Cummins asked if staff knew how many police calls had taken place between Elm Street and this project location. Mr. Hoffman stated that he does not have that information. Commission Slater asked if he could bring it back to the Commission. Mr. Hoffman stated that he will bring it back.

Public Portion of Hearing Closed

MOTION / VOTE:

The Planning Commission, on motion of Commissioner Kiser, Hennecke second, finds that the project is exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15321, and adopts a Resolution approving the Use Permit to allow a live entertainment-lounge use for Blend at 115 S. School Street subject to conditions of approval contained in the draft resolution provided. The motion carried by the following vote:

Ayes: Commissioners – Cummins, Hennecke, Olson, Slater and Chair Kiser  
Noes: Commissioners – None  
Absent: Commissioners - Kirsten and Heinitz

- b) Notice thereof having been published according to law, an affidavit of which publication is on file in the Community Development Department, Chair Kiser called for the public hearing to consider the request of the Planning Commission for approval of a Use to allow an electronic readerboard sign for First Baptist Church at 267 North Mills Ave. (Applicant: Gary Markle – Gary's Signs; File 2015-11 U; CEQA Determination: Exempt per Section 15301)

Senior Planner Craig Hoffman gave a brief PowerPoint presentation based on the staff report. Staff is recommending approval of the project as conditioned.

Chair Kiser asked if the sign will be similar to the sign at Walgreens. Mr. Hoffman stated that it is.

Commissioner Hennecke asked where else in the City electronic boards are operating. Mr. Hoffman stated that other than the Walgreens location there are signs at some of the school locations. Mr. Hoffman added that some of the gas stations in town have gone to the electronic pricing boards. Mr. Slater stated that Lodi High, Tokay, and Beckman schools all have the electronic boards. He added that regulating the brightness at night has been the most troublesome with residential neighbors.

Hearing Opened to the Public

- Gary Markle, applicant, came forward to answer questions.
- Commissioner Hennecke asked if staff members will be changing the messages. Mr. Markle stated that staff members will be operating the messages. Mr. Hennecke asked for clarification that the staff members will be trained on how to operate the sign. Mr. Markle stated that staff will be trained and there are online help sites for operating the sign as well.
- Commissioner Slater expressed his concerns over the brightness of the board at night. Mr. Markle stated that he will be working with staff at different hours to monitor the brightness and make sure that it is fine tuned.
- Commissioner Hennecke asked if it will be on 24 hours or will it shut down at a certain time. Mr. Markle stated that it will shut down from 11:00 pm to 6:00 am per condition number thirteen.
- Commissioner Slater asked what types of messages will be posted on the sign. Mr. Markle stated that he would defer that question to the pastor, but he would guess that it would be church times and activities.
- Mr. Markle asked to change the 10 seconds per message to a faster turn-around time. The 10 second mark was established by Caltrans and it is intended for cars traveling from a greater visual distance. Mr. Hoffman stated that staff is fine with making that every five seconds. Mr. Slater asked if there is a problem with the five seconds can that be altered without bringing them back to the Planning Commission. Mr. Hoffman stated that staff can work with the applicant to fine tune all those items or it can be brought back to the Commission. It will depend on what the problem is and how the Commission feels about how the problem is handled.
- Roy Collins, resident, came forward to express some concerns. There have been several occasions when vehicles have ended up in the front yard of the corner residences. The brightness is a concern since the sign faces directly down Lockeford Street. He would like to make sure that there will not be any flashing bright lights coming from the sign.

Public Portion of Hearing Closed

- Commissioner Cummins stated this support for the project.

MOTION / VOTE:

The Planning Commission, on motion of Commissioner Cummins, Kiser second, finds that the project is exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15301, and adopt a Resolution approving the Use Permit Use to allow an electronic readerboard sign for First Baptist Church at 267 North Mills Ave Street subject to conditions of approval contained in the draft resolution with the amendment to condition number 11 changing the seconds for message holding to 5. The motion carried by the following vote:

Ayes: Commissioners – Cummins, Hennecke, Olson, Slater and Chair Kiser  
Noes: Commissioners – None  
Absent: Commissioners - Kirsten and Heinitz

Vice Chair Heinitz rejoined the Commission.

4. PLANNING MATTERS/FOLLOW-UP ITEMS

a. Downtown Vision and Direction

Mr. Hoffman gave a brief report of the events that have occurred in the downtown area in the past month. The downtown is a destination and should meet the needs of a diverse community. Deputy City Attorney Fukasawa added that the discussion should stay general and not directly targeted at any one type of business.

Chair Kiser stated that he would like to continue to see the special events and the artwork in the downtown.

Vice Chair Heinitz stated his displeasure over the downtown being sold for special events and the businesses suffer from the closures. He would like to see the City of Lodi work with the downtown merchants to create a cohesive situation for all.

Commissioner Hennecke stated that he understands the vision for the downtown, but wonders if the Planning Commission has the right to steer business to or from the downtown. He feels the market will create its own attrition.

Commission Slater stated that he would like to really focus on what group is creating the problems in the downtown. He would like to have that group identified. He would like to see the City maintain the downtown infrastructure on a timely manner. Mr. Heinitz stated that there are security cameras on the outside of the building of his business and the tapes are turned over to the police on a regular basis. The vandalism occurs between 12:00 am and 2:00 am and it is difficult to identify the people doing it because the tapes aren't very clear. Mr. Slater stated that he would like to have the Commission take a proactive approach in getting the added security to the existing Use Permits.

Chair Kiser stated that he likes to go downtown and it concerns him that people are afraid to go downtown after dark because of a few unsavory people.

Commissioner Slater asked what avenue is taken for getting information from the Police Department to the Planning Division when there are excessive calls in the downtown area. Mr. Hoffman stated that recent meetings have taken place in regard to the flow of information and steps are being taken to ensure that the information will be timely. He added that he is asking that the Vintage Use Permit be pulled back to the Commission for review because of excessive Police calls.

Commissioner Olson stated that she would like to separate the nuisance items from the special event downtown closures. She feels that the downtown is an attractive destination and would not like to see that change. Mr. Heinitz stated that he isn't against the special events, but they don't always have to always take place in the downtown.

Commissioner Hennecke stated that he feels that the majority of the problems are coming from the Type 48 licenses. He would like to see a report from staff on a regular basis regarding the police calls that are occurring at Use Permit locations.

Commissioner Cummins agreed with Commissioner Olson's comments and would also like to see regular reports showing police call-outs. He also believes that the homeless are a factor in the nuisance problems in the downtown. He would like to see the downtown be a vibrant, attractive destination.

Chair Kiser would also like to see a regular report on the Use Permits, the number of Police calls that occur that are directly related to an establishment and calls in the downtown in general.

Commissioner Slater would like to make sure this will not be an arduous task for staff. Mr. Hoffman stated that the report can be done.

Commissioner Hennecke stated that the Planning Commission does not have any say over the events that come downtown. He asked for clarification on businesses downtown not having a Use Permits. Mr. Hoffman stated that there are establishments downtown that predate the Use Permit process. Mr. Hennecke asked to have a column added to the list of ABC License list to show which establishments have Use Permits. He would like to see the problems stopped before they get out of hand. Mr. Hennecke asked for the steps that have occurred to

require staff to bring the Vintage back to the Commission. Mr. Hoffman stated that he would encourage the Commission to not prejudge the fact that staff will be bringing the Vintage Use Permit back for review. He would like to see the applicant have a chance to address the concerns, but added that there have been many steps taken to reach this point. Mr. Fukasawa stated that staff did have a meeting with business owners and are taking steps in a positive direction. He added that the Commission has the power to bring any of the Use Permits back for added conditions.

