

<p>CARNEGIE FORUM 305 WEST PINE STREET LODI, CALIFORNIA</p>	<p>AGENDA LODI PLANNING COMMISSION</p>	<p>REGULAR SESSION WEDNESDAY, MARCH 9, 2016 @ 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 – “February 10, 2016”
3. PUBLIC HEARINGS
 - a. Request for Planning Commission to recommend the draft 2015-2023 Housing Element be forwarded to the City Council for approval (Applicant: City of Lodi; File 2015-35 GP; CEQA Determination: Section 15183 – Previous Environmental Review, 2010 General Plan EIR (SCH#2009022075))
 - b. Request for Planning Commission approval of a Use Permit and Site Plan and Architectural Review to allow a La Quinta Inn and Suites hotel at 1136 South Cherokee Lane. (Applicant: Lodi Vineyards Hospitality, DBA; File 2016-04 U / SP; CEQA Determination: Exempt per Section 15332)
 - c. Request for Planning Commission approval of a Use Permit to allow outside seating for Stogies at 230 W. Pine Street. (Applicant: Denise Wiman; File 2016-05 U; CEQA Determination: Exempt per Section 15321)
 - d. Request for Planning Commission approval of a Use Permit to allow a wine production facility, Type 2 ABC license, at 1378 East Turner Road – Suite D. (Applicant: Vinarija Drava LLC – William Carson and Steve Carson.; File 2016-06 U; CEQA Determination: Exempt per Section 15321)

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

4. PLANNING MATTERS/FOLLOW-UP ITEMS
 - a. Update of Downtown Police Service Calls
 - b. Reminder – Annual 700 Forms are Due by April 1st
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.

**LODI PLANNING COMMISSION
REGULAR COMMISSION MEETING
CARNEGIE FORUM, 305 WEST PINE STREET
WEDNESDAY, FEBRUARY 10, 2016**

1. CALL TO ORDER / ROLL CALL

The Regular Planning Commission meeting of February 10, 2016 was called to order by Vice Chair Hennecke at 7:00 p.m.

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

Absent: Planning Commissioners – Kirsten, Kiser and Chair Heinitz

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

2. MINUTES

“January 13, 2016”

MOTION / VOTE:

The Planning Commission, on motion of Commissioner Slater, Cummins second, approved the minutes of January 13, 2016 as written.

3. PUBLIC HEARINGS

- a) Notice thereof having been published according to law, an affidavit of which publication is on file in the Community Development Department, Vice Chair Hennecke called for the public hearing to consider the request of the Planning Commission for approval of a Use Permit to allow a Type-41 On-Site Beer and Wine sales at California Al's restaurant at 601 West Lockeford Street. (Applicant: Mr. Albert Gamez; File 2016-02 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 Slater asked if the applicant chooses to change the hours of operation do they need to come back to the Commission. Mr. Hoffman stated that they will need to come back to the Commission. Mr. Slater asked if the normal condition for regular reviews has been added to the resolution. Mr. Hoffman stated that it is a standard condition for alcohol requests. Mr. Slater asked if the applicant has mentioned wanting to have after hours parties. Mr. Hoffman stated that they have not made that request. He added that this Use Permit does not preclude them from doing that.

Hearing Opened to the Public

- Albert Gamez, applicant, came forward to answer questions.
- Commissioner Slater asked if Mr. Gamez has any plans of having after hours parties. Mr. Gamez stated that he does not. Mr. Slater asked if the staff will be going through the Alcohol training. Mr. Gamez stated that he, his family and all other staff will go through the training. Mr. Slater asked if Mr. Gamez was comfortable with the condition that would bring him and the Use Permit back to the Commission should any alcohol related issues arise. Mr. Gamez stated that he is aware that he could be called back to the Commission if the alcohol becomes a problem.
- Commissioner Olson stated that she would support any catering or after hours special occasions if Mr. Gamez found there was a need or request for that service.

- Commissioner Cummins stated his agreement with Commissioner Olson and his support for the business.

Public Portion of Hearing Closed

MOTION / VOTE:

The Planning Commission, on motion of Commissioner Cummins, Olson second, finds that the project is exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15321, and approves the Use Permit to allow a Type-41 On-Site Beer and Wine sales at California AI's restaurant at 601 West Lockeford Street subject to the findings and conditions of approval contained in the draft resolution. The motion carried by the following vote:

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

4. PLANNING MATTERS/FOLLOW-UP ITEMS

a) Update of Downtown Police Service Calls

- Mr. Hoffman stated that a list has been provided and staff can answer questions or address concerns. He added that the beginning of January had a bit of a rush of calls at the beginning, but things have calmed down since then.

5. ANNOUNCEMENTS AND CORRESPONDENCE

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

Mr. Hoffman stated that the site plan and elevations for the Kirst project on School Street have been provided for the Commission.

6. ACTIONS OF THE CITY COUNCIL

Mr. Hoffman stated that the appeal of the Rio Valley Charter School indecision will be going to Council February 17th.

7. ACTIONS OF THE SITE PLAN AND ARCHITECTURAL REVIEW COMMITTEE

Mr. Hoffman gave a brief report regarding the new building that was approved on January 27th that will be erected for Giuffra's at 111 Hansen Drive.

8. ART IN PUBLIC PLACES

None

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

None

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

Commissioner Slater expressed his disappointment of the width of the roadways in the Rose Gate project after traveling through there over the past few weeks. Mr. Hoffman stated that the developer has requested to go with a wider street in future developments. Mr. Hennecke stated that he would like the Fire Department to do a demonstration with their largest truck in that subdivision.

Commissioner Olson asked if there is anything happening with the General Mills property. Mr. Hoffman stated that he believes there is an escrow in place, but he isn't aware with whom.

Deputy City Attorney Fukasawa stated that there will be some training coming up regarding some changes to the 500 foot radius exclusion from public hearings for Commissioners.

11. ADJOURNMENT

There being no further business to come before the Planning Commission, the meeting was adjourned at 7:20 p.m.

ATTEST:

Kari Chadwick
Planning Commission Secretary

DRAFT

Item 3a



**CITY OF LODI
PLANNING COMMISSION
Staff Report**

MEETING DATE: March 9, 2016

APPLICATION NO: 2015 – 35 GP – 2015 – 2023 Housing Element Update

REQUEST: Request for Planning Commission to recommend the draft 2015-2023 Housing Element be forwarded to the City Council for approval (Applicant: City of Lodi; File 2015-35 GP; CEQA Determination: Section 15183 – Previous Environmental Review, 2010 General Plan EIR (SCH#2009022075))

LOCATION: All Zoning Districts City-Wide

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

RECOMMENDATION

That the Planning Commission review the proposed draft 2015-2023 General Plan Housing Element update, accept public testimony, and adopt the Resolution recommending the draft 2015-2023 Housing Element be forwarded to the City Council for approval.

SUMMARY

The Housing Element addresses the City's housing needs for the 2015-2023 planning period. It is one of seven-mandated elements of the General Plan required by State law. The Housing Element is subject to detailed State law requirements, and is the only element required to be reviewed and certified by the State of California Department of Housing and Community Development (HCD). Failure to secure a Certified Housing Element from HCD can result in the loss of funding for housing and infrastructure related to projects and potential legal challenges.

The Housing Element is an eight year blueprint for housing Lodi's residents, presenting data, policies, and programs for housing the City's residents at all income levels, including low-income and moderate income residents, as well as those with special needs such as seniors. The Housing Element shows how the City will house its share of the projected population growth and of the region, as defined in the Regional Housing Needs Allocation (RHNA), produced by the San Joaquin Council of Governments (SJCOG).

2015 – 2023 HOUSING ELEMENT

The Planning Commission held a public hearing on October 28, 2015 and recommended the draft document for review by the City Council and submittal to the Department of Housing and Community Development. The Department of Housing and Community Development has reviewed and recommended approval of the document with a minor modification to Program 1.5. Program 1.5 modified language is included as Attachment C. Staff is now requesting the Planning Commission to recommend approval of the 2015 – 2023 Housing Element to the City Council for approval and adoption.

BACKGROUND

In October of 2011, the City Council adopted the City's 2011-2016 Housing Element. The document was forwarded to State HCD, who subsequently granted certification.

The 2011 - 2016 Housing Element was done in conjunction with the overall 2010 General Plan Update. A number of the implementation measures were completed with the Development Code update in March of 2013 and the approval of development projects.

The City of Lodi approved the Rose Gate project in late 2013, Van Ruiten Ranch, Reynolds Ranch, Gianonni and Baker in 2014 and Vintner Square in 2015. The amount of residential development has picked up in the past 2 years, and all approvals were consistent with the General Plan and the existing Housing Element.

Staff views the 2015 – 2023 Housing Element to be a technical update and continuation of the 2011 – 2016 Housing Element.

The 2015 – 2023 General Plan does not include new programs or new implementation policies. This document updates demographic information and provides housing direction for the next 8 years.

ANALYSIS

State housing law mandates that local governments plan to meet the existing and projected housing needs of all economic segments of the community through their housing elements (Government Code §65580). The law specifies that in order for the private market to adequately address housing needs and demand, local governments must adopt land use plans and regulatory systems which provide opportunities for, and do not unduly constrain, housing development. The law further requires housing elements be updated every five years and that every updated housing element be submitted to the State Department of Housing and Community Development (HCD) to ensure compliance with the State's requirements. When the State HCD determines that a Housing Element complies with the law it grants "certification".

Unlike other State-mandated General Plan elements, the Housing Element is the only element requiring State Certification for compliance, and it is subject to detailed statutory requirements (California Government Code Sections 65580 and 65589), regarding its content, and in summary, must contain the following:

1. An evaluation of the results from housing programs implemented during the previous review period; (i.e. the City's Current Housing Element adopted in 2011);
2. An assessment of the City's existing and projected housing needs based on housing, land use, population, demographic, and employment trends;
3. An analysis of housing opportunities within the City, including an inventory of suitable sites and the City's capacity to meet regional fair-share housing goals;
4. An analysis of constraints to providing housing and mitigating opportunities for those constraints; and
5. A set of goals, policies, resources, and programs for the preservation, improvement and development of housing.

Regional Housing Needs Assessment and the inventory of Sites

A key component of the Housing Element is the Regional Housing Needs Assessment (RHNA). State law requires that during each planning period, each local jurisdiction must provide their "fair share" of the region's new housing need. Factors for determining need include anticipated demand generated by employment and population growth. The RHNA identifies not only the number of housing units the City must plan for, but also the affordability level of those units. Through the RHNA process, HCD provides its determination to the State's sub-regional councils, who then assign each local jurisdiction their fair share of housing need.

In San Joaquin County, SJCOG determines the amount of affordable housing the county will need for the time period and then divides that need among its participating jurisdictions.

The previous 2011 to 2016 Housing Element included land available to accommodate **3,891** additional housing units between 2007 and 2014, of which **1,621** units were to be affordable to extremely-low-, very-low- and low-income households, approximately 42% of Lodi's total share of regional housing needs.

According to the 2014–2022 Regional Housing Needs Allocation Plan prepared by the San Joaquin County Council of Governments, Lodi should plan to accommodate **1,931** additional residential units between 2014 and 2022. Of those residential units, **828**, or 43%, should be affordable to extremely low-, very low-, or low-income households.

Since the housing numbers have been reduced for the 2015 – 2023 Housing Element from the previous 2011 to 2016 Housing Element, there are no modifications to land use, housing policies or programs. The 2015 – 2023 Housing Element will help to implement the vision of the 2010 General Plan.

Lodi is not responsible for actual construction of these units. However, Lodi is responsible for creating a regulatory framework in which these housing units can be built. The intent of the allocation is to ensure that each local jurisdiction provide adequate sites and adequately zoned land to accommodate the RHNA. To meet this objective, the proposed Housing Element contains a plan that addresses the potential and actual governmental constraints on housing development, and demonstrates the City's inventory of vacant land or underutilized sites with appropriate zoning and density to meet its RHNA needs.

