

<p>CARNEGIE FORUM 305 WEST PINE STREET LODI, CALIFORNIA</p>	<p>AGENDA LODI PLANNING COMMISSION</p>	<p>REGULAR SESSION WEDNESDAY, APRIL 13, 2016 @ 7:00 PM</p>
---	---	--

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 – “March 9, 2016”
3. PUBLIC HEARINGS
 - a. Request for Planning Commission approval of a Use Permit to allow a Type-42 On-Site Beer and Wine sales at House of Coffees at 235 Ham Lane. (Applicant: Ms. Jennifer Loreteen; File 2016-07 U; CEQA Determination: Exempt per Section 15321)
 - b. Request for Planning Commission to modify the zoning code to require multi-family structures in the Medium Density Residential and High Density Residential zoning designations to require design review and make recommendation to the City Council. (Applicant: City of Lodi; File 2016-08 Z; 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. Discussion of Brownsfield Grant and Committee
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, MARCH 9, 2016**

1. CALL TO ORDER / ROLL CALL

The Regular Planning Commission meeting of March 9, 2016 was called to order by Vice Chair Hennecke at 7:00 p.m.

Present: Planning Commissioners Cummins, Kiser, Olson, Slater (7:13pm) and Vice Chair
– Hennecke

Absent: Planning Commissioners Kirsten and Chair Heinritz
–

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

2. MINUTES

“February 10, 2016”

MOTION / VOTE:

The Planning Commission, on motion of Commissioner Kiser, Olson second, approved the minutes of February 10, 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 recommending 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)

Senior Planner Craig Hoffman gave a brief report based on the staff report. Staff is recommending the Commission forward the recommendation for approval of the Housing Element document on to the City Council.

Vice Chair Hennecke asked if there is currently migrant housing within the City limits. Mr. Hoffman stated that not in a way the State of California Department of Housing and Community Development (HCD) would identify it.

Commissioner Kiser asked how the affordable housing project on Tienda is coming along. Mr. Hoffman stated that the Commission should see that start building this year. Mr. Hennecke asked if the project is going to still be built in the same manner as was approved years ago. Mr. Hoffman stated that it will be built as approved.

Commissioner Olson asked if the City is seeing any applications for funds available for first-time home buyer assistance. Mr. Hoffman stated that Joseph Wood, Neighborhood Services Manager, takes care of those applications and is diligent in getting funds replenished whenever possible.

Commissioner Cummins asked for confirmation that the only changes are on page 4-7 shown in red. Mr. Hoffman stated that is correct.

Hearing Opened to the Public

- None

Public Portion of Hearing Closed

MOTION / VOTE:

The Planning Commission, on motion of Commissioner Kiser, Cummins second, finds that the project is exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15183, and forwards the 2015-2023 Housing Element with the recommendation for approval to the City Council subject to the findings and conditions of approval contained in the draft resolution provided. The motion carried by the following vote:

Ayes: Commissioners – Cummins, Kiser, Kirsten, Olson, Slater and Vice Chair Hennecke

Noes: Commissioners – None

Absent: Commissioners - Kirsten, Slater and Chair Heinitz

- b) 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 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)

Senior Planner Craig Hoffman gave a brief PowerPoint presentation based on the staff report. He added that the applicant, Mr. Patel, can speak more toward the corporate design that La Quinta Inn requires. This architecture will be the flag-ship for the new look that La Quinta is heading. Staff is recommending approval of the project as conditioned.

Commissioner Slater arrived at the meeting at 7:13 p.m.

Vice Chair Hennecke stated that this will be the tallest building on that side of town. Mr. Hoffman stated that it will be the tallest in that area.

Commissioner Kiser expressed his concerns regarding the lighting affecting the residential neighbors. Mr. Hoffman stated that the lighting will be subject to City Standards which requires the lighting to reflect only on site and light standards are only allowed to be 25 feet tall.

Vice Chair Hennecke asked if the Site Plan and Architectural Review Committee has reviewed the project. Mr. Kiser stated that they have not. Mr. Hoffman added that it is a combined application. Mr. Hennecke asked where the equipment is located. Mr. Hoffman stated that it will be roof mounted and screened from view.

Commissioner Slater asked about the sign being illuminated. Mr. Hoffman stated that it will be illuminated.

Vice Chair Hennecke asked if the site will be completely covered in asphalt. Mr. Hoffman stated that the majority will be asphalt, but there will be some concrete. Mr. Hennecke asked if there is an additional cost to use permeable concrete or asphalt. Mr. Hoffman stated that his belief is that there is an additional cost and a different look for the permeable product.

Hearing Opened to the Public

- Yogesh Patel, applicant, came forward to answer questions. Mr. Patel stated that he has owned the Motel 6 for six years and has been planning this project for a couple of years.
- Commissioner Cummins thanked Mr. Patel for continuing to invest in Lodi.
- Commissioner Olson asked if any of the rooms will be extended stay. Mr. Patel stated that there will not be any rooms for extended stay.
- Commissioner Slater asked if there will be any food made available to the guests. Mr. Patel stated that there will be a complimentary breakfast available to guests. He added that there will be a small conference room also.
- Commissioner Kiser asked what the capacity of the conference room. Mr. Patel stated that it will hold 25 people.
- Glen Franks, local resident, came forward to support the project. Mr. Franks stated that this project will be important for the continued success of getting events such as Amgen. He would like to see the exterior of the hotel done in the highest quality of products. Mr. Franks would also encourage the applicant to utilize the entire parcel for the hotel and increase the size of the conference room to attract bigger groups. Commissioner Slater invited Mr. Frank to attend the Site Plan and Architecture Review Committee Meetings. He believes his input would be productive.