Commissioner Olson stated for clarification purposes that staff is going to be providing a regular report on the Police calls in the downtown and the added information on the ABC License report stating which establishments actually hold a Use Permit. The Commission and staff concurred. Ms. Olson asked how the Police Department is handling this problem. Mr. Hoffman stated that the Police and City Manager are under a great deal of pressure to get this problem taken care of as soon as possible. Ms. Olson added that the nuisance problem that is occurring in the downtown carries over into the rest of the City at around 2:10 am and it needs to be address for the safety of the citizens of this city.

Vice Chair Heinitz stated that it is the Planning Commission's responsibility to ensure that the permits that are approved here are maintained in a standard that is set in the conditions and Commissioners need to encourage staff to follow-up with complaints.

Commissioner Cummins asked to have the address added to the ABC License report as well.

Discussion Opened to the Public

- Joe Tusera, representative for Vintage, came forward to express the interest of the business to work with staff and the Commission to help get things cleaned up. Mr. Tusera stated that he has been taking steps since he was hired in October to cure the problem that has been plaguing the establishment. There used to be Police calls every night and now there have only been seven calls since January. Mr. Hennecke asked what is being done differently that has caused the reduction in calls. Mr. Tusera stated that the biggest change is the dress code. The thug look is no longer allowed. If patrons look or sound like they are going to be a problem they are not allowed into the establishment.
- Jerry Wolfe, Whiskey Barrel Salon owner, came forward to state that he has taken steps to get help to monitor the downtown and that will run through July. He has partnered with the group called Guardian Angles for extra security in the downtown and if the other bar owners would like to help out that time can be extended. He disagrees with Mr. Tusera on the number of calls that have occurred in the last six months. Mr. Wolfe would like to move his establishment from Sacramento Street to School Street and he realizes that will be an uphill battle. Commissioner Slater asked what the impact would be to Mr. Wolfe's business if the Commission limited the hours of operation for his establishment to closing at 8:00 pm. Mr. Wolfe stated that he would have to shut his doors. Ms. Olson asked what Mr. Wolfe is doing to limit the Police calls to his establishments. Mr. Wolfe stated that the crowd that he draws to his establishment is a more mature crowd and are usually headed home by 12:30. Commissioner Hennecke asked what kind of problems Mr. Wolfe sees around his establishment. Mr. Wolfe stated that he sees fistfights quite often.

b) Senior Planner Hoffman stated that the Tentative Looking Ahead Project List has been provided and staff is available to answer any questions.

5. ANNOUNCEMENTS AND CORRESPONDENCE

None

6. ACTIONS OF THE CITY COUNCIL

Senior Planner Hoffman gave a brief report regarding the change in the code section being used for the chicken hen item that was heard at the Planning Commission in April.

7. ACTIONS OF THE SITE PLAN AND ARCHITECTURAL REVIEW COMMITTEE

None

8. ART IN PUBLIC PLACES

None

9. COMMENTS BY THE PUBLIC (NON-AGENDA ITEMS)

None

10. COMMENTS BY STAFF AND COMMISSIONERS (NON-AGENDA ITEMS)

Vice Chair Heinitz asked what the distance is when a Commissioner is required to recuse from an item. Mr. Fukasawa stated that it is 500 feet. Mr. Heinitz stated that he took the time during his absence tonight to measure and he measured out 641 feet and would appreciate it in the future that staff pull a Commissioner aside before the meeting and inform them that they will be expected to recuse themselves from an item.

11. ADJOURNMENT

There being no further business to come before the Planning Commission, the meeting was adjourned at 8:35 p.m.

ATTEST:

Kari Chadwick  
Planning Commission Secretary

DRAFT

**LODI PLANNING COMMISSION  
REGULAR COMMISSION MEETING  
CARNEGIE FORUM, 305 WEST PINE STREET  
WEDNESDAY, JUNE 10, 2015**

1. CALL TO ORDER / ROLL CALL

The Regular Planning Commission meeting of June 10, 2015 was called to order by Chair Kiser at 7:00 p.m.

Present: Planning Commissioners – Cummins, Heinitz, Hennecke, Kristen, Olson, Slater and Chair Kiser

Absent: Planning Commissioners – None

Also Present: Community Development Director Steve Schwabauer, Senior Planner Craig Hoffman, Deputy City Attorney John Fukasawa and Administrative Secretary Kari Chadwick

2. PUBLIC HEARINGS

- a) Notice thereof having been published according to law, an affidavit of which publication is on file in the Community Development Department, Chair Kiser called for the public hearing to consider the request of the Planning Commission for Recommendation to City Council for approval of Development Agreement reducing Community Facility District fees and waiving Vesting Map rights for Rose Gate Subdivision, Van Ruiten Subdivision and Reynolds Ranch Residential Subdivision. (Applicant: City of Lodi; File 2015-18 DA; CEQA Determination: Exempt per Section 15153 – Previous EIRs)

Community Development Director Steve Schwabauer gave a brief presentation based on the staff report. He stated that his concern as a City Manager is that the sustainability of the fee. The Development Agreements will allow the Community Facility District fee to be reset to the 2007 rate and the Tentative Map Impact Fee entitlements will have a narrowed window of opportunity. The Impact Fees were lowered by the City Council to help spur development during the down-turn in the economy.

Commissioner Olson asked if a challenge can be made because it may need a nexus study. Mr. Schwabauer stated that the Development Agreement sidesteps that need.

Senior Planner Craig Hoffman gave a brief presentation regarding the changes made to the resolutions along with the Development Agreements. The changes have been provided on the Blue Sheet versions and reflect the revised dates and correct owner names for each of the projects. Staff is recommending that the Planning Commission make the recommendation to the City Council for approval of the Development Agreements as amended on the Blue Sheet Version.

Chair Kiser, Commissioner Olson, Commissioner Cummins, Commissioner Hennecke, and Commissioner Slater disclosed that they communicated with one or more of the developers regarding these agreements.

Hearing Opened to the Public

- Tom Ducette, representative for Rose Gate, came forward to support the agreements.
- Mark Rishwain, representative for Van Ruiten Ranch, came forward to support the agreements.

Public Portion of Hearing Closed

- Commissioner Kirsten asked how often changes can be made to the Development Agreements. Mr. Schwabauer stated that there is only one active agreement on the books and that is for the Geweke sign. The Development Agreements can be and should be brought back to the Commission for periodic review to ensure that the developer is adhering to the points of agreement.
- Commissioner Hennecke asked if both parties need to agree to any changes. Mr. Schwabauer stated that all parties will have to agree.

MOTION / VOTE:

The Planning Commission, on motion of Commissioner Kiser, Heinitz second, finds that the project is exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15153, and adopts a Resolution recommending the City Council approve the Development Agreement reducing Community Facility District fees and waiving Vesting Map rights for Rose Gate Subdivision, Van Ruiten Subdivision and Reynolds Ranch Residential Subdivision subject to conditions of approval contained in the draft Blue Sheet resolution provided. The motion carried by the following vote:

Ayes: Commissioners – Cummins, Heinitz, Hennecke, Kirsten, Olson, Slater and Chair Kiser  
Noes: Commissioners – None  
Absent: Commissioners - None

3. COMMENTS BY THE PUBLIC (NON-AGENDA ITEMS)

None

4. COMMENTS BY STAFF AND COMMISSIONERS (NON-AGENDA ITEMS)

Commissioner Kirsten stated that the AIPP fund is down to \$125,000 and the current funding stream allows developers to choose to use the funds on their own projects. He would like to see the language changed so that the funds cannot be used on private projects and be funneled through the AIPP and would like to know if that discussion could get some traction with the City Council. Mr. Schwabauer stated that he would be happy to start the discussion and see if the item can get some traction. Mr. Kirsten would like to see an item on the Planning Commission agenda to make a recommendation to the City Council in support of AIPP funds to filter through the committee and not be left to the developers to use on their own projects.