HOUSING ELEMENT CONTENT

The Housing Element contains three parts following this introduction:

Chapter 2: Community Profile contains an analysis of population, housing, and employment characteristics and trends; the needs of special population groups such as seniors, large families, persons with disabilities and developmental disabilities; indicators of unmet need, such as overcrowding, overpayment, substandard housing, and the potential loss of affordable rental housing; and future housing construction needs. The purpose of the community profile is to characterize existing conditions and unmet housing needs among Lodi's current residents and to plan for future residents in the city.

Chapter 3: Resources and Constraints addresses the opportunities and challenges to meet the housing needs identified in the community profile. Resources include the availability of land, adequate sites to meet housing needs, public and private organizations that provide housing and supportive services, and funding to implement the City's housing strategy. Constraints include the impacts of government action on housing availability and affordability, the interaction of market forces, infrastructure, and environmental conditions. This analysis focuses on the magnitude of potential constraints and identifies measures to remove them.

Chapter 4: Housing Strategy identifies goals, policies, programs, and quantified objectives to meet identified housing needs, reduce constraints on housing availability and production, and make effective use of available resources. As part of its strategy, this section defines the responsible agencies, time frames, and the anticipated results of the programs.

Appendix A: Accomplishments describes achievements during the previous Housing Element planning period (2007 to 2014), including housing units constructed or available for development and implementation of programs and policies. Lessons learned from these accomplishments have been used to revise policies and programs.

GENERAL PLAN ANALYSIS

The Housing Element contains an appendix which details how the Housing Element is consistent with established City policies in the General Plan (See Housing Element, Chapter 1 and Appendix A). Lodi's Land Use Element already permits high density housing and mixed use developments on the main streets and commercial corridors—which is partially why this Housing Element shows the City can accommodate the 2015-2023 RHNA without any further annexation. This is because the vision and specific policies contained in the General Plan seek to encourage and facilitate the types of infill, re-use, mixed-use, and central city/corridor-oriented residential development that are the focus of the Housing Element and the City's ability to accommodate its regional housing allocation from SJCOG.

ZONING ORDINANCE

One of the implementation actions of the 2010 General Plan and previous Housing Element is to adopt a Zoning / Development Code to implement the General Plan. The current Zoning Code was adopted in March 2013. This Zoning Code created zoning designations consistent with the General Plan and regulates the type, location, density, and scale of residential development and exists to protect and promote the health, safety, and general welfare of residents. In addition, the Development Code serves to preserve the character and integrity of existing neighborhoods. The Zoning Code ensures that the City will meet our regional housing needs by providing for a wide range of housing types to meet the needs of the community.

RECOMMENDATION

Staff requests that the Planning Commission adopt the attached resolution, recommending the draft 2015-2023 Housing Element be forwarded to the City Council for approval. The Housing Element is consistent and compatible with the General Plan and policies. The Housing Element does not eliminate the requirement that specific future development projects be consistent with all applicable policies and development standards. In accordance with State law, the 2015-2023 Housing Element includes the City's housing policies and goals, identify action programs, quantified objectives, and resources required for the preservation, improvement, and development of housing to meet the existing and projected needs of the community, during the planning period.

ENVIRONMENTAL ASSESSMENTS

The City prepared Lodi General Plan 2010 and adopted General Plan EIR 2010 (SCH#2009022075). The proposed Housing Element is an implementation of the General Plan 2010 and the General Plan EIR (SCH#2009022075) is the project's Environmental Document. Having been so included, all General Plan level environmental effects were of necessity, therein addressed. City of Lodi General Plan 2010, City of Lodi General Plan Final Environmental Impact Report, February 2010 and City of Lodi General Plan Draft Environmental Impact Report, November 2009 are available for review at the City of Lodi, Community Development Department, located at 221 West Pine Street, California 95240.

PUBLIC HEARING NOTICE

Legal Notice for the Housing Element was published in the Lodi News Sentinel on Saturday, February 27, 2016. 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 the attached resolution to recommend the draft 2015-2023 Housing Element be forwarded to the City Council for approval and certification.”

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. Draft Housing Element
- B. HCD Review of Housing Element
- C. Program 1.5 Modification
- D. Draft Planning Commission Resolution

An electronic version of the Housing Element can be accessed at the web page below as a separate document.

http://www.lodi.gov/community_development/PC_agenda_minutes.html



LODI GENERAL PLAN HOUSING ELEMENT

A hard copy is also available for Public Review at the City of Lodi Public Library and at the Community Development Department, Planning Division



CITY OF LODI
JANUARY 2016

FINAL DRAFT

**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



January 21, 2016

Mr. Craig Hoffman, Director
Community Development Department
City of Lodi
221 W. Pine St.
Lodi, CA 95240

Dear Mr. Hoffman:

RE: Review of the City of Lodi's 5th Cycle (2015-2023) Draft Housing Element

Thank you for submitting the City of Lodi's draft housing element update that was received for review on November 24, 2016 along with additional revisions received on January 19 and 21, 2016. Pursuant to Government Code (GC) Section 65585(b), the Department is reporting the results of its review. Our review was facilitated by a telephone conversation on January 12, 2016 with you; Mr. Joseph Wood, Senior Planner; and Ms. Courtney Wood, and Ms. Jennifer Gastelum, City Consultants.

The draft element with revisions, meet the statutory requirements of State housing element law. The element will comply with State housing element law (GC, Article 10.6) when adopted and submitted to the Department, in accordance with GC Section 65585(g).

The Department conducted a streamlined review of the draft housing element based on the City meeting all eligibility criteria detailed in the Department's Housing Element Update Guidance. The City also utilized SJCOG pre-approved housing element data.

To remain on an eight year planning cycle, pursuant to Senate Bill 375 (Chapter 728, Statutes of 2008) the City must adopt its housing element within 120 calendar days from the statutory due date of December 31, 2016 for SJCOG localities. If adopted after this date, GC Section 65588(e)(4) requires the housing element be revised every four years until adopting at least two consecutive revisions by the statutory deadline. For more information on housing element adoption requirements, please visit the Department's website at: http://www.hcd.ca.gov/hpd/hrc/plan/he/he_review_adoptionsteps110812.pdf.

Public participation in the development, adoption and implementation of the housing element is essential to effective housing planning. Throughout the housing element process, the City must continue to engage the community, including organizations that represent lower-income and special needs households, by making information regularly available and considering and incorporating comments where appropriate.

For your information, some other elements of the general plan must be updated on or before the next adoption of the housing element. The safety and conservation elements of the general plan must include analysis and policies regarding fire and flood hazard management (GC Section 65302(g)). Also, the land-use element must address disadvantaged communities (unincorporated island or fringe communities within spheres of influence areas or isolated long established "legacy" communities) based on available data, including, but not limited to, data and analysis applicable to spheres of influence areas pursuant to GC Section 56430. The Department urges the City to consider these timing provisions and welcomes the opportunity to provide assistance. For information, please see the Technical Advisories issued by the Governor's Office of Planning and Research at: http://opr.ca.gov/docs/SB244_Technical_Advisory.pdf and http://opr.ca.gov/docs/Final_6.26.15.pdf.

Also, on January 6, 2016, HCD released a Notice of Funding Availability (NOFA) for the Mobilehome Park Rehabilitation and Resident Ownership Program (MPRRP). This program replaces the former Mobilehome Park Resident Ownership Program (MPROP) and allows expanded uses of funds. The purposes of this new program are to loan funds to facilitate converting mobile-home park ownership to park residents or a qualified nonprofit corporation, and assist with repairs or accessibility upgrades meeting specified criteria. This program supports housing element goals such as encouraging a variety of housing types, preserving affordable housing, and assisting mobilehome owners, particularly those with lower-incomes. Applications are accepted over the counter beginning March 2, 2016 through March 1, 2017. Further information is available on the Department's website at: <http://www.hcd.ca.gov/financial-assistance/mobilehome-park-rehabilitation-resident-ownership-program/index.html>

The Department appreciates the hard work and dedication yourself; Mr. Joseph Wood, Senior Planner; Ms. Courtney Wood; and Ms. Jennifer Gastelum, City Consultants, provided in preparation of the housing element and looks forward to receiving Lodi's adopted housing element. If you have any questions or need additional technical assistance, please contact James Johnson, of our staff, at (916) 263-7426.

Sincerely,



Paul McDougal
Housing Policy Manager

Program 1.5: Pursue State and Federal Funds in Support of Housing Construction

The City will continue to pursue available and appropriate state and federal funding sources to support efforts to construct housing meeting the needs of extremely low-, low-, and moderate-income households, permanent and migrant farmworker housing, to assist persons with rent payments required for existing housing units, to provide supportive services, and to provide on- and off-site improvements and public facilities, in support of affordable housing projects. The City takes the following actions in pursuit of state and federal funding:

- a. Meet annually with private nonprofit and for-profit affordable housing providers and public agencies that are interested in constructing affordable housing, and permanent and migrant farmworker housing (and keep in contact with them throughout the year), providing special needs housing or shelter, and/or providing supportive services for low-income and special needs residents. The purpose of the annual meetings will be to discuss priorities for lending City support for funding requests for affordable housing projects and programs during the subsequent 12 to 24 months. The City will promote these annual meetings through direct notices to private and public entities that have provided housing or supportive services in Lodi or that expressed an interest in doing so in the past.
- b. Provide support to other entities (nonprofit organizations, for-profit affordable housing providers, and public agencies) that apply directly for state or federal funds. Examples of support to be provided by the City include: (1) expedited processing of planning permits that are needed before an applicant can submit a state or federal funding request or receive funds; (2) providing information to complete a funding request (such as demographic, housing, or economic statistics in support of an application); and (3) letters of support for projects or programs that the City has approved (including preliminary or conceptual approval). This can help support organizations such as the Central Valley Low Income Housing Corporation and the LOEL Foundation which provide services to extremely low-income households.
- c. Apply directly for state and federal funding under programs in which the City must be the applicant.

In pursuing state and federal funding, and working with other private and public entities to provide affordable housing, the City seeks to increase the availability of housing and supportive services to the most vulnerable population groups and those with the greatest unmet needs, such as very low-income and frail seniors, persons with disabilities who cannot live independently, persons with developmental disabilities, farmworkers and their families, low-income large families, and single-parent households, particularly those with small children. The City will take measures to encourage and facilitate the production of housing for permanent and migrant farmworkers, such as funding development, developer identification, maintaining an inventory of suitable sites, site development, etc. and ensure zoning and development standards facilitate a variety of housing types for farmworker housing needs.