Public Portion of Hearing Closed

MOTION / VOTE:

The Planning Commission, on motion of Commissioner Slater, Kiser second, finds that the project is exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15332, and approves a Use Permit and Site Plan and Architectural Review to allow a La Quinta Inn and Suites hotel at 1136 South Cherokee Lane subject to the findings and conditions of approval contained in the draft resolution provided. The motion carried by the following vote:

Ayes: Commissioners – Cummins, Kiser, Olson, Slater and Vice Chair Hennecke

Noes: Commissioners – None

Absent: Commissioners - Kirsten and Chair Heinitz

- c) 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 outside seating for Stogies at 230 W. Pine Street. (Applicant: Denise Wiman; File 2016-05 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.

Vice Chair Hennecke asked if the Use Permit is only for the outside seating. Mr. Hoffman stated that is correct. Mr. Hennecke asked if the Commission can include the entire bar. Mr. Hoffman stated the Commission cannot condition the current facility unless the applicant makes a change to the type of license. Mr. Kiser asked for clarification that if problems arise the Use Permit can be pulled. Mr. Hoffman stated that to be correct.

Hearing Opened to the Public

- Gary and Denise Wiman, applicant, came forward to answer questions. Mr. Wiman stated that both he and Mrs. Wiman are City of Lodi employees and spend a good deal of time in the downtown area.

- Commissioner Kiser asked about any load music. Mr. Wiman stated that they have only been the owners of the property since July 2015. They have been trying to bring the establishment back to what it once was and this is just another way to reinvest in the business. Mr. Wiman added that they will not have load music.
- Commissioner Slater stated that he has watched this business degrade over the years and asked what the vision they have for the outside seating. Mr. Wiman stated that they are trying to draw people down to the area from the downtown. There are some good businesses that have recently gone in here and the outside seating will be a visual draw to get people down to the area. Mr. Slater asked if the clientele will be able to smoke in the outside area. Mr. Wiman stated that they will. Mr. Hoffman stated that there isn't anything stopping them from smoking outside now. Mr. Slater asked if all the employees will be going through the ABC training. Mr. Wiman stated that they have already gone through the training.

Public Portion of Hearing Closed

- Vice Chair Hennecke asked if being a member of the organization that owns the building would require him and Commissioner Kiser to recuse themselves from this item. Neither of them is an officer nor is there any financial gain or loss from the approval of the project.
- After some discussion between the City Planner and the Deputy City Attorney it was determined that the two Commissioners could participate in the discussion and voting on this item.

MOTION / VOTE:

The Planning Commission, on motion of Commissioner Cummins, Kiser second, finds that the approval of the project is exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15321, and approves a Use Permit to allow outside seating for Stogies at 230 W. Pine Street subject to the findings and conditions of approval contained in the draft resolution provided. The motion carried by the following vote:

Ayes: Commissioners – Cummins, Kiser, Olson, Slater and Vice Chair Hennecke

Noes: Commissioners – None

Absent: Commissioners - Kirsten and Chair Heinritz

- d) 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 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)

Senior Planner Craig Hoffman gave a brief PowerPoint presentation based on the staff report. Staff is recommending approval of the project as conditioned. Mr. Hoffman pointed out that staff did receive a comment letter regarding possible parking issues on the property for this project that has been provided on Blue Sheet.

Chair Hennecke asked for confirmation as to the number of wineries that are currently located in this area. Mr. Hoffman stated there are two wineries located in other condo suites at this location. He also stated that he would have to refer to the developer and owner of the property for the demographics of the property. Mr. Jeffery Kirst came forward to add additional information regarding the property.

Chair Hennecke asked if the 20 parking spaces meet the required parking for this location. Mr. Hoffman stated that at the time the project was built it was built to the required two space per 1000 square feet of building space. He added that it may take some coordination with the other tenants during production to make sure the parking works for this use.

Commissioner Kiser asked if this is an approval for production or events or both. Mr. Hoffman stated that the applicant has requested a production facility and small events.

Commissioner Slater stated that he would like to see this project conditioned to only allow events, small or otherwise, limited to after 5:00 pm during the week and on weekends.

Mr. Hoffman continued with his presentation.

Vice Chair Hennecke asked what the occupant load will be for this location. Mr. Hoffman stated that is determined during the building permit process. Until staff has the square footage and use for the spaces within the building, the occupant load cannot be determined.

Commissioner Kiser asked if the restroom facility is ADA accessible and gender neutral. Mr. Hoffman stated that it is a shared restroom for the facility and should meet the ADA requirements. Mr. Kiser stated that it would then be the only restroom for people to use during events also.