5. ADJOURNMENT

There being no further business to come before the Planning Commission, the meeting was adjourned at 6:26 p.m.

ATTEST:

Kari Chadwick  
Planning Commission Secretary

## June 24, 2015 Minutes

Minutes were not ready at the  
time of packet preparation

They will be made available  
prior to the meeting

# Item 3a

**APPLICATION NO:** Subdivision Application: 2015-14 S  
Planned Development 2015-14 PD  
Growth Management Allocation: 2015-14 GM

**REQUEST:** Request for Planning Commission approval of:  
a) Growth Management Allocation for 22 Low-Density Residential Lots; and  
b) A Subdivision Map for the Vintner Square Subdivision, a 9 acre, 57 unit subdivision; and  
c) Adopt Development Standards for the subdivision known as Vintner Square located within Low Density Residential Zoning District.

South of Taylor Road and west of Lower Sacramento Road  
(Applicant: Vintners Square LLC; File: 2015-14 GM / S / PD;  
CEQA Status: Section 15183 – Previous Environmental Review)

**LOCATION:** South of Taylor Road and west of Lower Sacramento Road  
APN: 027-420-08 and 027-420-10  
Lodi, CA 95240

**APPLICANT:** Vintners Square LLC  
The Grupe Company  
Mr. Chris Conklin  
3255 West March Lane, Suite 400  
Stockton, CA 95219

Staff is requesting this item be continued to the August 26, 2015 Planning Commission meeting. Staff and the applicant are working on some last minute conditions and need more time for review.



**CITY OF LODI  
PLANNING COMMISSION  
Staff Report**

**MEETING DATE:** July 22, 2015

**APPLICATION NO:** Use Permit: 2015-21 U

**REQUEST:** Request for Planning Commission approval of a Use Permit to allow a wine production facility, Type 2 ABC license, at 1011 East Pine Street. (Applicant: Vinedos Aurora / Gerardo Espinosa; File 2015-21 U; CEQA Determination: Exempt per Section 15321)

**LOCATION:** 1011 East Pine Street  
Lodi, CA 95240  
APN: 049-050-47

**APPLICANT:** Vinedos Aurora  
Gerardo Espinosa  
P.O. Box 185  
Victor, CA 95253

**PROPERTY OWNER:** Mark Nureddine  
1011 East Pine Street  
Lodi, CA 95240

**RECOMMENDATION**

Staff recommends the Planning Commission approve the request of Vinedos Aurora / Gerardo Espinosa for a Use Permit to allow a wine production facility, Type 2 ABC license, at 1011 East Pine Street subject to conditions in the attached resolution.

**PROJECT AREA DESCRIPTION**

**General Plan Designation:** Industrial  
**Zoning Designation:** Industrial  
**Property Size:** 2.85-acres (124,146 sq. ft.)

The adjacent zoning and land use characteristics:

	ADJACENT ZONING DESIGNATIONS AND LAND USES		
	GENERAL PLAN	ZONING CLASSIFICATION	EXISTING LAND USE
<b>North</b>	Industrial	Industrial	Warehouse/industrial use
<b>South</b>	Industrial	Industrial	Warehouse/industrial use
<b>East</b>	Industrial	Industrial	Warehouse/industrial use
<b>West</b>	Industrial	Industrial	Warehouse/industrial use

## **BACKGROUND**

In July 2013, the Planning Commission approved a Use Permit for Gerardo Espinosa, on behalf of Viñedos Aurora Cellars, to open a wine production facility, retail sales and wine tasting room in an existing building located at 606 South Central Avenue. The applicant has outgrown this space and is looking for a larger production site. The Aurora wine tasting room is downtown and the proposal is for a larger production facility.

The applicant's proposal is to utilize a vacant industrial space located at 1011 East Pine Street into a wine production facility consisting of the crushing of grapes, fermenting wine and the aging of wine in barrels. The majority of the wine production will take place during the months of harvest in the fall. Grapes will be brought in from off-site to be crushed and fermented at the proposed facility. Truck traffic will be limited to the morning hours and consist of daily delivery during a week-long harvest period.

The applicant proposes a first phase with a 1,500 sq ft production area and 2,000 sq ft storage area. Ultimately the total wine production and storage area could increase to 10,000 sq ft.

At any given time there may be 1000 barrels of fermenting wine and between 5000 cases of finished wine being stored on the site. The site will also contain a small office for administrative uses. The facility will be in use up to 7 days a week primarily for office use. During the harvest, the facility will operate 7 days a week. According to the applicant, facility tours and tastings will be conducted by appointment only and will be on limited to small groups of 5 - 15 people. A small retail wine sales area will also be established inside the building where tasting groups may purchase wine for off-site consumption.

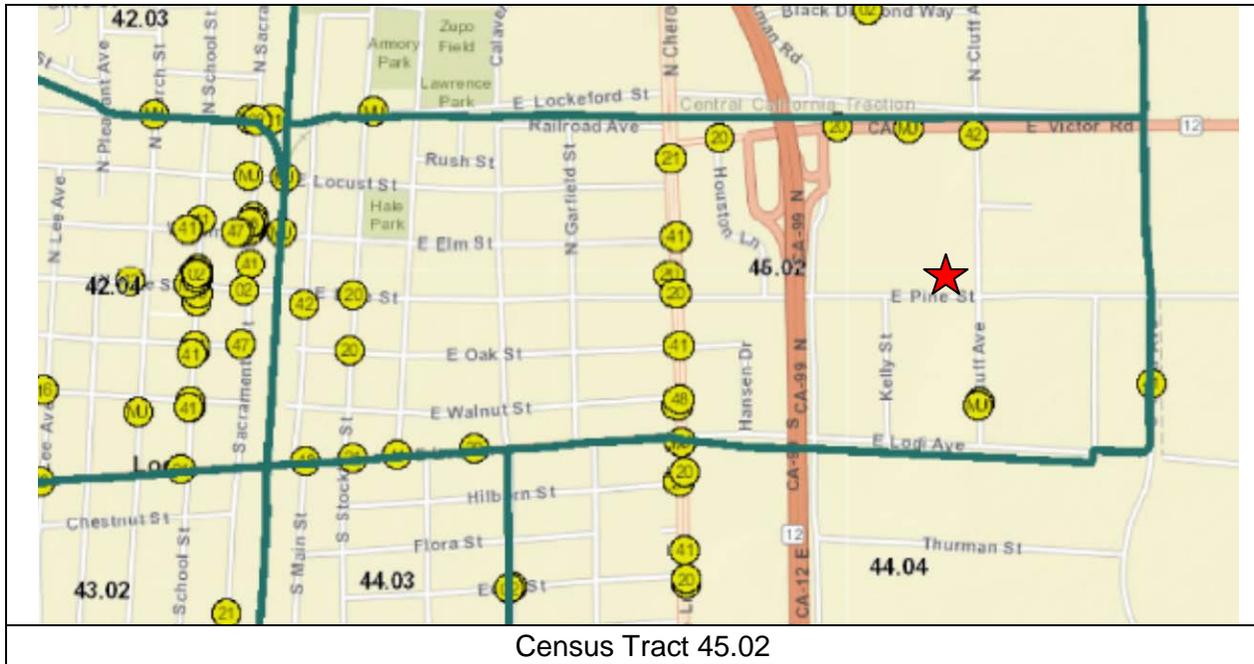
The property provides thirty-five (35) onsite parking spaces. There are no full time employees, except for the owner. There will be a maximum of 2-4 part-time employees during bottling operations and during such times, tastings will not occur. Since most of the businesses in the complex are closed on weekends, there is substantially more vacant parking on Saturdays and Sundays when most tasting appointments are proposed to occur. Therefore, available on-site parking is sufficient to meet the needs of employees and appointed guests.