Responsibility: Community Development Department

Time Frame: For Action a., annual meetings, 2015–2023; for Action b., quarterly each year, depending on funding deadlines for specific state and federal programs, 2015–2023; for Action c. semi-annual review and assessment of funding opportunities based on (1) funding cycles and eligible activities for various state and federal programs, (2) projects and programs

RESOLUTION NO. P.C. 16-XX

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LODI
RECOMMENDING THE DRAFT 2015-2023 HOUSING ELEMENT BE
FORWARDED TO THE CITY COUNCIL FOR APPROVAL**

- WHEREAS**, California Government Code Section 65300 et. Seq. mandates that the City of Lodi adopt a comprehensive General Plan to provide guidance and direction for development activities in the City; and
- WHEREAS**, Government Code sections 65580-65589 set forth the statutory requirements for the Housing Element; and
- WHEREAS**, the Housing Element is one of seven (7) required elements of the General Plan; and
- WHEREAS**, Government Code section 65588(b) requires that the Housing Element be comprehensively updated every five (5) years; and
- WHEREAS**, the City adopted its current Housing Element in 2011; and
- WHEREAS**, the Housing Element serves as the data and policy document guiding overall improvements and development of housing and contains a profile and analysis of the City's demographics, housing characteristics, and existing and future housing needs; an analysis of constraints to housing production and maintenance, such as market, governmental, and environmental factors affecting the City's ability to meet identified housing needs; an identification of resources to meet housing needs, including vacant or underutilized land for new construction, as well as financial and administrative resources available for housing; and the City's housing strategy to address identified housing needs, including an assessment of past accomplishments, and a formulation for housing goals, policies, and programs; and
- WHEREAS**, Government Code section 65583 requires that the City identify adequate sites to accommodate housing for all economic segments of the population, based upon the Regional Housing Needs Assessment provided by the San Joaquin County Association of Governments; and
- WHEREAS**, the City's Community Development Department has initiated and caused to be prepared a proposed Housing Element for the period from 2015-2023; and
- WHEREAS**, the Community Development Department staff held a stakeholder group meeting and public workshop on June 25, 2015 to solicit public input on the proposed draft Housing Element for 2015-2023; and
- WHEREAS**, the draft 2015-2023 Housing Element was prepared and circulated for public review, with such circulation including the provision of the requisite review period for the State of California Department of Housing and Community Development ("HCD"); and
- WHEREAS**, the Planning Commission, after conduction of a public hearing and consideration of all public comment, recommended the draft 2015-2023 Housing Element be forwarded to the City Council for approval to be submitted to Housing and Community Development for review; and
- WHEREAS**, the City Council, directed staff to submit the draft Housing Element to the Department of Housing and Community Development for review; and

WHEREAS, The Department of Housing and Community Development reviewed the 2015 – 2023 Housing Element and recommended the City of Lodi approve and adopt the new housing Element; and

WHEREAS, the Planning Commission of the City of Lodi held a properly noticed public hearing as required by law on March 9, 2016; and

WHEREAS, the Planning Commission, after conduction of a public hearing and consideration of all public comment, recommends the draft 2015-2023 Housing Element be forwarded to the City Council for approval; and

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

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission of the City of Lodi makes the following specific findings based on the evidence as follows:

1. The proposed draft 2015-2023 Housing Element ensures and maintains internal consistency with all of the objectives, policies, general land uses, programs, and actions of the General Plan. The proposed Housing Element update for the 2015-2023 planning period have been designed to be consistent with State Housing Law, the Regional Housing Needs Assessment for local agencies under the jurisdiction of the San Joaquin Council of Governments (SJCOG, Inc), and to be internally consistent with the other elements of the Lodi General Plan.
2. The proposed draft 2015-2023 Housing Element would not be detrimental to the public convenience, safety or general welfare of the City. The draft Housing Element is compatible with the nature, condition, and development of existing uses, buildings and structures and the proposed Housing Element update will not adversely affect the existing or planned uses, buildings, or structures. The proposed Housing Element update includes specific programs that provide opportunities for affordable housing through the identification of appropriate sites and density as required by the State, make provision for emergency and transitional housing, and establish reasonable accommodations to improve constraints in housing for persons with disabilities. The proposed revisions will not expose people to an increased risk of negative health or public safety impacts and are consistent with the environmental analysis indicating the impacts related to the health, safety and general welfare of the community will not be detrimental as a result of the project.
3. The proposed draft 2015-2023 Housing Element is in compliance with the provisions of the California Environmental Quality Act (CEQA). The City prepared Lodi General Plan 2101 and adopted General Plan EIR 2010 (SCH#2009022075). The proposed Housing Element is an implementation of the General Plan 2010 and the General Plan EIR (SCH#2009022075) is the project's Environmental Document. Having been so included, all General Plan level environmental effects were of necessity, therein addressed. City of Lodi General Plan 2010, City of Lodi General Plan Final Environmental Impact Report, February 2010 and City of Lodi General Plan Draft Environmental Impact Report, November 2009 are available for review at the City of Lodi, Community Development Department, located at 221 West Pine Street, California 95240. The documents are also available online at http://www.lodi.gov/community_development/index.html

BE IT FURTHER RESOLVED that based on the written information provided, the public comments received and the findings stated above, the Planning Commission recommends the draft 2015-2023 Housing Element be forwarded to the City Council for approval.

Dated: March 9, 2016

I certify that Resolution No. 16-XX was passed and adopted by the Planning Commission of the City of Lodi at a regular meeting held on Wednesday, March 9, 2016 by the following vote:

AYES: Commissioners:

NOES: Commissioners:

ABSENT: Commissioners:

ATTEST _____

Secretary, Planning Commission

DRAFT

Item 3b



**CITY OF LODI
PLANNING COMMISSION
Staff Report**

MEETING DATE: March 9, 2016

APPLICATION NO: Use Permit / SPARC: 2016-04 U / SP

REQUEST: Request for Planning Commission approval of a Use Permit and Site Plan and Architectural Review to allow a La Quinta Inn and Suites hotel at 1136 South Cherokee Lane. (Applicant: Lodi Vineyards Hospitality, DBA; File 2016-04 U / SP; CEQA Determination: Exempt per Section 15332)

LOCATION: 1136 1136 South Cherokee Lane
APN 047-280-15

APPLICANT: Lodi Vineyards Hospitality, DBA
c/o Mr. Yogesh Patel
1140 South Cherokee Lane
Lodi, CA 95242

PROPERTY OWNER: Lodi Vineyards Hospitality, DBA
c/o Mr. Yogesh Patel
1140 South Cherokee Lane
Lodi, CA 95242

RECOMMENDATION

Staff recommends that the Planning Commission approve the Use Permit and Site Plan and Architectural Review request to allow a La Quinta Inn and Suites hotel at 1136 South Cherokee Lane, subject to the conditions in the attached draft resolution.

PROJECT/AREA DESCRIPTION

General Plan Designation: Mixed Use Corridor
Zoning Designation: Mixed Use Corridor
Property Size: 1.94 acres – 84,560 sq ft.

The adjacent zoning and land use characteristics:

	ADJACENT ZONING DESIGNATIONS AND LAND USES		
	GENERAL PLAN	ZONING CLASSIFICATION	EXISTING LAND USE
North	Mixed Use Corridor / Low Density Residential	Mixed Use Corridor / Low Density Residential	Cherokee Vet Clinic, apartments, single family residences
South	Mixed Use Corridor	Mixed Use Corridor	Sanborn Chevrolet
East	Mixed Use Corridor	Mixed Use Corridor	Motel 6
West	Mixed Use Corridor	Mixed Use Corridor	Wild Horses Commercial and Lodi Academy

REQUEST

The applicant, Lodi Vineyards Hospitality DBA, is requesting a Use Permit and Site Plan and Architecture Review for a new La Quinta Inn and Suites hotel.

The proposed hotel is 4 stories tall and roughly 40,000 sq ft in size. There will be 76 rooms for rent with typical hotel amenities including pool, spa, Jacuzzi, meeting rooms, breakfast bar and well furnished rooms.

The project site is located at 1136 S. Cherokee Lane. The property has a General Plan land use designation of Mixed Use Corridor and zoned Mixed Use Corridor. This land use designation requires a Use Permit for a hotel use. The exiting Motel 6 is directly adjacent to the east.

The property is currently a vacant paved parking lot.

Staff reviewed the proposal for compatibility with surrounding land uses and consistency with the zoning code.

The project as proposed meets the requirements of the zoning code for setbacks, height, parking, landscaping and floor area limits.

Staff has reviewed the interaction of the proposed project with residences to the north. The 60 ft hotel building will be approximately 70 ft from the closest residence. There will be a 6 ft masonry wall and roadway separating the two properties.

The hotel use is consistent with the intent of MCO zoning district.

The hotel brings much needed rooms to Lodi to help with the wine industry destination designation to provide needed service amenities.

ARCHITECTURAL REVIEW

The La Quinta Inn and Suites architecture that is proposed for Lodi is the new enhanced urban design. This is not the standard corporate architecture for the hotel chain. The applicant has requested the use of the highest architecture standard for this location. Pictures of this architecture at a recent La Quinta Inn and Suites in Huston TX is included as Attachment C.

The new design has more rounded features and includes more vertical articulation and roof bounce. This design will insure that Lodi is on the front end of design for hotels.

Staff does request that the rock treatment continue up the main tower feature on the corners. This elevation faces Cherokee Lane.

ANALYSIS

The discretionary Use Permit procedure enables Planning and other 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 believes that the Planning Commission can make the required findings, in accordance with Lodi Development Code § 17.40.040(F), 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 existing property is zoned Mixed Use Corridor and is intended to provide for a range of uses, emphasizing high quality development, and to encourage revitalization of existing land uses. A hotel is allowed subject to a use permit in this zone. The project has been conditioned to be consistent with the zoning code and the use will not be detrimental to the welfare of persons or properties working, residing, or otherwise existing in the adjacent neighborhood areas.

2. *The proposed use is consistent with the General Plan and any applicable specific plan.* **Comment:** The General Plan land use designation for the project site is Mixed Use Corridor, which permits the proposed use. The conditions for the restriction of the conditional use are consistent with the General Plan, will not affect neighborhood compatibility; and will not cause the operation of the conditional use to be detrimental to the welfare of persons or properties working, residing, or otherwise existing in the adjacent neighborhood areas.
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 project and use is consistent with the Zoning Code and the General Plan policies. As such, the subject site is adequate in size and shape to accommodate the proposed use within a commercial area with all the required off-street parking provided on the subject site. The project meets the requirements of the zoning code for setbacks, height, parking, landscaping and floor area limits. Further, the project will not have a negative effect on the public health, safety, or welfare; or be materially injurious to persons, properties or improvements in the vicinity.
4. *The location, size, design, and operating characteristics of the proposed use is compatible with the existing and future land uses in the vicinity.* **Comment:** The existing use complies with all requirements as set forth for the issuance of a Use Permit, in that the site is adequate in size, shape and topography for the proposed use, consisting of an existing building. Second, the site is located in a commercial area that is accessible from public streets. Existing street networks are adequate in size and shape to accommodate the quantity and quality of traffic generated by the proposed use without any significant impacts to the street system. Third, the proposed use, as conditioned, will not have an adverse effect upon the use, enjoyment or valuation of property in the neighborhood.
5. *The proposed project is in compliance with the California Environmental Quality Act (CEQA) and the Lodi Environmental Review Guidelines.* **Comment:** The project is found to be categorically exempt from CEQA review under 14 CCR §15332. Class 32 consists of In-Fill Development Projects. The project is consistent with the General Plan, is located in the City limits, is less than 5-acres in size and is surrounded by existing urban uses. The project site is not a habitat for any rare or endangered species of plant or wildlife, and the project will not create a significant environmental impact. The project would not result in any significant effects relating to traffic, noise, air quality, or water quality, and the site of the proposed project can be adequately served by all required utilities and public services.

Staff believes the Commission can make the required findings to approve the Use Permit as proposed. In staff's opinion, the proposed modification would not produce any adverse impacts on the adjacent properties in terms of noise, parking, litter, disorderly behavior, or other objectionable influences. The permit is conditioned to mitigate typical concerns related to traffic and parking associated with a hotel. If, in the future, concerns arise, and the Director/Police Department determines it necessary, the Use Permit can be subject to review by the Planning Commission to consider the business's operation for compliance with the conditions of the Use Permit.

ENVIRONMENTAL ASSESSMENT:

The project is found to be categorically exempt from CEQA review under 14 CCR §15332. Class 32 consists of In-Fill Development Projects. The project is consistent with the General Plan, is located in the City limits, is less than 5-acres in size and is surrounded by existing urban uses. The project site is not a habitat for any rare or endangered species of plant or wildlife, and the project will not create a significant environmental impact. The project would not result in any

significant effects relating to traffic, noise, air quality, or water quality, and the site of the proposed project can be adequately served by all required utilities and public services.