Hearing Opened to the Public

- William and Steve Carson, applicants, came forward to answer questions.
- Commissioner Kiser asked what the plan is for the space. Mr. Carson stated that the space will primarily be used for production. Mr. Kiser asked if the wine tasting will be limited to the weekends. Mr. Carson stated that they would like to have some tasting during the week also, but by appointment only. Mr. Kiser asked if they have been making wine for a while. Mr. Carson stated that they have been making wine for others for some time, but this is a new venture for them.
- Chair Hennecke asked how wine club events will be handled. Mr. Carson stated that they will limit the club events to the weekend.
- Commissioner Olson asked if the two parking spaces for this space will be used by employees. Mr. Carson stated that he and his brother are the only employees and would be happy to carpool. They would also be willing to park on the street leaving the two spaces available for customers.
- Commissioner Slater asked if Mr. Carson and Carson would mind if there were conditions added to limit the hours of operation to evenings and weekends. Mr. Carson stated that they would like to be open Monday, Thursday and Friday during the weekdays from 11 am to 5 pm in addition to the weekend. Mr. Slater stated that he is concerned for the currently businesses in the facility.
- Commissioner Cummins stated his appreciation for the project.
- Mr. Hoffman stated additional language to condition #21: Winery events will not cause parking congestion on site. The applicant will work with the property owners and adjacent tenants to ensure nuisance activities do not occur. Nuisances may require this Use Permit to be remanded back to the Planning Commission.
- Chair Hennecke asked the applicant to pronounce the name and explain. Mr. Carson stated that Vinarija is the Croatian word for winery and Drava is a river that starts in northern Italy and runs up to Hungary.
- Commissioner Slater stated that his concerns are satisfied with the additional language proposed by Mr. Hoffman.

- Jeffery Kirst, property owner, came forward to explain that there have been problems with parking and customers in the past, but the association along with the other tenants came together and came up with a solution. He is concerned that if the “No parking” chains come down on the weekend it may cause problems again.
- Commissioner Kiser asked how Mr. Kirst feels about this project. Mr. Kirst stated that if it was production only he would be fine. Mr. Kirst asked Mr. Carson if they would be crushing inside the building. Mr. Carson stated that they crushing will take place inside the building. Mr. Kirst stated that his concerns were limited to only non-crushing events. Mr. Kiser asked if the condition to remove waste was added to the resolution. Mr. Hoffman stated that it was in the resolution.
- Commissioner Cummins asked about any police calls to the location related to the wine production at this location. Mr. Kirst stated no there has not been any call that he is aware of.
- Commissioner Kiser expressed his concerns regarding the parking.

Public Portion of Hearing Closed

MOTION / VOTE:

The Planning Commission, on motion of Commissioner Cummins, Slater second, finds that the approval of the project is exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15321, and approves a Use Permit 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 provided. The motion carried by the following vote:

Ayes: Commissioners – Cummins, Olson, Slater and Vice Chair Hennecke

Noes: Commissioners – Kiser

Absent: Commissioners - Kirsten and Chair Heinitz

4. PLANNING MATTERS/FOLLOW-UP ITEMS

a) Update of Downtown Police Service Calls

- Mr. Hoffman stated that an update of call numbers has been provided and staff is available to answer any questions.

b) Reminder – Annual 700 Forms are Due by April 1st

- Mr. Hoffman reminded the Commission that there are only a couple more weeks to turn the 700 forms in to the City Clerk.

5. ANNOUNCEMENTS AND CORRESPONDENCE

None

6. ACTIONS OF THE CITY COUNCIL

Mr. Hoffman stated that the Housing Element will be going to the City Council in April.

7. ACTIONS OF THE SITE PLAN AND ARCHITECTURAL REVIEW COMMITTEE

None

8. ART IN PUBLIC PLACES

None

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

None

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

Commissioner Slater stated that all information that is brought up during a public hearing is important information. He makes this statement because of a comment made after the meeting regarding the Charter School item from the previous meeting.

11. ADJOURNMENT

There being no further business to come before the Planning Commission, the meeting was adjourned at 8:14: p.m.

ATTEST:

Kari Chadwick
Planning Commission Secretary

DRAFT

Item 3a



**CITY OF LODI
PLANNING COMMISSION
Staff Report**

MEETING DATE: April 13, 2016

APPLICATION NO: Use Permit: 2016-07 U

REQUEST: Request for Planning Commission approval of a Use Permit to allow a Type-41 / 42 On-Site Beer and Wine sales at House of Coffees at 235 Ham Lane. (Applicant: Ms. Jennifer Lorentzen; File 2016-07 U; CEQA Determination: Exempt per Section 15321)

LOCATION: at 235 Ham Lane
APN 035-340-09

APPLICANT: House of Coffees
Ms. Jennifer Lorentzen
10039 East Highway 12
Lodi, CA 95240

PROPERTY OWNER: Stone Brothers and Associates
5250 Claremont Ave
Stockton, CA 95207

RECOMMENDATION

Staff recommends that the Planning Commission approve the Use Permit request of Ms. Jennifer Lorentzen for the sale of beer and wine Alcoholic Beverage Control (ABC) Type 41 / 42 license at House of Coffees at 235 Ham Lane, subject to the conditions in the attached resolution.