## **ANALYSIS**

Per Land Use Code Section 17.24.030, wine production is permitted in the Industrial zoning designation subject to an approved use permit by the Planning Commission. 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. Wineries, wine production facilities and associated wine tasting rooms and wholesale 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 45.02, which covers the area south of Lockeford Street, west of Guild Ave., north of Lodi Ave and east of the Union Pacific Railroad tracks.

The discretionary Use Permit procedure enables the Planning and the city staff to impose conditions designed to avoid, minimize or mitigate potentially adverse effects of a certain use upon the community or other properties in the vicinity. Staff proposes operational conditions requiring orderly removal of wine waste within 24 hours, prohibition of public queuing, and noise and odor control mitigation measures. Staff believes that the Planning Commission can make the required findings to approve the requested Use Permit. The required findings are as followed:

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 Zoning designation for this property is Industrial, which permits beverage production and on-site consumption subject to a Use Permit per Lodi Municipal Code. The proposed wine manufacturing establishment with limited on-site consumption (wine tasting) is permitted is the type of business permitted in the Industrial Zoning District per Lodi Municipal Code Section 17.24.030.
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 Industrial, which provides for manufacturing, warehousing, general service, storage and distribution activities. The proposed wine manufacturing and storage of wine is the type of business allowed by the General Plan. Limited retail sale of wine in conjunction with a wine manufacturing facility is a common way for wine manufacturers to expand and improve their 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 wine production facility with an associated retail and onsite wine tasting establishment is compatible with existing and future land uses because this subject property is located within the Industrial Zoning District. The surrounding uses are primarily industrial uses. In addition, the proposed use will not detrimentally affect residential buildings, churches, schools, hospitals, public playgrounds, and other similar uses, as well as other establishments dispensing alcoholic beverages, including beer and wine, for sale or other consideration in that the property is not proximate to any churches or hospitals; and does not directly abut residentially zoned properties, parks, or schools. No aspects of the proposed use has 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, the site has sufficient access to streets, adequate in width and pavement type to carry the quantity and quality of traffic generated by the proposed use. Third, the proposed use, as conditioned, will not have an adverse effect upon the use, enjoyment or valuation of property in the industrial 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 manufacturing of wine are consistent with various manufacturing uses located within the vicinity of the project site and throughout the Industrial Zoning District. Lastly, the proposed use will not have an adverse effect on the public health, safety, and general welfare in that security measures and the limited size of the use will mitigate any potential adverse effects to neighboring properties. The proposed business is a permitted use within the Industrial Zoning District, and the facility will be located within an existing building. No conflicts with existing and potential uses have been identified.
  
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. Conditions of approval are proposed to ensure the restaurant is not operated in a negative manner or without adequate oversight. If problems or concerns related to the sale of alcoholic beverages occur in the future, staff and/or the Planning Commission may initiate a public hearing where the Commission would have the ability to amend conditions or revoke the Use Permit.

#### **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, July 11, 2015. Twenty-eight (28) 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 motion is 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 adopt a Resolution approving the Use Permit Use to allow a wine production facility, Type 2 ABC license, at 1011 East Pine 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

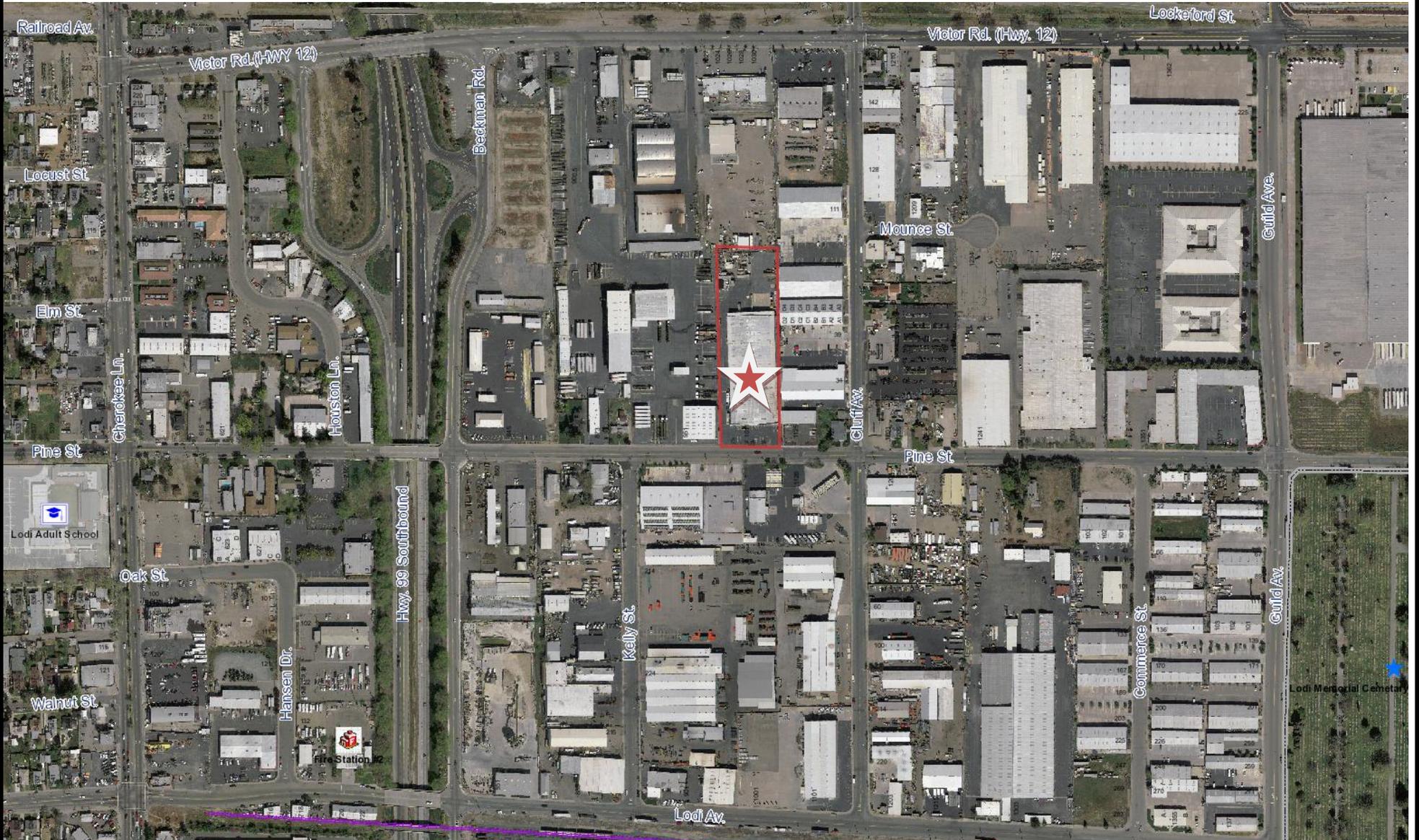
Stephen Schwabauer  
Community Development Director