PUBLIC HEARING NOTICE:

Legal Notice for the Use Permit was published in the Lodi News Sentinel on Saturday, February 27, 2016. 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 15332, and adopt a Resolution approving the Use Permit and Site Plan and Architecture Review to allow the La Quinta Inn and Suites hotel at 1136 South Cherokee Lane 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

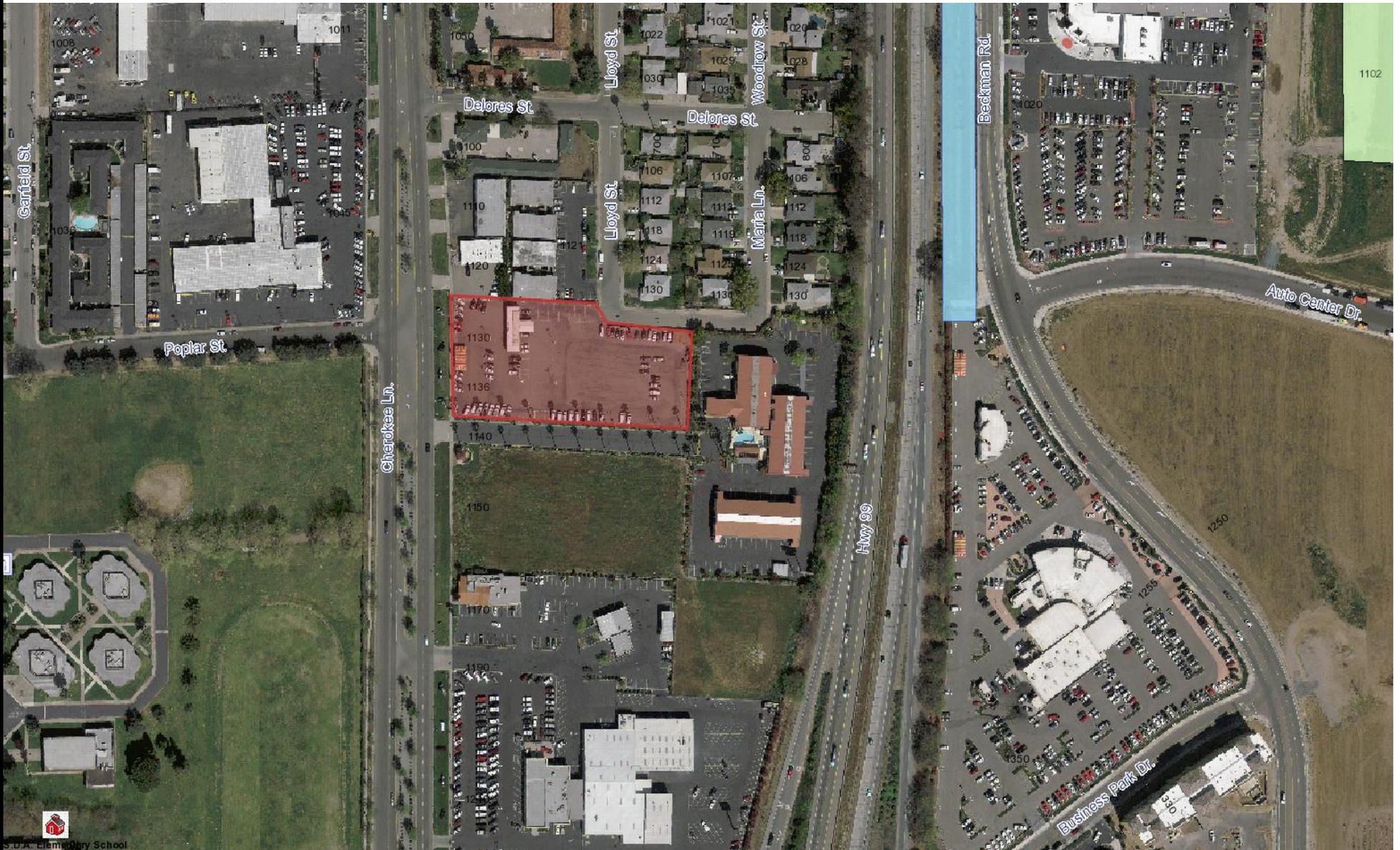
Stephen Schwabauer
Community Development Director

ATTACHMENTS:

- A. Vicinity / Aerial Map
- B. Site and Floor plans
- C. Pictures of Huston La Quinta Inn
- D. Draft Resolution

VICINITY MAP

North

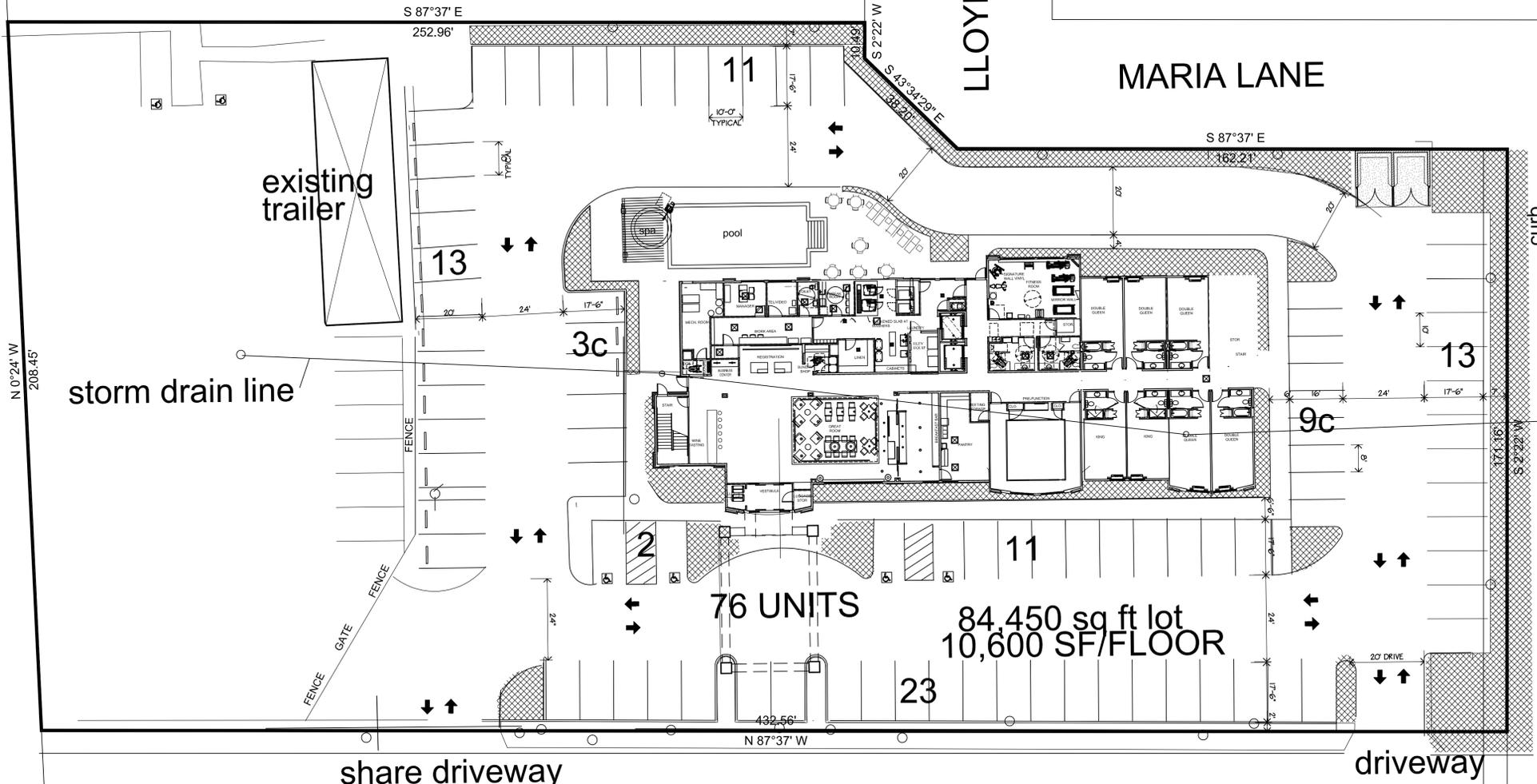


South

1136 South Cherokee Lane

1130 SOUTH CHEROKEE LANE

N 0°24' W
208.45'

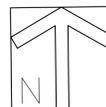
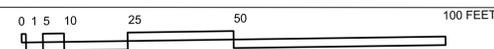


existing trailer

storm drain line

SITE PLAN

SCALE: 1:20'



1136 SOUTH CHEROKEE LANE
 LODI CA. 95240
 APN: 047-280-15

WOODROW STREET

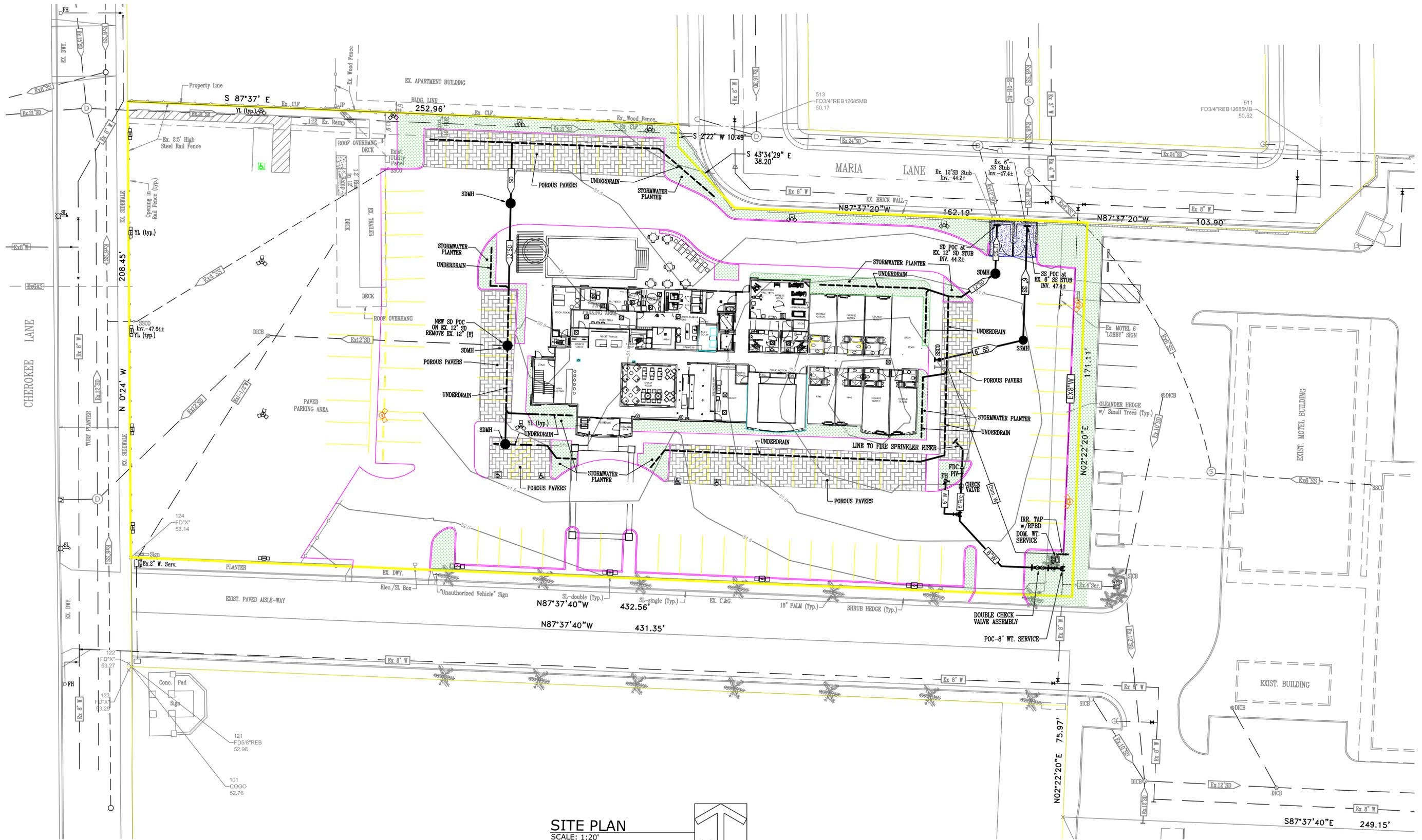
LEE GAGE & ASSOCIATES, INC.
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 7636 n. Ingram suite 107 fresno, california 93711 phone (559) 439-2222