PROJECT/AREA DESCRIPTION

General Plan Designation: Commercial
Zoning Designation: Community Commercial
Property Size: 7.55 acres – 328,878 sq. ft.

The adjacent zoning and land use characteristics:

	ADJACENT ZONING DESIGNATIONS AND LAND USES		
	GENERAL PLAN	ZONING CLASSIFICATION	EXISTING LAND USE
North	Commercial	General Commercial	Commercial / retail
South	Commercial	General Commercial	Walgreens
East	Commercial	General Commercial	Retail and gas station
West	Low Density Residential	RLD - Low Density Residential	Mobile home park

BACKGROUND / REQUEST

House of Coffees is located within the Lakewood Mall at the corner of Ham Lane and Lockeford Street.

The business is located within 1,000 sq ft tenant space. The business is open 7 days a week from 5:30 am to 7:00 pm. There are 2 employees per shift.

The applicant is looking to grow an evening business by offering a small selection of craft beers and wines. The beer and wine would be secondary to the coffee business.

The applicant is trying to provide a place where a group can go relax and have the option of an evening drink of coffee or an alcoholic beverage. This request is not to transform the business into a bar.

The applicant would extend weekday hours to 9:00 pm and Friday and Saturday night hours to 10:00 pm.

Staff has been contacted by representatives from Starbucks to offer a similar option. In the coming years the Planning Commission will see an increase in requests for alcohol pairings with businesses that historically did not offer alcohol.

There are no active violations on the property and no complaints or police service calls.

The applicant most likely would operate under a type 41 license that is for a restaurant use.

Staff is not concerned with this business turning into a nuisance. The hours of operation do not extend into the late hours.

The applicant would like outside seating within a fenced / barrier area per ABC.

ANALYSIS

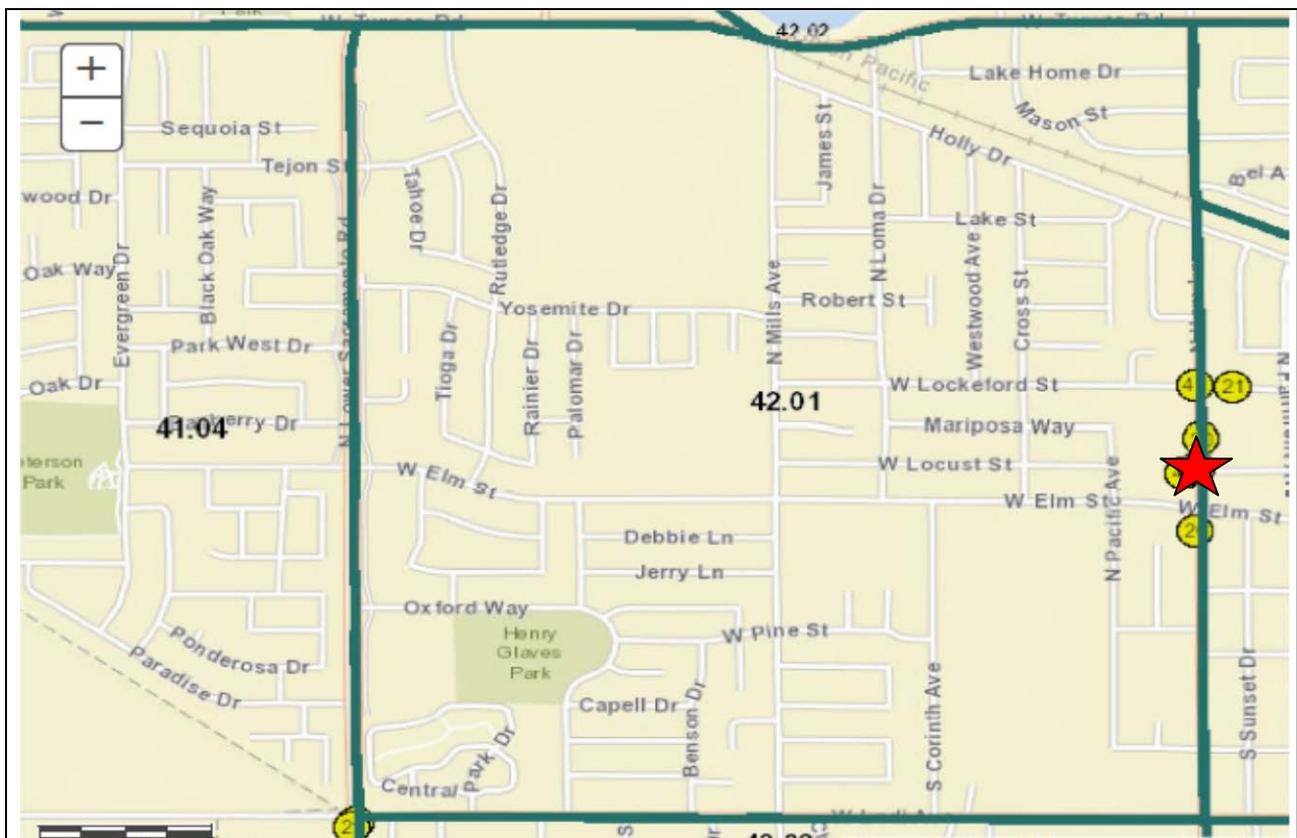


Figure 1 - Census Tract 42.01

The City established the Use Permit requirement to gain local control over whether or not a license is appropriate for a particular location. The Department of Alcoholic Beverage Control primarily controls issuance based on concentration of licenses within a particular Census Tract.