**ATTACHMENTS:**

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

# VICINITY MAP

North



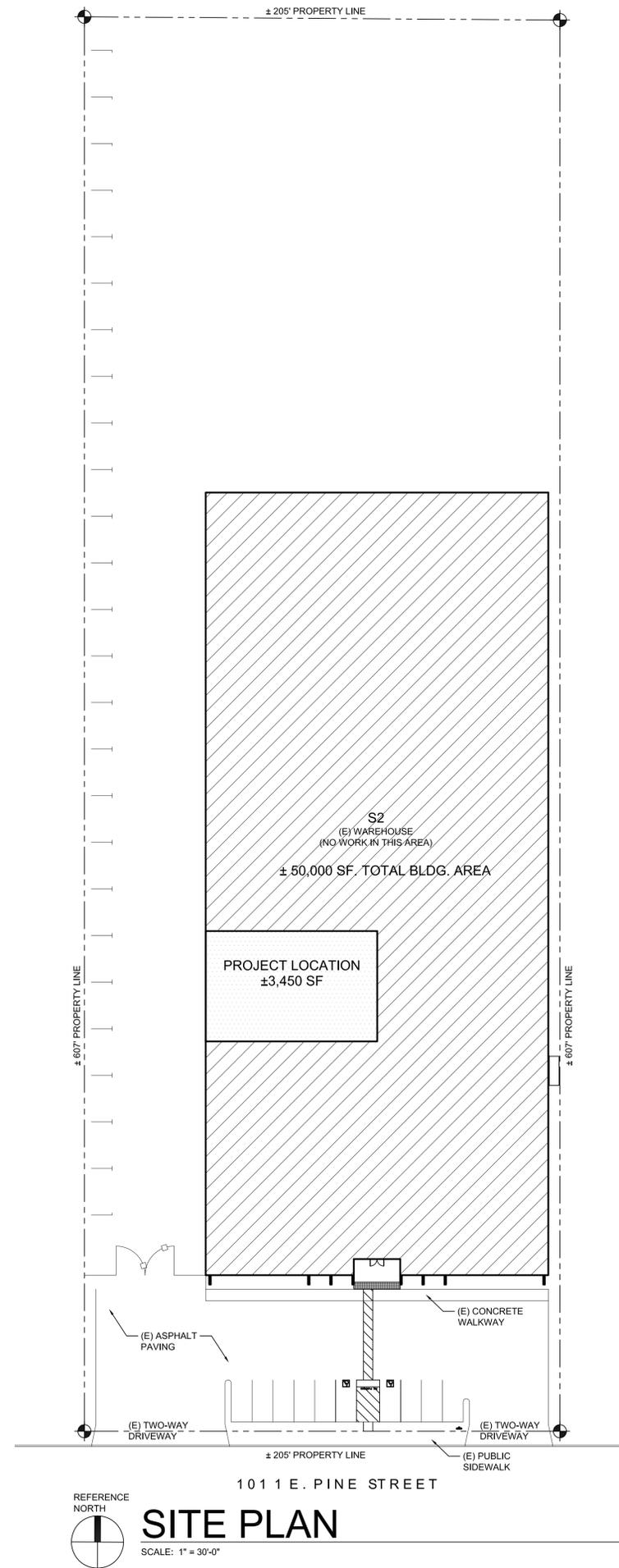
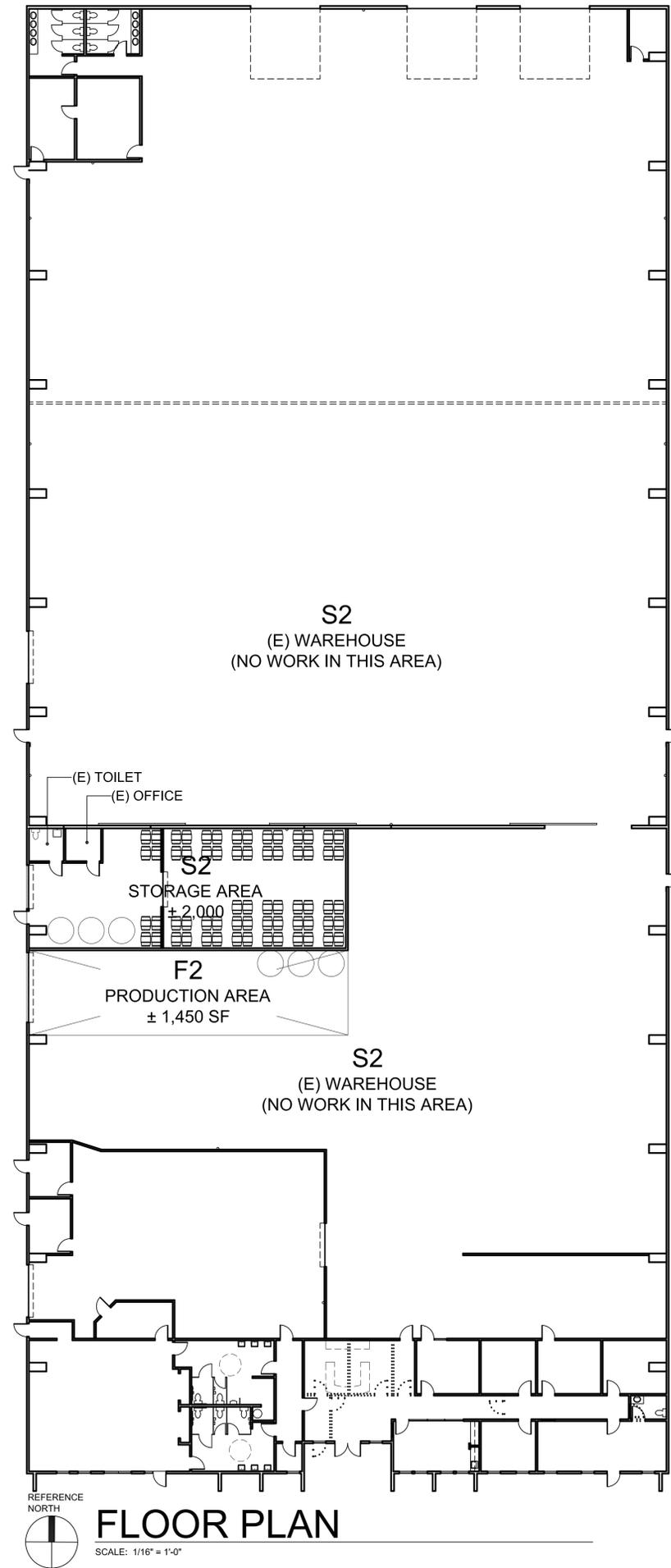
South

## 1011 East Pine Street

project for  
 Vinedos Aurora, Inc.  
 1011 E. Pine St  
 Lodi, CA. 94950

project  
 Design Review

sheet contents  
 Site Plan and Floor Plan



SCALE: AS NOTED  
 DATE: 06.03.15  
 SHEET

UP-1

## RESOLUTION NO. P.C. 15-XX

### **A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LODI APPROVING THE REQUEST OF VINEDOS AURORA / GERARDO ESPINOSA A USE PERMIT TO ESTABLISH A WINE PRODUCTION FACILITY (ABC TYPE 2) AT 1011 EAST PINE 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 site is located at 1011 East Pine Street, Lodi, CA 95240 (APN: 049-050-47); and