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PROPOSED:
LA QUINTA INN & SUITES
 1136 SOUTH CHEROKEE LANE
 LODI, CA. 95240



SD1
 SHEET
 OF



SITE PLAN
SCALE: 1:20'

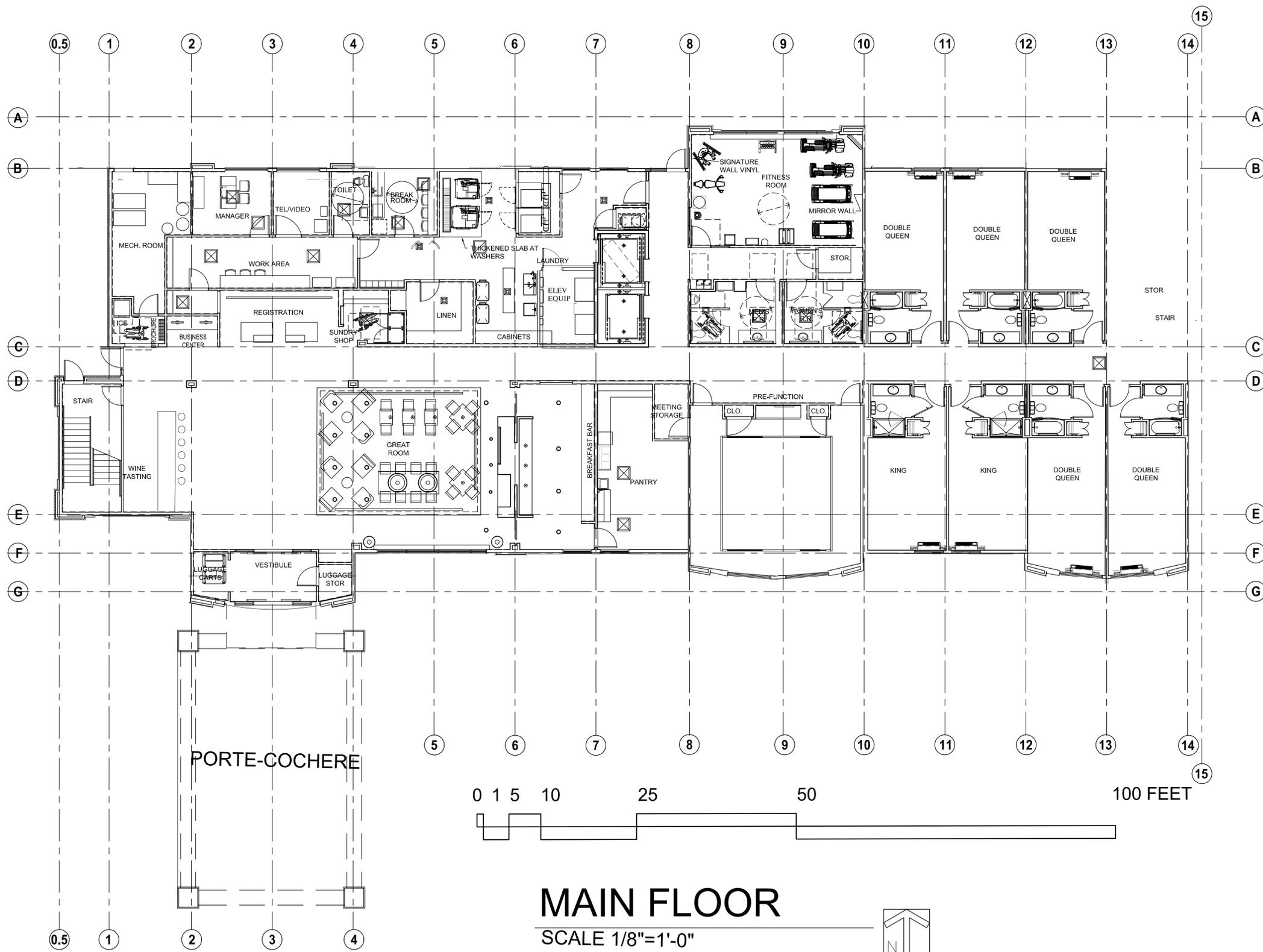
NO.	REVISIONS	DATE	BY	DRAWN	DESIGN
				SEP	SEP
				APPROVED BY	
				RCE NO.	DATE

PREPARED IN THE OFFICE OF:
BAUMBACH & PIAZZA, INC.
 CIVIL ENGINEERS • SURVEYORS
 www.bpengineers.net 323 W. Elm St.
 209.368.6618 Lodi, CA 95240
 DESIGNED UNDER THE SUPERVISION OF:
 STEVEN E. PECHIN RCE 42764

LA QUINTA INN & SUITES
 1136 SOUTH CHEROKEE LANE
 LODI CA, 95240
 APN: 047-280-15

**PRELIMINARY
 CIVIL SITE PLAN**

SHEET	OF
1	1
JOB NO.	16-001
FILE NO.	G-1443



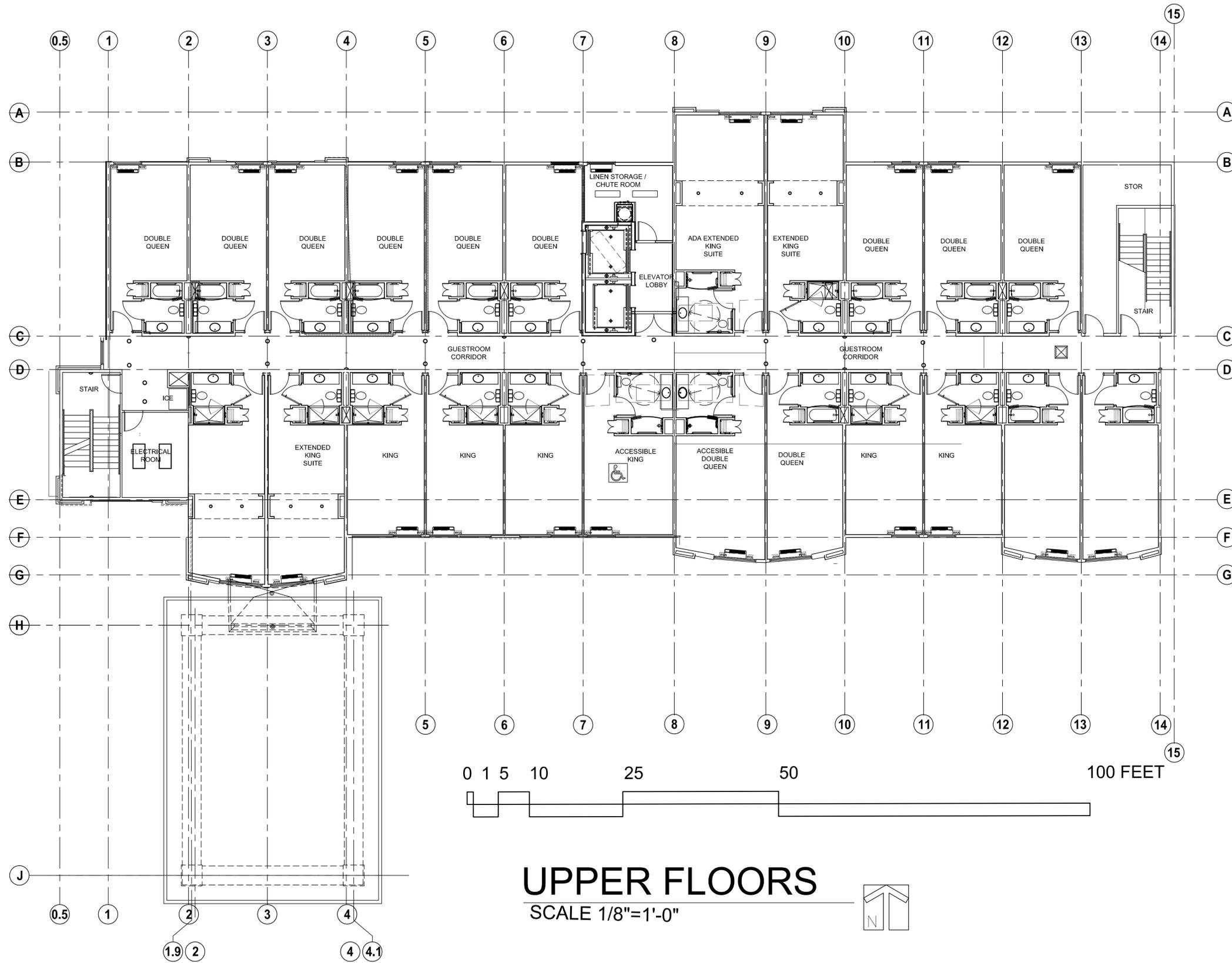
MAIN FLOOR

SCALE 1/8"=1'-0"



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UPPER FLOORS

SCALE 1/8"=1'-0"



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SOUTH ELEVATION

SCALE 1/8"=1'-0"



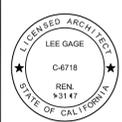
WEST ELEVATION

SCALE 1/8"=1'-0"

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PROPOSED:
LA QUINTA INN & SUITES
 1136 SOUTH CHEROKEE LANE
 LODI, CA. 95240



A4a
 SHEET _____
 OF _____

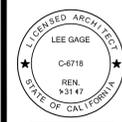


NORTH ELEVATION
SCALE 1/8"=1'-0"



EAST ELEVATION
SCALE 1/8"=1'-0"

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LA QUINTA
INN & SUITES

LA QUINTA
INN & SUITES

TWE LANE NO PARKING



LAQUINTA
INN & SUITES

RESOLUTION NO. P.C. 16-0X

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LODI APPROVING THE REQUEST OF LODI VINEYARDS HOSPITALITY, DBA FOR A USE PERMIT AND SITE PLAN AND ARCHITECTURAL REVIEW TO ALLOW A LA QUINTA INN AND SUITES HOTEL AT 1136 SOUTH CHEROKEE LANE.

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

WHEREAS, the project proponents are Lodi Vineyards Hospitality, DBA, c/o Mr. Yogesh Patel, 1140 South Cherokee Lane, Lodi, CA 95242; and

WHEREAS, the project parcel is owned by Lodi Vineyards Hospitality, DBA, c/o Mr. Yogesh Patel, 1140 South Cherokee Lane, Lodi, CA; and

WHEREAS, the project is located at 1136 1136 South Cherokee Lane, APN 047-280-15; and

WHEREAS, the property has a General Plan designation of Mixed Use Corridor and is zoned Mixed Use Corridor and

WHEREAS, a hotel requires the approval of a Use Permit by the Planning Commission; and; 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 is found to be categorically exempt from CEQA review under 14 CCR §15332. Class 32 consists of In-Fill Development Projects. The project is consistent with the General Plan, is located in the City limits, is less than 5-acres in size and is surrounded by existing urban uses. The project site is not a habitat for any rare or endangered species of plant or wildlife, and the project will not create a significant environmental impact. The project would not result in any significant effects relating to traffic, noise, air quality, or water quality, and the site of the proposed project can be adequately served by all required utilities and public services.
2. The existing property is zoned Mixed Use Corridor and is intended to provide for a range of uses, emphasizing high quality development, and to encourage revitalization of existing land uses. A hotel is allowed subject to a use permit in this zone. The project has been conditioned to be consistent with the zoning code and the use will not be detrimental to the welfare of persons or properties working, residing, or otherwise existing in the adjacent neighborhood areas.
3. The General Plan land use designation for the project site is Mixed Use Corridor, which permits the proposed use. The conditions for the restriction of the conditional use are consistent with the General Plan, will not affect neighborhood compatibility; and will not

cause the operation of the conditional use to be detrimental to the welfare of persons or properties working, residing, or otherwise existing in the adjacent neighborhood areas.