The project site belongs to Census Tract 42.01, which covers the area south of Turner Road, north of Lodi Avenue, east of Lower Sacramento Road and west of Ham Lane. In order to authorize additional licenses in this census tract, the Planning Commission must make a finding of public convenience and/or necessity. Generally commercial centers have a high concentration of eating and drinking establishments. Many of the licenses are in conjunction with eating establishments.

The discretionary Use Permit procedure enables the Planning Commission 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 the Planning Commission can make the required findings to approve the requested Use Permit. The required findings are supported 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. **Evidence:*** The requested permit would allow an existing food related business, within the Community Commercial Zoning District, to sell alcohol in accordance with Development Code Section 17.22.030. Conditions of Approval have been prepared that will provide appropriate rules for the alcohol sales and the needed review of the operation to ensure the sales do not become a neighborhood problem.
2. *The proposed use is consistent with the General Plan and any applicable specific plan. **Evidence:*** The General Plan land use designation and Zoning for this area is Community Commercial, which provides for sale of alcohol. The proposed sale of beer and wine is allowed as a secondary option to a coffee business operation. The sale of alcoholic beverages as part of a food related business is an acceptable and customary convenience to the local customer. The project is not within a Specific Plan or Planned Development, which would have additional rules on the sale of alcohol different from the properties base Zoning.
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. **Evidence:*** The proposed sale of alcohol in conjunction with the coffee house operation is compatible with existing and future land uses in the immediate vicinity of the project area. The sale of alcohol in the business is consistent with other similar retail commercial uses in the census tract. The sales of alcohol will not increase the existing floor area of the building and therefore the current on-site parking will be adequate to support the restaurant.
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. **Evidence:*** 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. The proposed business hours will be a limiting feature in the control of alcohol sales, in that the business will be closed by 9:00 pm weekdays and 10:00 pm weekends reducing the probability of late night loitering in the neighborhood.
5. *The proposed project has been reviewed in compliance with the California Environmental Quality Act (CEQA) and the Lodi Environmental Review Guidelines. **Evidence:*** 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 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.

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. Staff believes the Commission can make the required findings to approve the Use Permit Amendment as proposed. The

existing property use does not have any complaints over the use and operations. 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 noise and nuisance related to late night activities. 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 was found to be Categorically Exempt according to the California Environmental Quality Act, Article 19 §15321, Class 21 (a) (2). The project is classified as an "Enforcement action by regulatory agencies" because it is the "adoption of an administrative decision or order enforcing or revoking the lease, permit, license, certificate, or entitlement for use or enforcing the general rule, standard, or objective." No significant environmental impacts are anticipated and no mitigation measures are required.

PUBLIC HEARING NOTICE:

Legal Notice for the Use Permit was published in the Lodi News Sentinel on Saturday, April 2, 2016. Eighty-eight (88) 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 to allow the sale of beer and wine Alcoholic Beverage Control Type 41 / 42 license for House of Coffees at 235 Ham 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
City Planner