**WHEREAS**, the project proponent is Vinedos Aurora, c/o Gerardo Espinosa, P.O. Box 185, Victor, CA 95253; and

**WHEREAS**, the project property owners are Mark Nureddine, 1011 East Pine Street, Lodi, CA 95240; and

**WHEREAS**, the property has a General Plan designation of Industrial and is zoned Industrial; and

**WHEREAS**, the requested Use Permit to establish a wine manufacturing facility (ABC Type 2) at 1011 East Pine Street; and

**WHEREAS**, pursuant to the California Environmental Quality Act of 1970, and State Guidelines thereto; this project has been found to be categorically exempt from CEQA under 14 CCR §15321; and

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

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

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

1. The project was found to be Categorically Exempt according to the California Environmental Quality Act, §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." A project is exempt from CEQA if it does not have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in questions may have a significant effect on the environment, the activity is not subject to CEQA. No significant environmental impacts are anticipated and no mitigation measures are required. For the reasons discussed above, no significant environmental effects would occur as the result of the proposed project.
2. The General Plan land use designation for this area is Industrial, which provides for manufacturing, warehousing, general service, storage and distribution activities. The proposed wine manufacturing and storage of wine is the type of business allowed by the General Plan. Limited retail sale of wine in conjunction with a wine manufacturing facility is a common way for wine manufacturers to expand and improve their activities and is therefore, consistent, with the General Plan.
3. The Zoning designation for this property is Industrial, which permits beverage production and on-site consumption subject to a Use Permit per Lodi Municipal. The proposed wine manufacturing establishment with limited on-site consumption (wine tasting) is permitted is the type of business permitted in the Industrial Zoning District per Lodi Municipal Code Section 17.24.030.

4. The proposed wine production facility with an associated retail and onsite wine tasting establishment is compatible with existing and future land uses because this subject property is located within the Industrial Zoning District. The surrounding uses are primarily industrial uses. In addition, the proposed use will not detrimentally affect residential buildings, churches, schools, hospitals, public playgrounds, and other similar uses, as well as other establishments dispensing alcoholic beverages, including beer and wine, for sale or other consideration in that the property is not proximate to any churches or hospitals; and does not directly abut residentially zoned properties, parks, or schools. No aspects of the proposed use has 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. Second, the site has sufficient access to streets, adequate in width and pavement type to carry the quantity and quality of traffic generated by the proposed use. Third, the proposed use, as conditioned, will not have an adverse effect upon the use, enjoyment or valuation of property in the industrial 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 manufacturing of wine are consistent with various manufacturing uses located within the vicinity of the project site and throughout the Industrial Zoning District. Lastly, the proposed use will not have an adverse effect on the public health, safety, and general welfare in that security measures and the limited size of the use will mitigate any potential adverse effects to neighboring properties. The proposed business is a permitted use within the Industrial Zoning District, and the facility will be located within an existing building. No conflicts with existing and potential uses have been identified.
6. The proposed use will not create an enforcement problem in that the proposed use is primarily industrial in nature and is properly located in the Industrial zoning district and will continue to operate under a suite of environmental health and safety measures.
7. The proposed use will not create a demand for public services within the City beyond that of the ability of the City to meet in the light of taxation and spending restraints in that the use is private and does not require any additional public services.
8. The proposed use would not have a substantial adverse economic effect on nearby uses because operation of the proposed business in accordance with applicable laws, and under the conditions of this Use Permit, is anticipated to be an economic benefit to the community.
9. The conditional use is subject to and must comply with specific local conditions and additional regulations as deemed necessary by other regulatory or permit authorities. The approval does not relieve the applicant from an obligation to obtain applicable state or federal permits for manufacturing and sale of alcohol products.

**NOW, THEREFORE, BE IT DETERMINED AND RESOLVED** by the Planning Commission of the City of Lodi that Use Permit Application No. 2015-21 U is hereby approved, subject to the following conditions:

1. The 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 development 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 development 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 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.
3. The property owner and/or developer 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.
4. If any of the following conditions fail to occur, or if they are, by their terms, to be implemented and maintained over time, if any of such conditions fail to be so implemented and maintained according to their terms, the City shall have the right to revoke or modify all approvals herein granted; deny or further condition issuance of all future building permits; deny, revoke, or further condition all certificates of occupancy issued under the authority of approvals herein granted; record a notice of violation on the property title; institute and prosecute litigation to compel their compliance with said conditions or seek damages for their violation.
5. The Use Permit shall be vested within six (6) months from the effective date of approval. A building permit for the tenant improvements allowed under this Use Permit shall have been obtained within six (6) months from the effective date of the Use Permit or the Use Permit shall expire; provided however that the Use Permit may be extended pursuant to the Lodi Municipal Code.
6. The Use Permit shall not become effective until ten (10) business days after approval, providing that the action is not appealed by the City Council or any other interested party within that 10 day period.
7. Any request for an extension of the Use Permit must be justified in writing and received by the Planning Department at least thirty (30) days prior to expiration.
8. The project proponent/applicant/operator and/or developer and/or successors in interest and management shall operate and abide by the requirements and conditions of the State of California Department of Alcoholic Beverage Control License Type 2.
9. 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. Further, starting from the effective date the business commences the sale of wine, this Use Permit shall be subject to a one year, and two year review by Community Development Director. If the Director determines it necessary, the Director shall forward the review to the Planning Commission to review the business's operation for compliance with the conditions of the Use Permit, and in response to any complaints thereafter.
10. Prior to the issuance of a Type-2 licenses, the project proponent/applicant/operator and/or developer and/or successors in interest and management shall complete Licensee Education on Alcohol and Drugs as provided by the State Department of Alcoholic Beverage Control.

11. The Lodi Police Department may, at any time, request that the Planning Commission conduct a hearing on the 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.
12. All temporary and permanent signage proposed in connection with the wine making operation shall be reviewed and approved by the Community Development Department.
13. All winery waste shall not be stored outside and shall be properly disposed of within 24 hours of crush activity.
14. All delivery truck cueing shall take place off of the public right-of-way.
15. The project proponent/applicant and/or developer and/or successors in interest and management shall maintain the project site free of litter, shopping-carts or any other undesirable materials and shall be cleaned of loose debris on a daily basis.
16. Any equipment used for the business shall comply with the Noise Ordinance. If complaints are received and verified by the City regarding noise from equipment associated with the facility, the applicant/operator and/or successors in interest and management shall mitigate and/or make any necessary modifications so noise levels comply with acceptable standards identified in the City's General Plan.
17. Noise levels shall not exceed sixty-five (65) dBA, as measured from the outside wall of the building envelop. The business hours of operation shall be from 6:00 a.m. to 6:00 p.m., Monday through Sunday, unless modified in writing and approved by the Planning Division. All business related to the facility, including removal recyclable materials shall be within these approved hours.
18. Subsequent modifications of this approval, which do not intensify the use, including but not limited to alteration of parking and circulation design, minor changes to the conditions of approval, interpretations of the conditions of approval relative to intent, necessity of, and timing, may be approved by the Community Development Director, unless the Community Development Director requires a Substantial Conformance or Revised Permit application in accordance with the Zoning Ordinance.
19. In the event the use hereby permitted under this permit is: (a) found to be in violation of the terms and conditions of this permit; (b) found to have been obtained by fraud or perjured testimony; or (c) found to be detrimental to the public health, safety or general welfare, or a public nuisance; this permit shall be subject to the revocation procedures in accordance with the City of Lodi Municipal Code.
20. At all times during the conduct of the use(s) allowed by this permit, the use(s) shall maintain and keep in effect valid licensing from appropriate local, state and/or federal agencies as required by law. Should such required licensing be denied, expire or lapse at any time in the future, this permit shall become null and void.
21. If the winery has special events for promotions or seasonal tastings, live music shall be required to meet the City noise ordinance. This includes outdoor or indoor bands and events.