4. The proposed project and use is consistent with the Zoning Code and the General Plan policies. As such, the subject site is adequate in size and shape to accommodate the proposed use within a commercial area with all the required off-street parking provided on the subject site. The project meets the requirements of the zoning code for setbacks, height, parking, landscaping and floor area limits. Further, the project will not have a negative effect on the public health, safety, or welfare; or be materially injurious to persons, properties or improvements in the vicinity.
5. The existing use complies with all requirements as set forth for the issuance of a Use Permit, in that the site is adequate in size, shape and topography for the proposed use, consisting of an existing building.
6. The site is located in a commercial area that is accessible from public streets. Existing street networks are adequate in size and shape to accommodate the quantity and quality of traffic generated by the proposed use without any significant impacts to the street system.
7. The proposed use, as conditioned, will not have an adverse effect upon the use, enjoyment or valuation of property in the neighborhood.
8. 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.

NOW, THEREFORE, BE IT DETERMINED AND RESOLVED by the Planning Commission of the City of Lodi that Use Permit Application No. 2016-04 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. 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.

4. 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.
5. 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.
6. 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.
7. 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.
8. 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.
9. 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.
10. No variance from any City of Lodi adopted code, policy or specification is granted or implied by this approval.
11. The project will build consistent with the approved plans provided to the Planning Commission and approved at the March 9th hearing. Staff requests that rock treatment also be included on the tower corners.

Public Works

12. Confirm the driveway on Cherokee Lane is ADA compliant. Remove and replace per City of Lodi Standard Plan 114.
13. Provide an ADA pathway from public sidewalk to on-site facilities.
14. Remove and replace all broken sidewalk per City of Lodi Standard Plan 117.
15. All existing Public Utility Easements shall be identified and labeled.
16. Yard lights shall be located outside of the existing Public Utility Easement (typical).
17. There is an existing 2-inch water service lateral extending to the subject parcel. If a new water service is to be installed the existing service shall be abandoned.
18. This site must conform to the Multi-Agency Post-Construction Stormwater Standards Manual (PSCP). The PSCP Project Stormwater Plan worksheet must be provided with the Building Permit application.

19. The trash enclosures shall conform to the Stormwater Design Standards section 3.1.4 and be wide enough to provide separate containers for recyclable materials and other solid waste.
20. Relocating the trash enclosure away from the wastewater and storm drain services is recommended for ease of maintenance.
21. As required by the California Green Building Code (CALGreen), project shall participate in the Construction and Demolition Recycling Program.
22. Payment of the following fees prior to building permit issuance unless noted otherwise:
 - a) Filing, processing fees and charges for services performed by City forces per the Public Works Fee and Service Charge Schedule.
 - b) Storm water Compliance Inspection Fee prior to building permit issuance or commencement of construction operations, whichever occurs first.
 - c) Regional Transportation Impact Fee (RTIF) at the time of building permit issuance.
23. Payment of the Development Impact Mitigation Fees per the Public Works Fee and Service Charge Schedule prior to temporary occupancy or occupancy of the building unless noted otherwise.
24. Prior to any work within City Right-of-Way and Public Utility Easements, the applicant shall obtain an encroachment permit issued by the Public Works Department.

Building and Safety

25. The construction of the new building and related site improvements 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.
26. 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
27. Where the occupant load of 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 back up 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 door that leads directly to a grade-level exterior exit by means of a stairway or ramp shall be identified by a tactile exit sign with the following words as appropriate:
 - a. "EXIT STAIR DOWN"
 - b. "EXIT RAMP DOWN"
 - c. "EXIT STAIR UP"
 - d. "EXIT RAMP UP"
28. Each exit door that leads directly to a grade-level exterior exit by means of an exit enclosure that does not utilize a stair or ramp, or by means of an exit passageway, shall be identified by a tactile exit sign with the words "EXIT ROUTE."
29. 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."
30. Each exit door through a horizontal exit shall be identified by a tactile exit sign with the words "TO EXIT." 2013 CFC, Section 1011.4
31. Site Plan to show all building entrances and ground level exits shall be connected on an accessible route to other buildings on the site, public transportation stops, accessible parking and passenger loading zones and to public streets and sidewalks. 2013 CBC, Sections 11B-206.1, 11B-206.2.1, 11B-206.2.2, 11B-206.2.4, 11B-206.4, 11B206.4.1.1, 11B-Division 4
32. Plans to specify walkways and sidewalks along accessible routes of travel (1) are continuously accessible, (2) have maximum 1/2" changes in elevation, (3) are minimum 48" in width, (4) have a maximum 2% cross slope, and (5) where necessary to change elevation at a slope exceeding 5% (i.e., 1:20) shall have ramps complying with 2013 CBC, Section 11B-405 or 11B-406 as appropriate. Where a walk crosses or adjoins a vehicular way, and the walking surfaces are not separated by curbs, railings or other elements between the pedestrian areas and vehicular areas shall be defined by a continuous detectable warning which is 36" wide, complying with 2013 CBC, Sections 11B-247.1.2.5 & 11B-705.1.2.5.
33. Plans to specify and show accessible parking spaces in compliance with 2013 CBC, Sections 11B-208.2, 11B-502 and Table 11B-208.2. At least one space shall be van accessible as per 2013 CBC, Section 11B-208.2.4.

Provide complete and adequate accessible parking details to specify and show:

- 1) A 9' wide x 18' deep accessible parking space(s) with 5' wide striped access aisle. "Van accessible" parking spaces shall be a minimum 12' wide x 18' deep with a 5' wide access aisle or 9' wide with an 8' wide access aisle. 2013 CBC, Section 11B-502.2
- 2) The access aisle(s) may be located on either side of the accessible parking space(s), except "van accessible" parking spaces shall have the access aisle located on the passenger side of the accessible parking space. Two accessible parking spaces shall be permitted to share a common access aisle. 2013 CBC, Sections 11B-502.3.4, 11B-502.3
- 3) The access aisles shall be marked with a blue painted borderline around their perimeter. The area within the blue borderlines shall be marked with hatched lines a maximum of 36" on center in a color contrasting with the aisle surface, preferable blue or white. The words "NO PARKING" shall be painted in 12" high white letters in each access aisle. 2013 CBC, Section 502.3.3
- 4) The accessible parking spaces and the access aisles shall not exceed 2% cross slope in any direction. 2013 CBC, Section 11B-502.4

34. Plans to specify location and provide complete and adequate details of the following required parking signage:
 - A. "Unauthorized vehicles..." signs at all driveway entrances, or located adjacent to and visible from each accessible parking space. Indicate on the plans that the sign shall be filled out with the correct appropriate information to become a permanent part of the sign (Lodi Police Department, 209-333-6727). 2013 CBC, Section 11B-502.8
 - B. Specify permanently posted reflectorized parking space identification sign at each accessible parking space, 70-sq. inches in area, and mounted a minimum of 60" (80" when located in the path of travel) from bottom of sign to paving. Provide a "van accessible" sign at appropriate parking spaces. The sign may also be posted on a wall at the interior end of the parking space at a height of 36" above the finished walk or grade. An additional sign below the symbol of accessibility shall state "Minimum Fine \$250". 2013 CBC, Section 11B-502.6
 - C. Specify pavement-marking symbols at each accessible parking space. 2013 CBC, Section 11B-502.6.4
35. Long and short term bicycle parking as required by the 2013 CGBC, Section 5.106.4 and designated parking spaces for Clean Air/Van Pool/EV vehicles as required by the 2013 CGBC, Section 5.106.5.2 shall be provided.
36. Plans to specify and show all sales, service and information counters are a maximum of 34" high or specify and show a minimum 36" wide counter area that is not more than 34" aff. . 2013 CBC, Sections 11B-227, 11B-904.4
37. Accessible guest rooms shall be provided in the minimum number required by 2013 CBC, Table 11B-224. Accessible guest rooms or suites shall be dispersed among the various classes of sleeping accommodations to provide a range of options applicable to room sizes, cost, and amenities provided. 2013 CBC, Section 11B-224.1.3
38. In addition to the restrooms provided for the guest rooms, plumbing fixtures will be required for all other uses in the building. 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.
39. Lodi Municipal Code, Section 15.20.160 requires new buildings, 6,000sqft or more, to be equipped with an automatic fire sprinkler system. The Fire Sprinkler system shall be submitted under a separate permit and cover to the Building Department by a C-16 licensed contractor.
40. A manual fire alarm and a smoke detection system is required by 2013 CFC, Section 907.2.8. The Fire Alarm and Smoke Detection System shall be submitted under a separate permit and cover to the Building Department by a C-10 licensed fire alarm contractor.
41. The building is required to be protected by an automatic fire extinguishing system and therefore an approved fire control room shall be provided. [LMC 15.20.180 & Lodi Fire Standard D-01] Plans shall include a fire control room with the following:
 - a) Fire control rooms shall contain all fire sprinkler system control valves, fire alarm control panels, extra fire sprinkler heads, and other fire equipment required by the Chief.

- b) Fire control rooms shall be located within the building at a location approved by the Chief, and shall be provided with a means to access the room directly from the exterior with an approved door of minimum dimensions of 36" x 80".
 - c) Durable signage shall be provided on the exterior side of the access door to identify the fire control room. The sign shall indicate "FIRE CONTROL ROOM" with 3" tall letters that contrast with their background.
 - d) Keys shall be located within an approved Knox® Company key box located adjacent to the main entrance door on the exterior of the building at 6' above finished floor. Keys shall include keys for manual pull stations, fire alarm control panel, breakaway locks for PIV, locks for OS &Y chains and exterior doors and essential rooms as determined by the Chief.
 - e) Fire control rooms for commercial buildings shall be a minimum dimension of 5' x 7' not less than 35 square feet.
 - f) The fire sprinkler riser shall be located at least 12" from any wall. Fire riser SHALL NOT block doorway.
 - g) The fire equipment room may contain other building service equipment. This other equipment shall not be within 3' in front of any fire equipment in the room. Rooms may be enlarged to share with other equipment such as electrical. However rooms may not be used as storage areas.
42. All automatic sprinkler systems shall require a fire department connection (FDC) in a location approved by the Fire Chief. On site FDC's shall be within 50 feet on a fire hydrant unless placed along a public street within 20 feet of the property line. FDC's shall be placed on the same side of fire access roads as the fire hydrant. Plans to show the location of the Fire Department Connection within the required distance to a hydrant.
43. Plans to specify and show a fire access lane to extend within 150' of all portions of the structure. Fire access lane to be a minimum of 24' wide. Dead end fire access lanes in excess of 150' in length shall be provided with an approved area for turning around fire apparatus. Further, amend plans to specify and show fire lane striping (red curb or stripe with "Fire Lane" in 4" high white letters, 3/4" stroke at intervals not less than 50') and fire lane sign at the entrance and the extremity of the lane. 2013 CFC, Section 503.1 and LMC 15.20.080

I certify that Resolution No. 16-0X was passed and adopted by the Planning Commission of the City of Lodi at a regular meeting held on March 9, 2016 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: March 9, 2016

APPLICATION NO: Use Permit: 2016-05 U

REQUEST: Request for Planning Commission approval of a Use Permit to allow outside seating for Stogies at 230 W. Pine Street. (Applicant: Gary and Denise Wiman; File 2016-05 U; CEQA Determination: Exempt per Section 15321)

LOCATION: 230 West Pine Street
APN 043-032-01

APPLICANTS: Gary and Denise Wiman
210 South Sunset Drive
Lodi, CA 95240

PROPERTY OWNER Odd Fellows Hall Association
6 South Pleasant Ave
Lodi, CA 95240

RECOMMENDATION

Staff recommends the Planning Commission approve the request of Gary and Denise Wiman for a Use Permit to allow outside seating at 230 West Pine Street, subject to conditions in the attached resolution.