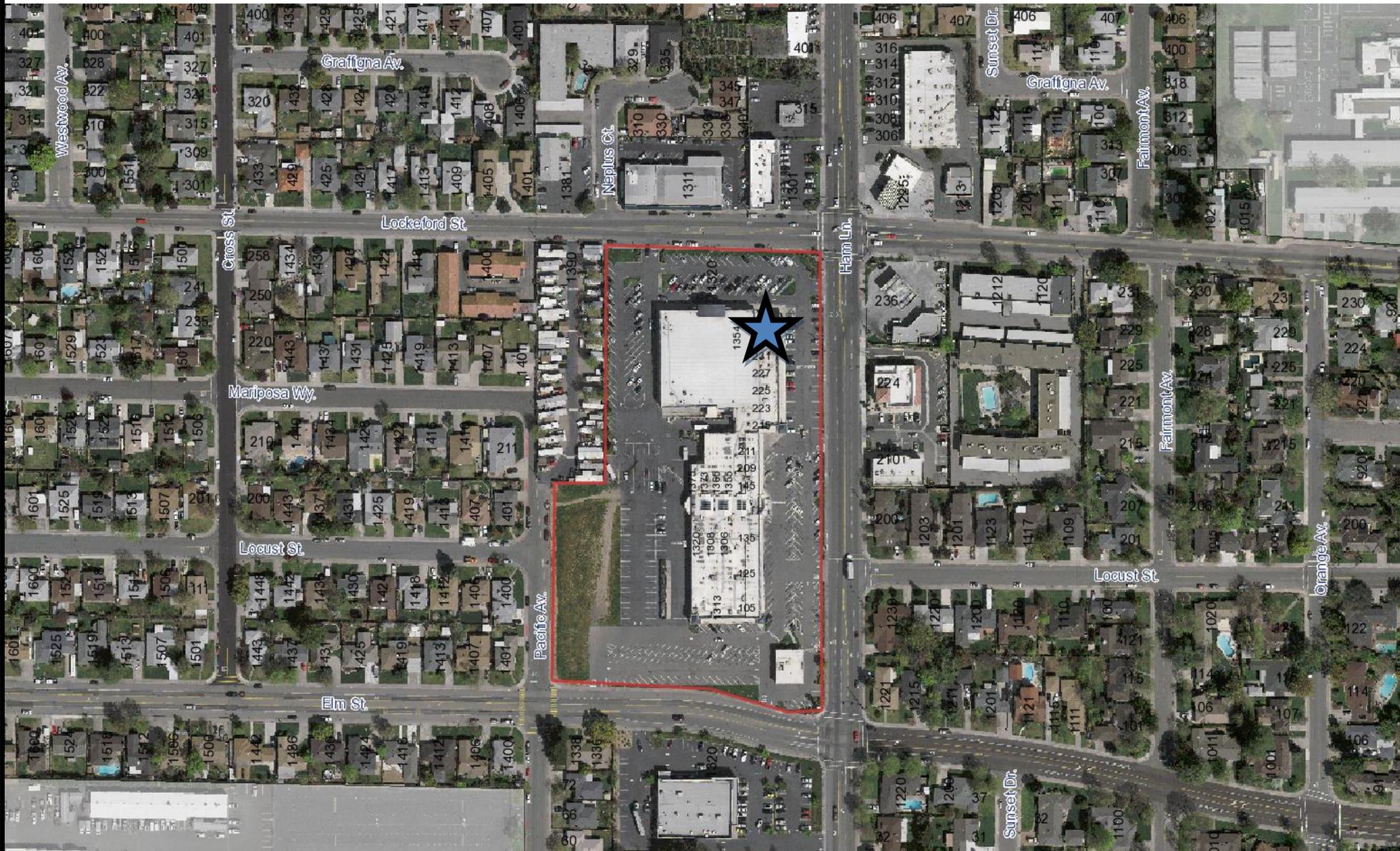
Stephen Schwabauer
Community Development Director

ATTACHMENTS:

- A. Vicinity / Aerial Map
- B. Frontage Views
- C. Draft Resolution

VICINITY MAP

North



South

235 Ham Lane

FRONTAGE VIEW

North



South

239 Ham Lane

RESOLUTION NO. P.C. 16-XX

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LODI APPROVING THE REQUEST OF MS. JENNIFER LORENTZEN FOR A USE PERMIT FOR THE SALE OF BEER AND WINE ALCOHOLIC BEVERAGE CONTROL (ABC) TYPE 41 / 42 LICENSE FOR HOUSE OF COFFEES AT 235 HAM LANE

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

WHEREAS, the project proponents are House of Coffees, Ms. Jennifer Lorentzen, 10039 East Highway 12, Lodi, CA 95242; and

WHEREAS, the project parcel is owned by Stone Brothers and Associates, 5250 Claremont Ave., Stockton, CA 95207; and

WHEREAS, the project is located at 235 Ham Lane, Lodi, CA 95240 (APN: 035-340-09); and

WHEREAS, the property has a General Plan designation of Commercial and is zoned Community Commercial (CC); and

WHEREAS, because Census Tract 42.01 has an over-concentration of On-sale beer and wine alcohol licenses, the Planning Commission must make a finding of necessity and/or public convenience in order to permit the issuance of an additional Alcohol Beverage Control license in this tract; and

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

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

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

1. The project was found to be Categorically Exempt according to the California Environmental Quality Act Section 15321, Class 21. The project is classified as an "Enforcement action by regulatory agencies" because it is the "adoption of an administrative decision or order enforcing or revoking the lease, permit, license, certificate, or entitlement for use or enforcing the general rule, standard, or objective." No significant environmental impacts are anticipated and no mitigation measures are required.
2. The requested permit would allow an existing food related business, within the Community Commercial Zoning District, to sell alcohol in accordance with Development Code Section 17.22.030. Conditions of Approval have been prepared that will provide appropriate rules for the alcohol sales and the needed review of the operation to ensure the sales do not become a neighborhood problem.
3. The General Plan land use designation and Zoning for this area is Community Commercial, which provides for sale of alcohol. The proposed sale of beer and wine is allowed as a secondary option to a coffee business operation. The sale of alcoholic beverages as part of a food related business is an acceptable and customary convenience to the local customer. The project is not within a Specific Plan or Planned Development, which would have additional rules on the sale of alcohol different from the properties base Zoning.

4. The proposed sale of alcohol in conjunction with the coffee house operation is compatible with existing and future land uses in the immediate vicinity of the project area. The sale of alcohol in the business is consistent with other similar retail commercial uses in the census tract. The sales of alcohol will not increase the existing floor area of the building and therefore the current on-site parking will be adequate to support the restaurant.
5. 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.
6. The proposed business hours will be a limiting feature in the control of alcohol sales, in that the business will be closed by 9:00 pm weekdays and 10:00 pm weekends reducing the probability of late night loitering in the neighborhood.
7. 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.
8. The proposed use would not be detrimental to the general welfare of persons residing and working in the immediate vicinity, the neighborhood or the community at large because the sale of alcohol with a restaurant is not associated with detrimental impacts to the community.