Building - General Comments:

22. Tenant Improvement plans required for change of occupancy/use. 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.
23. Storage racks greater than 6' in height are required to be submitted under separate permit and cover. Storage racks greater than 8' in height shall be provided with structural

calculations. Storage 12' or greater in height must be reviewed as high piled storage." City of Lodi Policy and Procedure B-[08]-[09]

24. The plans show the office and other rooms without windows or doors opening to the exterior. Natural ventilation of the areas is required through windows, doors, louvers or other openings to the outdoors. Or provide mechanical ventilation of the areas at the ventilation rate specified for the occupancy by the 2013 CPC, Table 4-1. 2013 CBC, Section 1203.4,
25. Provide an active or passive space heating system capable of maintaining a minimum indoor temperature of 68 degrees F at a point 3 foot above the finished floor of occupiable areas (office/mercantile/wine tasting area). 2013 CBC, Section 1204.1
26. Fire rated separation may be required between different occupancies in the building as per 2013 CBC, Section 508.4 and Table 508.4
27. Plans shall provide occupancy load calculations for each area of the building based on square footage and the applicable occupant load factor from Table 1004.1.2. 2013 CBC, Section 1004.1.2
28. If the occupant load of the building or any area of the building exceeds 49, the plans shall show:
  - a) A minimum of two (2) exits that are separated by a minimum of 1/2 (1/3 in sprinklered buildings) of the diagonal distance of the area served. 2013 CBC, Section 1015.2.1
  - b) Exit doors shall swing in the direction of egress travel. 2013 CBC, Section 1008.1.2
  - c) The exit doors and exit access doors shall be equipped with panic hardware. 2013 CBC, Section 1008.1.10
  - d) A means of illuminating the egress path of travel in case of power failure, including path to the egress doors, the corridor and the exterior landings. The emergency power system shall provide backup power for the duration of at least 90 minutes and shall illuminate the path of travel at the rate of an average of 1 foot candle at floor level. 2013 CBC, Sections 1006.1 thru 1006.3.1
  - e) Show locations of required illuminated exit signs. 2013 CBC, Section 1011
  - f) Provide complete and adequate details and locations of the required tactile exit signs at the following locations:
    1. Each grade-level exterior exit door shall be identified by a tactile exit sign with the word, "EXIT."
    2. Each exit access door from an interior room or area that is required to have a visual exit sign, shall be identified by a tactile exit sign with the words, "EXIT ROUTE." 2013 CBC, Section 1011.4
29. Unless the building meets one of the exceptions of 2013 CPC, Section 422.2 (allowing a unisex restroom), separate toilet facilities shall be provided for each sex. Plumbing occupant load shall be calculated using the plumbing occupant load factor specified by 2013 CPC Table A for each area use. The required number of plumbing fixtures (water closets, urinals, lavatories) shall be provided, as specified by 2013 CPC, Table 422.1.
30. The California Building Code (Title 24 Section 11B-202) requires that existing buildings, when alterations are made, shall be verified for compliance with disabled access requirements. These requirements shall apply only to the specific area of alteration and shall include an accessible entrance, an accessible route to the altered area, at least one accessible restroom for each sex, telephones and drinking fountains (if existing), and when possible additional items such as parking, storage and alarms.

31. If the construction costs of the alterations to the building are less than the current valuation threshold of \$146,303.00 and if the cost of the above listed accessibility upgrades are disproportionate (exceeds 20% of the project without the upgrades), then the required accessibility upgrades may be provided to the extent that is proportionate (20% of the valuation) as per 2013 CBC, Section 11B-202.4, Exception 8. In choosing which accessible elements to provide, priority should be given to those elements that will provide the greatest access.
32. Any 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.
33. An operational permit shall be required from the Lodi Fire Department for the operation of the wine manufacturing facility. Please contact the Lodi Fire Prevention Bureau at 25 East Pine Street, Lodi - (209) 333-6735.
34. If operation of this use results in conflicts pertaining to parking, noise, traffic, or other impacts, at the discretion of the Community Development Director, this conditional use permit may be referred to the Planning Commission for subsequent review at a public hearing. If necessary, the Commission may modify or add conditions of approval to mitigate such impacts, or may revoke said conditional use permit bound upon applicable findings.
35. 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.
36. No variance from any City of Lodi adopted code, policy or specification is granted or implied by this approval.

**Dated: July 22, 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 July 22, 2015 by the following vote:

**AYES:** Commissioners:

**NOES:** Commissioners:

**ABSENT:** Commissioners:

**ATTEST** \_\_\_\_\_  
Secretary, Planning Commission



# **CITY OF LODI PLANNING COMMISSION**

## **Staff Report**

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**MEETING DATE:** July 22, 2015

**APPLICATION NO:** Zoning Code: 2015-22 Z

**REQUEST:** Request for Planning Commission to review existing zoning code in regard to transitional housing and expand as allowed use in all zones with residential housing as an allowed use and make recommendation to the City Council. (Applicant: City of Lodi; File 2015-22 Z; CEQA Determination: Exempt per Section 15321)

**LOCATION:** Residential Districts and Mixed Use Districts City-Wide

**APPLICANT:** City of Lodi  
221 West Pine Street.  
Lodi, CA 95240

### **RECOMMENDATION**

Staff recommends that the Planning Commission adopt the attached resolution recommending the City Council modify the existing zoning code to allow transitional and supportive housing in all zones where residential housing is an allowed use, subject to the provisions of other laws or ordinances.

### **BACKGROUND / ANALYSIS**

The City of Lodi is currently updating the General Plan Housing Element. This is a document the Planning Commission will review in the upcoming months. As part of this update, staff is reviewing all State Law updates and changes that affect housing and any modifications to the Zoning Code that are needed.

In 2014 the State updated requirements for transitional and supportive housing. This update requires that transitional and supportive housing be permitted in all zones residential housing is allowed.

Within section 17.18.030 - Table 2-4, transitional and supportive housing is only allowed in the Medium and High Density zoning districts. State law requires transitional and supportive housing be allowed in all districts where residential housing is allowed. This would include modifying the development code to also allow transitional and supportive housing in the Low Density Residential, Mixed Use Corridor, Downtown Mixed Use and Mixed Use Center zoning districts.

The Department of Housing and Community Development defines "Transitional Housing" as building configured as rental housing developments, but operated under program requirements that call for the termination of assistance and recirculation of the assisted unit to another eligible program recipient at some predetermined future point in time, which shall be no less than six

months. Transitional housing is treated the same as a residential use in a residential zone. This is typically short term housing that helps an individual transfer to living on their own without additional services provided.

“Supportive Housing” is typically for the elderly, persons with disabilities, including a developmental disability, large families, farmworkers, families with female heads of households, and families and persons in need of emergency shelter. Supportive housing is typically linked to onsite or offsite services that assist the resident in retaining the housing, improving his or her health status, and maximizing his or her ability to live and, when possible, work in the community

A memo from the Department of Housing and Community Development is included as Attachment 1.

**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 are required.

**PUBLIC HEARING NOTICE:**

Legal Notice for this item was published in the Lodi News Sentinel on Saturday, June 11, 2015.

**RECOMMENDED MOTIONS**

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

“I move that the Planning Commission adopt the attached resolution recommending the City Council amend the Zoning Code to allow transitional and supportive housing in all zones where residential housing is an allowed use.”