PROJECT/AREA DESCRIPTION

General Plan Designation: Downtown Mixed Use
Zoning Designation: Downtown Mixed Use
Property Size: 6,400 sq ft

The adjacent zoning and land use characteristics:

	ADJACENT ZONING DESIGNATIONS AND LAND USES		
	GENERAL PLAN	ZONING CLASSIFICATION	EXISTING LAND USE
North	Public	Public	City Hall
South	Downtown Mixed Use	Downtown Mixed Use	Open parking lot
East	Downtown Mixed Use	Downtown Mixed Use	Retail shops
West	Office	Office	Ford Construction

SUMMARY

Stogies has been in operation since the mid 1980's and currently operates with a Type 42 ABC license that allows beer and wine to be served.

This bar predates the City's requirements for a Use Permit for ABC licenses.

The applicants are requesting a Use Permit to expand the existing Type 42 ABC use to an outside patio area.

The Type 42 ABC license is not be modified other than the outside seating area. This is not a new ABC license.

Stogies bar is approximately 2,800 sq ft in size with occupancy of 49 persons. The occupancy of the bar is not changing.

Stogies is open 7 days a week from 12:00 noon until midnight.

This is a neighborhood bar with a clientele that typically frequents the bar between 3:00 pm to 9:30 pm. This bar does not cater to a late night crowd.

Staff does not have any police service calls or complaints to Stogies in over 2 years.

The outside seating is consistent with the downtown vision of having outside seating and pedestrian friendly businesses.

Staff has also placed noise related conditions to make sure any music or outside activities are covered by the noise ordinance and expectations are put in place.

ANALYSIS

Staff is supportive of outside seating. Staff has conditioned that while outside seating is available, the area by monitored by service staff.

Staff has reviewed the proposal and conditioned the use permit to ensure compliance with the previous Type 42 ABC license, consistency with the General Plan Noise Element and ensure and potential conflicts and nuisances are mitigated for.

Per Land Use Code Section 17.22.030, a night club, bar or cardroom / live music is permitted in the Downtown Mixed Use (DMU) zoning designation, subject to a use permit. 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 the addition of outside seating in an existing bar space within the downtown area. The Downtown Mixed Use (DMU) Zoning District identifies numerous uses intended to bring people to the downtown area. The intent of the DMU zoning district is to provide for a wide range of uses, emphasizing high quality development, and to encourage revitalization of downtown. The proposal is consistent with this intent and making Lodi a 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 commercial, retail, office and restaurant uses. The proposed outside seating and entertainment added to a bar business is allowed by the General Plan. The proposed use will expand the services of Stogies bar to its patrons 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 outside seating is compatible with existing and future land uses in the immediate vicinity of the project area. The Downtown Business District envisions bars, wine tasting rooms, retail services, restaurants and the like as the type of business encouraged to operate in the Downtown area. No aspect 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, restaurants/bars, tasting rooms and other commercial uses that offer entertainment and areas for people to gather 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 outside seating will offer an additional entertainment use in the downtown area and is consistent with the intent of businesses in the downtown area.
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 businesses in the downtown area. The intended nature of this outside seating area associated with the bar is consistent with the effort to retain customers and patrons in the downtown area and, therefore, staff does not expect any problems with the proposed establishment. The proposed use is consistent with the City’s vision of making downtown Lodi a 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, February 27, 2016. Thirty-two (32) 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 outside seating for Stogies bar at 230 West 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

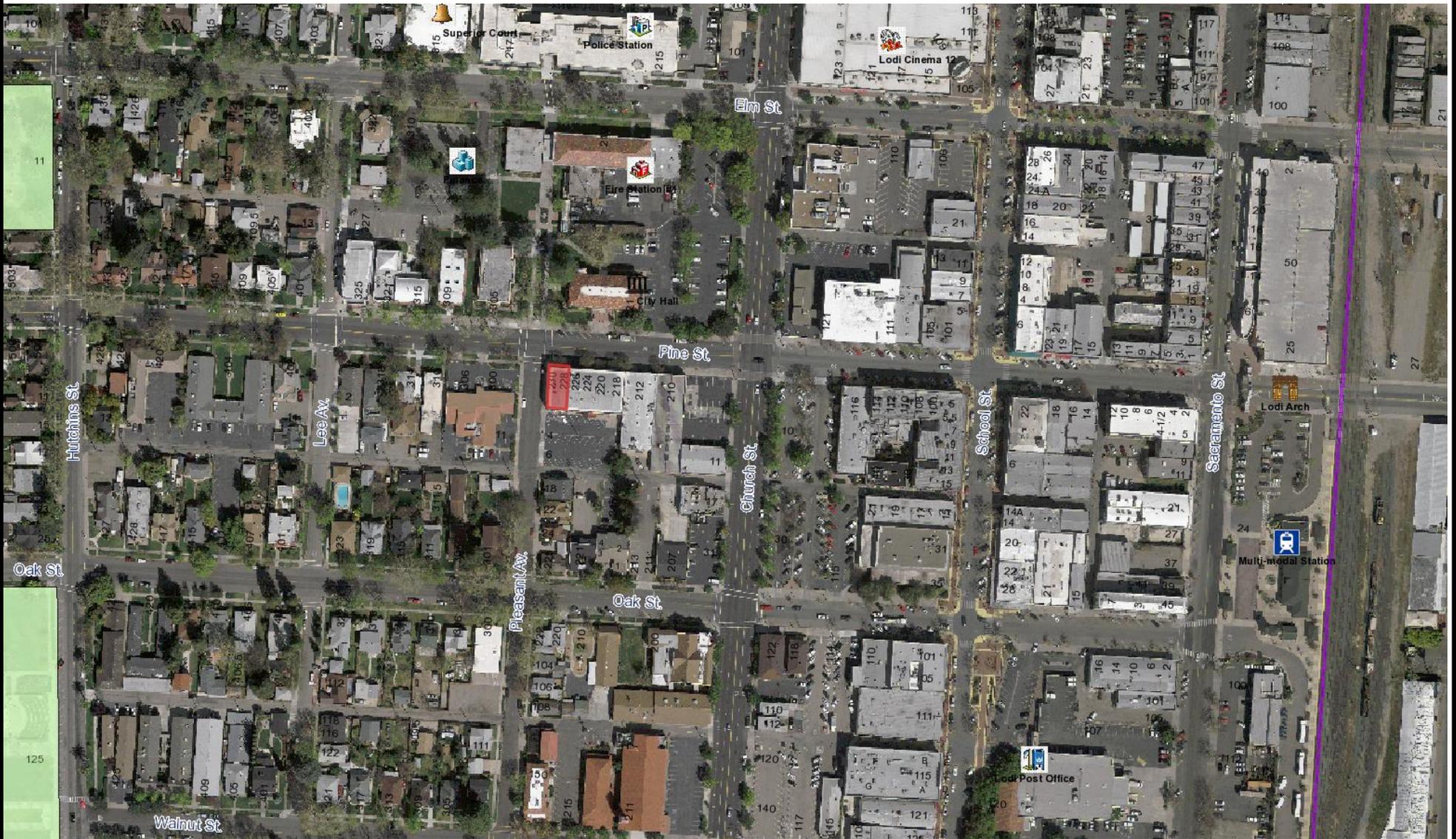
Stephen Schwabauer
Community Development Director

ATTACHMENTS:

- A. Vicinity / Aerial Map
- B. Site plan and fence example
- C. Draft Resolution

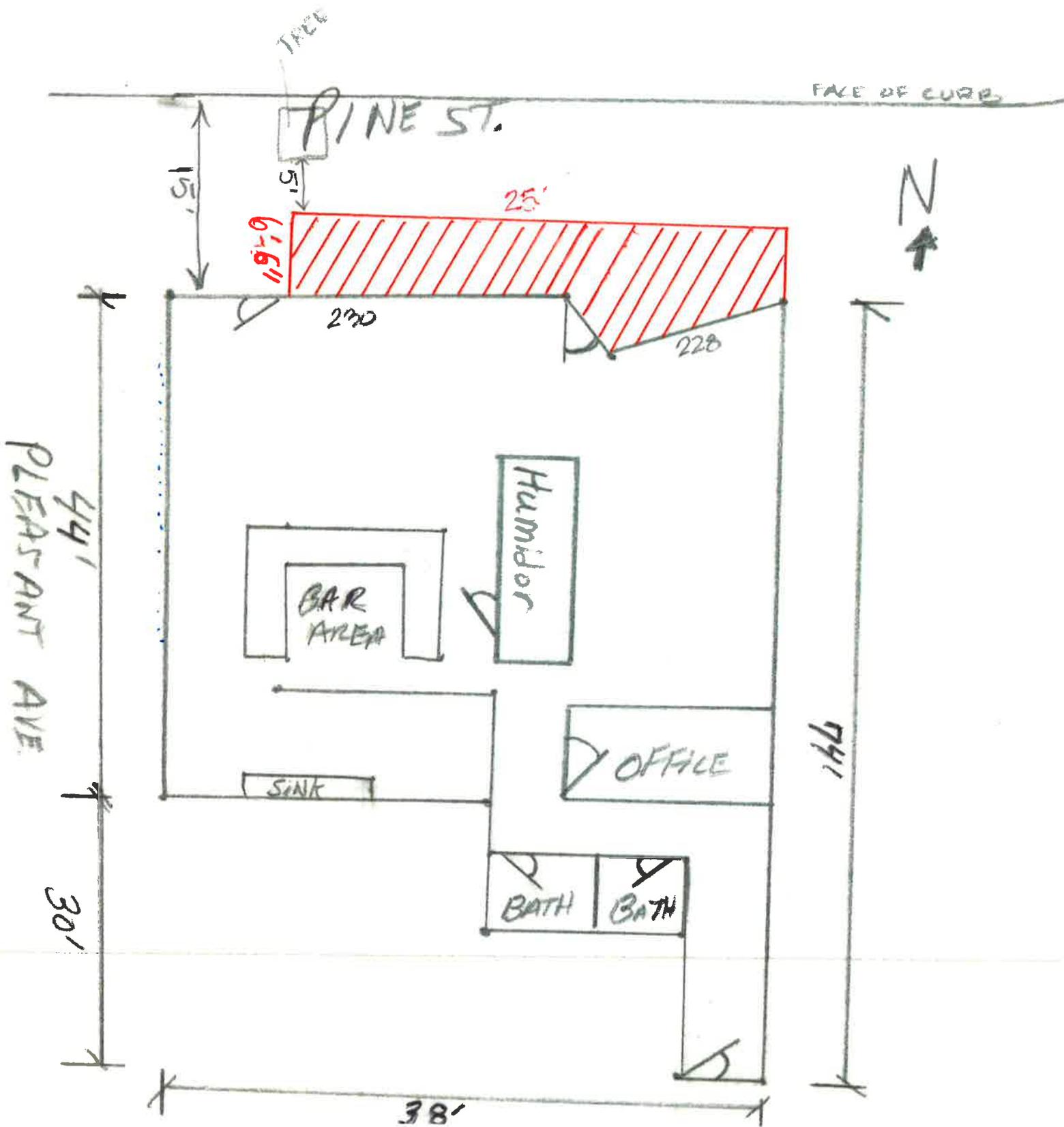
VICINITY MAP

NORTH



SOUTH

230 West Pine Street





OPEN
CIGAR LOUNGE
The Hub

CUSTOM BLENDED TOBACCOS
Quality Pipes
HAND MADE CIGARS

WINE

LOBI BLANCO



228

Sto



RESOLUTION NO. P.C. 16-0X

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LODI APPROVING THE REQUEST OF GARY AND DENISE WIMAN FOR A USE PERMIT TO ALLOW OUTSIDE SEATING FOR STOGIES AT 230 W. 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 proponents are Gary and Denise Wiman, 210 South Sunset Drive, Lodi, CA 95240; and

WHEREAS, the project parcel is owned by Odd Fellows Hall Association, 6 South Pleasant Ave Lodi, CA 95240; and

WHEREAS, the project is located at 230 West Pine Street, Lodi, CA 95240 (APN: 043-032-01); 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, §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.
2. The proposal involves the addition of outside seating in an existing bar space within the downtown area. The Downtown Mixed Use (DMU) Zoning District identifies numerous uses intended to bring people to the downtown area. The intent of the DMU zoning district is to provide for a wide range of uses, emphasizing high quality development, and to encourage revitalization of downtown. The proposal is consistent with this intent and making Lodi a tourist destination point.
3. The General Plan land use designation for this area is Downtown Mixed Use, which allows commercial, retail, office and restaurant uses. The proposed outside seating and entertainment added to a bar business is allowed by the General Plan. The proposed use will expand the services of Stogies bar to its patrons and is therefore, consistent, with the General Plan.
4. The proposed outside seating is compatible with existing and future land uses in the immediate vicinity of the project area. The Downtown Business District envisions bars, wine tasting rooms, retail services, restaurants and the like as the type of business encouraged to

operate in the Downtown area. No aspect 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.
6. Restaurants/bars, tasting rooms and other commercial uses that offer entertainment and areas for people to gather 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 outside seating will offer an additional entertainment use in the downtown area and is consistent with the intent of businesses in the downtown area.
9. The proposed use would not have a substantial adverse economic effect on nearby uses because operation of a restaurant / live music 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 availability of public facilities and utilities is adequate to serve the proposed use, in that Stogies is located within a building where public facilities and services are currently provided, including sewer, water, electricity, phone, etc.
11. 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.