NOW, THEREFORE, BE IT DETERMINED AND RESOLVED by the Planning Commission of the City of Lodi that Use Permit Application No. 2016-07 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 House of Coffees.
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. Prior to commencement of the use, the applicant shall prepare and submit a practical program for controlling litter, spills, and stains resulting from the use on the site to the Community Development Department for review and approval. Failure to comply with that program shall be considered a violation of the Use Permit and shall be subject to administrative remedy in accordance with Chapter 17.72 and Chapter 17.88 of the City of Lodi Municipal Code.
12. 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.
13. 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.
14. 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.
15. The Type 41 ABC license requires that food sales be a substantial activity of the business. Staff reserves the ability to monitor food sales as a portion of the business and audit inventory books. A Type 41 license required food to be available during all hours of operation.
16. The Use Permit is for a Coffee House business that is consistent with these hours of operation. The restaurant is open: Monday – Sunday from 5:30 am to 10:00 pm. Special after hour events would be consistent with the use.
17. Outside patio area will be required to be fenced or have separation barrier for outside ABC use.
18. 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.
19. All music, including live bands, video and disc jockeys, and karaoke, shall be conducted indoors at all times. Doors shall remain closed during all performances or while music is being played.
20. 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.
21. 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.
22. The applicant shall obtain a tenant improvement permit prior to occupancy. All plan submittals shall be based on the City of Lodi Building Regulations and currently adopted 2013 California Building Code. Please review our policy handouts for specific submittal procedures. The Building and Safety Division may be contacted at 221 West Pine Street, Lodi, CA 95240-2127. Phone number (209)333-6714.

23. The applicant shall obtain all required permits and licenses from the California Department of Alcoholic Beverage Control and the San Joaquin County Health Department prior to commencement of the use and maintain said permits at all times while the use is operating. Copies of all permits and licenses shall be submitted to the Community Development Department prior to commencement of the use.
24. 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.
25. No variance from any City of Lodi adopted code, policy or specification is granted or implied by this approval.

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 April 13, 2016 by the following vote:

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

ATTEST

Secretary, Planning Commission

Item 3b



CITY OF LODI PLANNING COMMISSION

Staff Report

MEETING DATE: April 13, 2016

APPLICATION NO: Zoning Code: 2016-08 Z

REQUEST: Request for Planning Commission to modify the zoning code to require multi-family structures in the Medium Density Residential and High Density Residential zoning designations to require design review and make recommendation to the City Council. (Applicant: City of Lodi; File 2016-07 Z; CEQA Determination: Exempt per Section 15321)

LOCATION: The RMD and HDM zoning designations

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

RECOMMENDATION

Staff recommends that the Planning Commission adopt the attached resolution recommending the City Council modify the existing zoning code to require multi-family structures in the Medium Density Residential and High Density Residential zoning designations to require design review from the Site Plan and Architecture Review Committee.

BACKGROUND / ANALYSIS

The City of Lodi adopted the new General Plan in April 2010 and then adopted the new development code in March of 2013. The new development code required most new structures in Lodi to go through a formal design review process.

However, the existing zoning code does not require design review for multi-family dwelling units that are added to existing residential lots. Within the Medium Density Residential zoning district, a number of new multi-family structures have been built that change the massing and scale of properties and the new structures do not necessarily match the architecture of existing structures.

Staff is not opposed to the density of these properties and is not looking to reduce allowed uses. However, some review needs to take place in regard to the aesthetic change of these properties and the change in property massing and scale.

Staff believes that this was an oversight and not the original intention by staff to not have design review over new multi-family structures. The previous development code did require design review of multi-family projects.

Section 17.40.020 – Table 4-2 provides the existing review standards.

- B. Applicability.** Table 4-2 identifies when Site Plan and Architectural Approval is required, and the responsible review authority.

TABLE 4-2 Applicability of Site Plan and Architectural Approval			
Type of Project	Site Plan and Architectural Approval Requirement		
	Exempt	Director Review	SPARC Review
Individual single-family homes and accessory structures, including additions and alterations, under individual applications in the R-1, R-1E, and R-2 zoning districts.	√		
Ground floor additions and alterations deemed visually or functionally insignificant by the Director.	√		
Multiple single-family detached homes and accessory structures in the R-1, R-1E, and R-2 zoning districts. (1)			√
Multi-family dwellings and accessory structures in the RMD and RHD zoning districts. (1) (4)			√
Temporary structures that will be removed within one year. (2)			√
Additions and alterations in all zoning districts, except the R-1, R-1E, R-2, RMD, and RHD zones, that do not meet the specific criteria above. (2) (3)			√
Nonresidential development containing up to 10,000 square feet of total gross structure area. (3)			√
Nonresidential development containing 10,000 square feet or more of total gross structure area. (3)			√
All other land uses.			√

Notes:

- (1) Only where the same basic design will be used more than once in the same subdivision.
- (2) Landscaping plans may be required.
- (3) Site Plan and Architectural Approval shall be required for new structures and addition or reconstruction projects that are equal to 50 percent or greater of the floor area of the existing structures on the site and where the cumulative square footage of a development project exceeds 10,000 square feet, even though individual structures may be less than 10,000 square feet.
- (4) Site Plan and Architectural approval shall be required for new multi-family projects on vacant parcels and new construction, additions or reconstruction projects that are equal to 50 percent or greater of the floor area of the existing structures on a developed site.**

Staff recommends adding new note 4 to Multi-family dwellings and accessory structures in the RMD and RHD zoning districts.