**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:**

1. Memo from HCD
2. Draft Resolution

**DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT  
DIVISION OF HOUSING POLICY DEVELOPMENT**

2020 W. El Camino Avenue, Suite 500  
Sacramento, CA 95833  
(916) 263-2911 / FAX (916) 263-7453  
www.hcd.ca.gov

**MEMORANDUM**

**DATE:** April 24, 2014

**TO:** Planning Directors and Interested Parties

**FROM:** Lisa Bates, Deputy Director   
Division of Housing Policy Development

**SUBJECT:** **Transitional and Supportive Housing  
Chapter 183, Statutes of 2013 (SB 745)**

This memorandum is to update local decision makers on recent amendments to housing element law (Government Code Section 65582) related to transitional and supportive housing zoning requirements. In 2007, SB 2 (Chapter 633, Statutes of 2007) revised housing element law requiring that transitional and supportive housing be permitted as a residential use, subject only to restrictions that apply to other residential dwellings of the same type in the same zone. SB 745, which took effect on January 1, 2014, generally amends the Section 65582 of the Government Code to replace prior Health and Safety Code definitions of "supportive housing," "target population," and "transitional housing" with definitions now more specific to housing element law.

Previously, definitions for "supportive housing," "target population," and "transitional housing" were found in subdivision (b) of Section 50675.14, subdivision (3)(a) of Section 50675.14 and subdivision (h) of Section 50675.2 of the Health and Safety Code, respectively. SB 745 deletes reference to these sections and creates new definitions in Government Code Section 65582.

The intent for this change is to remove cross references in Government Code Section 65582 to the definitions of "supportive housing" and "transitional housing" that are used in the statutes governing the Multifamily Housing Program (MHP) and replace them with the current definitions that are used for the purposes of zoning applicable at the time SB 2 (Cedillo, Chapter 633, Statutes of 2007) passed. For your assistance, the specific language of SB745 that amends Section 65582 of the Government Code is included in Attachment A.

For a full copy of the statute, please refer to <http://leginfo.legislature.ca.gov/>.

For more information regarding transitional and supportive housing, see the Department's *Building Blocks*' website at [http://www.hcd.ca.gov/hpd/housing\\_element2/SIA\\_variety.php](http://www.hcd.ca.gov/hpd/housing_element2/SIA_variety.php). If you have any questions, please contact Paul McDougall, Housing Policy Manager, at 916-263-7420.

**ATTACHMENT A**  
**Changes to State Housing Element Law**  
**AB 745 (Chapter 183, Statutes of 2013)**

**Government Code Section 65582**

**SB 745 (Changes in underline)**

As used in this article, the following definitions apply:

- (a) "Community," "locality," "local government," or "jurisdiction" means a city, city and county, or county.
- (b) "Council of governments" means a single or multicounty council created by a joint powers agreement pursuant to Chapter 5 (commencing with Section 6500) of Division 1 of Title 1.
- (c) "Department" means the Department of Housing and Community Development.
- (d) "Emergency shelter" has the same meaning as defined in subdivision (e) of Section 50801 of the Health and Safety Code.
- (e) "Housing element" or "element" means the housing element of the community's general plan, as required pursuant to this article and subdivision (c) of Section 65302.
- (f) "Supportive housing" means housing with no limit on length of stay, that is occupied by the target population, and that is linked to an onsite or offsite service that assists the supportive housing resident in retaining the housing, improving his or her health status, and maximizing his or her ability to live and, when possible, work in the community.
- (g) "Target population" means persons with low incomes who have one or more disabilities, including mental illness, HIV or AIDS, substance abuse, or other chronic health condition, or individuals eligible for services provided pursuant to the Lanterman Developmental Disabilities Services Act (Division 4.5 (commencing with Section 4500) of the Welfare and Institutions Code) and may include, among other populations, adults, emancipated minors, families with children, elderly persons, young adults aging out of the foster care system, individuals exiting from institutional settings, veterans, and homeless people.
- (h) "Transitional housing" means buildings configured as rental housing developments, but operated under program requirements that require the termination of assistance and recirculating of the assisted unit to another eligible program recipient at a predetermined future point in time that shall be no less than six months from the beginning of the assistance.

## RESOLUTION NO. P.C. 15-XX

### A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LODI RECOMMENDING THE CITY COUNCIL AMEND THE ZONING CODE TO ALLOW TRANSITIONAL AND SUPPORTIVE HOUSING BE PERMITTED IN ALL ZONES RESIDENTIAL HOUSING IS ALLOWED.

- WHEREAS,** the Planning Commission of the City of Lodi has heretofore held a duly noticed public hearing, as required by law, on the requested determination, in accordance with the California Government Code Section 65402.(a); and
- WHEREAS,** the project proponent is City of Lodi, 221 West Pine Street, Lodi, CA 95240; and
- WHEREAS,** In 2014, the State of California updated requirements for transitional and supportive housing. This update requires that transitional and supportive housing be permitted in all zones residential housing is allowed; and
- WHEREAS,** Within section 17.18.030 - Table 2-4 of the current City of Lodi development code, transitional and supportive housing is only allowed in the Medium and High Density Residential zoning districts; and
- WHEREAS,** "Transitional housing" means building configured as rental housing developments, but operated under program requirements that call for the termination of assistance and recirculation of the assisted unit to another eligible program recipient at some predetermined future point in time, which shall be no less than six months. Transitional housing is treated the same as a residential use in a residential zone.
- WHEREAS,** Proposed modifications to the development code would also allow transitional and supportive housing in the Low Density Residential, Mixed Use Corridor, Downtown Mixed Use and Mixed Use Center zoning districts; and
- WHEREAS,** all legal prerequisites to the adoption of this Resolution have occurred; and

Based upon the evidence in the staff report and project file, the Planning Commission of the City of Lodi makes the following findings:

1. The project was found to be Categorically Exempt according to the California Environmental Quality Act, Article 19 §15321, Class 21 (a) (2). The project is classified as an "Enforcement action by regulatory agencies" because it is the "adoption of an administrative decision or order enforcing or revoking the lease, permit, license, certificate, or entitlement for use or enforcing the general rule, standard, or objective." No significant environmental impacts are anticipated and no mitigation measures are required.
2. Modifications to the development code would allow transitional and supportive housing in the Low Density Residential, Mixed Use Corridor, Downtown Mixed Use and Mixed Use Center zoning districts and will be consistent with the development standards of the adopted General Plan and will be subject to Zoning regulations.
3. The modifications to the zoning code will be consistent with State law.
4. Modifications to the development code would be subject to the provisions of other laws or ordinances and will not be detrimental to the health, safety or general welfare of persons residing or working in the City or be detrimental or injurious to the health, safety, peace or general welfare of the City.

**NOW, THEREFORE, BE IT DETERMINED AND RESOLVED** by the Planning Commission of the City of Lodi that the following proposed language be recommended for approval and adoption by the City Council and included in the municipal code as follows:

Section 17.18.030 - Table 2-4

Transitional and Supportive Housing – allowed use in Low Density Residential, Medium Density Residential and High Density Residential zoning districts.

Section 17.22.030 – Table 2-8

Transitional and Supportive Housing – allowed use in Downtown Mixed Use, Mixed Use Center and Mixed Use Corridor zoning districts.

**Dated: July 22, 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 July 22, 2015 by the following vote:

**AYES:** Commissioners:

**NOES:** Commissioners:

**ABSENT:** Commissioners:

**ATTEST**

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**Secretary, Planning Commission**