NOW, THEREFORE, BE IT DETERMINED AND RESOLVED by the Planning Commission of the City of Lodi that Use Permit Application No. 2016-05 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 three-month, 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. 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.
8. 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.

9. No alcoholic beverages shall be consumed on any property adjacent to the licensed premises under the control of ABC license issued to Stogies.
10. 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.
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. 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.
15. 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.
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. 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.
18. 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.
19. Fence shall not interfere with the exiting from the existing building. Gates must meet all applicable specifications for doors as per 2013 CBC, Section 11B-206.4 & 11B-206.4.1. Plans to specify the bottom 10" of all gates shall have a smooth, uninterrupted surface to allow the gate to be opened by a wheelchair footrest without creating a trap or hazardous condition or provide a 10" high kick plate at the bottom of the gate. 2013 CBC, Section 11B-404.2.10

Also, Plans to specify and show the gates to have a maximum door opening effort of 5 lbs. and are equipped with single-effort, non-grasping type hardware (i.e., lever) centered between 34" and 44" above the deck surface. 2013 CBC, Sections 11B.404.2.9, 11B-404.2.7

Further, plans to specify and show a minimum 24" strike side clearance and a minimum 60" deep level landing at the pull side of the (exterior) gates to comply with 2013 CBC, Sections 11B-404.2.4, 11B-404.2.4.1 & Table 11B-404.2.3 (Footnote #5)

In addition, plans to specify and show a minimum 12" strike side clearance and a minimum 48" deep level landing at the push side of the gates, if equipped with a latch and a closer. 2013 CBC, Sections 11B-404.2.4, 11B-404.2.4.1 & Table 11B-404.2.3

20. 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.

If the construction costs of the alterations to the building are less than the current valuation threshold of \$139,934.00 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.

21. 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.
22. No variance from any City of Lodi adopted code, policy or specification is granted or implied by this approval.
23. Please note, the patio area must receive a downtown encroachment permit from the Public Works Department for the proposed outdoor seating and serving of alcohol. See "Sidewalk Seating Encroachment Criteria" and the City of Lodi Ordinance 12.04.425 Sidewalk Seating Area.

I certify that Resolution No. 16-0X was passed and adopted by the Planning Commission of the City of Lodi at a regular meeting held on March 9, 2016 by the following vote:

AYES: Commissioners:

NOES: Commissioners:

ABSENT: Commissioners:

ATTEST _____
Secretary, Planning Commission

Item 3d



**CITY OF LODI
PLANNING COMMISSION
Staff Report**

MEETING DATE: March 9, 2016

APPLICATION NO: Use Permit: 2016-06 U

REQUEST: Request for Planning Commission approval of a Use Permit to allow a wine production facility, Type 2 ABC license, at 1378 East Turner Road – Suite D. (Applicant: Vinarija Drava LLC – William Carson and Steve Carson.; File 2016-06 U; CEQA Determination: Exempt per Section 15321)

LOCATION: 1378 East Turner Road – Suite D
Lodi, CA 95240
APN: 049-300-14

APPLICANT: Vinarija Drava LLC
William Carson and Steve Carson
1037 Lincoln Ave
Lodi, CA 95240

PROPERTY OWNER: Audry Schmierer
P.O. Box 396
Lodi, CA 95240

RECOMMENDATION

Staff recommends the Planning Commission approve the request of Vinarija Drava LLC – William Carson and Steve Carson for a Use Permit to allow a wine production facility, Type 2 ABC license, at 1378 East Turner Road – Suite D subject to conditions in the attached resolution.

PROJECT AREA DESCRIPTION

General Plan Designation: Industrial
Zoning Designation: Industrial
Property Size: 0.56-acres (24,801 sq. ft.)

The adjacent zoning and land use characteristics:

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

BACKGROUND

The applicant's proposal is to utilize a vacant industrial space located at 1378 East Turner Road as 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. At any given time there may be 14 barrels of fermenting wine and between 700 cases of finished wine being stored on the site.

The tenant space is approximately 700 sq ft in size.

The site will also contain a small office for administrative uses. The facility will be in use up to 4 days a week primarily for office use. During the harvest, the facility will operate 7 days a week. According to the applicant, tastings will be conducted by appointment only and will be on limited to small groups of 3 - 5 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 two (2) onsite parking spaces for the tenant space. There are no full time employees, except for the owners. 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.

The limited amount of on-site parking and the industrial nature of the area limits how many private events and tastings can take place.

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 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. 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 wine production facility 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, February 27, 2016. Seventeen (17) 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 1378 East Turner Road – Suite D 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

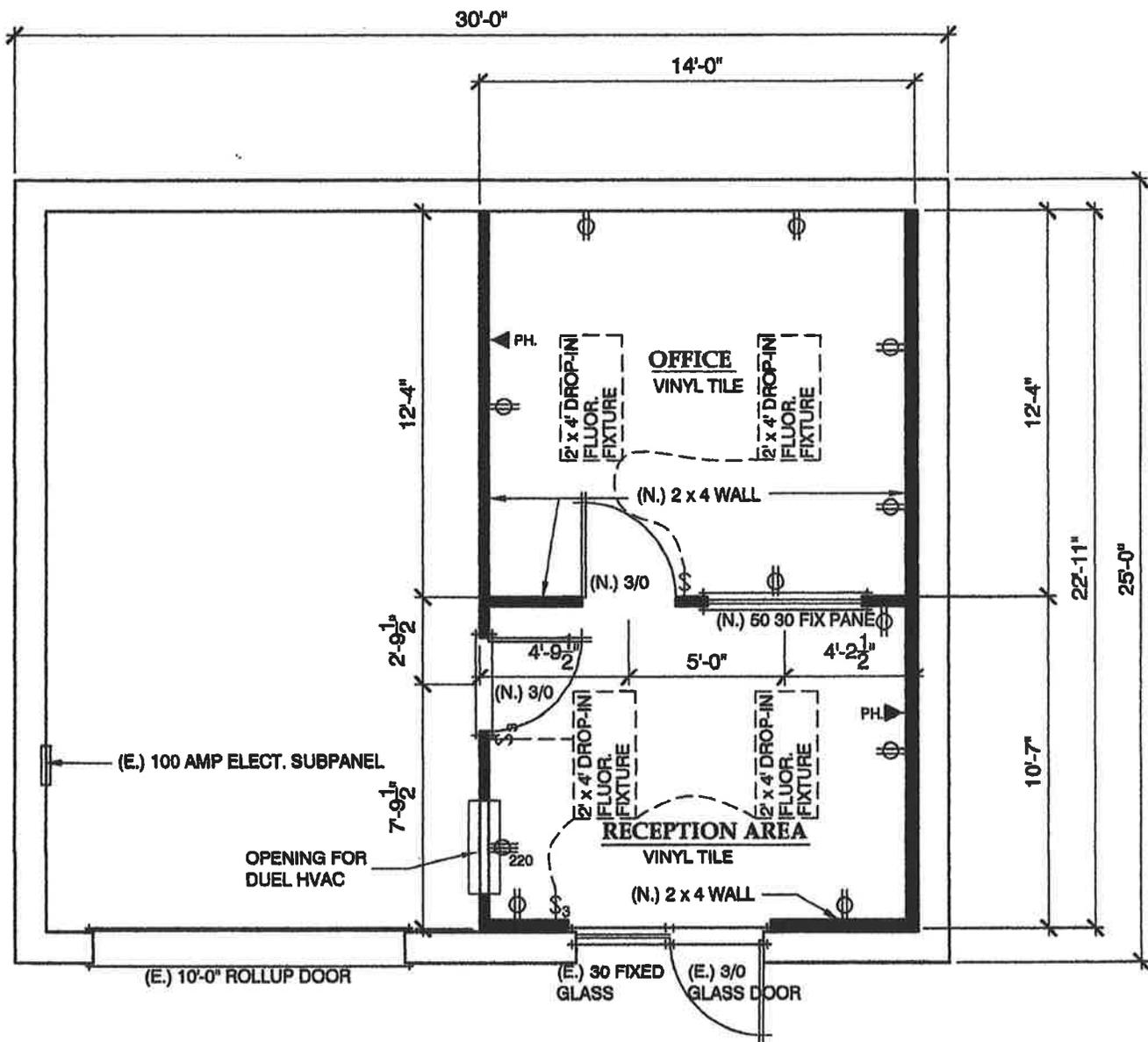
VICINITY MAP

North



South

1378 East Turner Road – Suite D



FLOOR PLAN

SCALE: _____ 1/4" = 1'-0"

321 SQ. FT.
9' CEILING HT.

NOTE:

1. SEE OWNER FOR LOCATION OF VENTS AT TOP OF WALL
2. SEE OWNER FOR LOCATION OR EXHAUST FAN & SWITCH IN OFFICE

ELECTRICAL



RESOLUTION NO. P.C. 16-0X

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LODI APPROVING THE REQUEST OF VINARIJA DRAVA LLC – WILLIAM CARSON AND STEVE CARSON FOR A USE PERMIT TO ALLOW A WINE PRODUCTION FACILITY, TYPE 2 ABC LICENSE, AT 1378 EAST TURNER ROAD – SUITE D

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 1378 East Turner Road – Suite D, Lodi, CA 95240 (APN: 049-300-14); and

WHEREAS, the project proponent is Vinarija Drava LLC, William Carson and Steve Carson, 1037 Lincoln Ave., Lodi, CA 95240; and

WHEREAS, the project property owners are Audry Schmierer, P.O. Box 396, 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 1378 East Turner Road – Suite D; 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. 2016-06 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. No vested rights are gained by Developer or a successor in interest by the City's approval of this Use Permit (13-U-04).
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. 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
25. Fire rated separation may be required between different occupancies in the building as per 2013 CBC, Section 508.4 and Table 508.4
26. 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
27. 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
28. 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.
29. 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.
- 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.
30. 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.
31. 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 (209) 333-6735.
32. 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.
33. 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.
34. No variance from any City of Lodi adopted code, policy or specification is granted or implied by this approval.

Dated: March 9, 2016

I certify that Resolution No. 16-0X was passed and adopted by the Planning Commission of the City of Lodi at a regular meeting held on March 9, 2016 by the following vote:

AYES: Commissioners:

NOES: Commissioners:

ABSENT: Commissioners:

ATTEST _____

Secretary, Planning Commission

DRAFT