New Note 4 – Site Plan and Architectural approval shall be required for new multi-family projects on vacant parcels and new construction, additions or reconstruction projects that are equal to 50 percent or greater of the floor area of the existing structures on a developed site.

ENVIRONMENTAL ASSESSMENTS:

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

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

PUBLIC HEARING NOTICE:

Legal Notice for this item was published in the Lodi News Sentinel on Saturday, April 2, 2016.

RECOMMENDED MOTIONS

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

“I move that the Planning Commission adopt the attached resolution recommending the City Council amend the Zoning Code to allow SPARC review of new multi-family housing structures.”

ALTERNATIVE PLANNING COMMISSION ACTIONS:

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

Respectfully Submitted,

Concur,

Craig Hoffman
City Planner

Stephen Schwabauer
Community Development Director

ATTACHMENTS:

1. Draft Resolution

RESOLUTION NO. P.C. 16-XX

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LODI RECOMMENDING THE CITY COUNCIL AMEND THE ZONING CODE TO REQUIRE MULTI-FAMILY STRUCTURES IN THE MEDIUM DENSITY RESIDENTIAL AND HIGH DENSITY RESIDENTIAL ZONING DESIGNATIONS TO REQUIRE DESIGN REVIEW.

- WHEREAS,** the Planning Commission of the City of Lodi has heretofore held a duly noticed public hearing, as required by law, on the requested determination, in accordance with the California Government Code Section 65402.(a); and
- WHEREAS,** the project proponent is City of Lodi, 221 West Pine Street, Lodi, CA 95240; and
- WHEREAS,** The City of Lodi adopted the new General Plan in April 2010 and then adopted the new development code in March of 2013. The new development code required most new structures in Lodi to go through a formal design review process; and
- WHEREAS,** The existing zoning code does not require design review for multi-family dwelling units that are only built once; and
- WHEREAS,** Within the Medium Density Residential zoning district, a number of new multi-family structures have been built that change the massing and scale of properties and the new structures do not necessarily match the architecture of existing structures; and
- WHEREAS,** Staff is not opposed to the density of these properties and is not looking to reduce allowed uses. However, some review needs to take place in regard to the aesthetic change of these properties and the change in property massing and scale; and
- WHEREAS,** Staff believes that this was an oversight and not the original intension to not have design review over new multi-family structures. The previously development code did require design review of multi-family projects; and
- WHEREAS,** all legal prerequisites to the adoption of this Resolution have occurred; and

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

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

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

Section 17.40.020

B. Applicability. Table 4-2 identifies when Site Plan and Architectural Approval is required, and the responsible review authority.

TABLE 4-2 Applicability of Site Plan and Architectural Approval			
Type of Project	Site Plan and Architectural Approval Requirement		
	Exempt	Director Review	SPARC Review
Individual single-family homes and accessory structures, including additions and alterations, under individual applications in the R-1, R-1E, and R-2 zoning districts.	√		
Ground floor additions and alterations deemed visually or functionally insignificant by the Director.	√		
Multiple single-family detached homes and accessory structures in the R-1, R-1E, and R-2 zoning districts. (1)			√
Multi-family dwellings and accessory structures in the RMD and RHD zoning districts. (4) <u>(4)</u>			√
Temporary structures that will be removed within one year. (2)			√
Additions and alterations in all zoning districts, except the R-1, R-1E, R-2, RMD, and RHD zones, that do not meet the specific criteria above. (2) (3)			√
Nonresidential development containing up to 10,000 square feet of total gross structure area. (3)			√
Nonresidential development containing 10,000 square feet or more of total gross structure area. (3)			√
All other land uses.			√

Notes:

- (1) Only where the same basic design will be used more than once in the same subdivision.
- (2) Landscaping plans may be required.
- (3) Site Plan and Architectural Approval shall be required for new structures and addition or reconstruction projects that are equal to 50 percent or greater of the floor area of the existing structures on the site and where the cumulative square footage of a development project exceeds 10,000 square feet, even though individual structures may be less than 10,000 square feet.
- (4) Site Plan and Architectural approval shall be required for new multi-family projects on vacant parcels and new construction, additions or reconstruction projects that are equal to 50 percent or greater of the floor area of the existing structures on a developed site.**

Dated: April 13, 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 April 13, 2016 by the following vote:

AYES: Commissioners:

NOES: Commissioners:

ABSENT: Commissioners:

ATTEST _____
Secretary, Planning Commission