

<p>CARNEGIE FORUM 305 WEST PINE STREET LODI, CALIFORNIA</p>	<p>AGENDA LODI PLANNING COMMISSION</p>	<p>REGULAR SESSION WEDNESDAY, AUGUST 10, 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 – “May 11, 2016”, “May 25, 2016” and “June 8, 2016”
3. PUBLIC HEARINGS
 - a. Request for Planning Commission approval of: Growth Management Allocation for 28 Medium-Density Residential Lots and a Subdivision Map for the Camper Subdivision, a 2.14 acre, 28 unit subdivision at 500 and 540 South Sacramento Street, north of Tokay Street (Applicant: Bruce Camper; File: 2016-09 GM / S; CEQA Status: Section 15183 – Previous Environmental Review)
 - b. Request for Planning Commission approval of a Use Permit to allow a brewery production facility, Type 20, 23, 42 and 84 ABC license, at 9 West Locust Street. (Applicant: Five Window Beer Company / Charles Lippert – Joseph Ehlers; File 2016-20 U; CEQA Determination: Exempt per Section 15321)
 - c. Request for Planning Commission approval of a Use Permit and Site Plan review to allow a brewery production facility, Type 23 ABC license and a wine tasting room, Type 2 ABC license at 100 South Sacramento Street. (Applicant: Grant Hamilton and Michael McCay; File 2016-21 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
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, MAY 11, 2016**

1. CALL TO ORDER / ROLL CALL

The Regular Planning Commission meeting of May 11, 2016 was called to order by Chair Heinitz at 7:01 p.m.

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

Absent: Planning Commissioners – None

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

2. MINUTES

“April 13, 2016”

MOTION / VOTE:

The Planning Commission, on motion of Commissioner Kirsten, Slater second, approved the minutes of April 13, 2016 with a change of Vice Chair Hennecke calling the Public Hearings to order.

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, Chair Heinitz called for the public hearing to consider the request of the Planning Commission for approval of a Use Permit for a 120 ft tall wireless lattice tower for CCT Telcomm at 1106 East Turner Road near Cluff Ave. (Applicant: CCT Telcomm; File 2016-11 U; CEQA Determination: Exempt per Section 15303)

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

Commissioner Slater asked if the configuration is going to be lattice and not a tree style. Mr. Hoffman stated that it will be the lattice configuration.

Hearing Opened to the Public

- Steve Fetzter, applicant, came forward to answer questions.
- Commissioner Kiser asked if there will be caution lighting on the tower. Mr. Fetzter stated that it will have lighting even though they are not required to have it.
- Commissioner Olson asked if CCT has any low cost service options for those that may not be able to afford wireless service. Mr. Fetzter stated that the State has programs for low cost services and that is why CCT is trying to get the best coverage, so that they can offer more low cost options.

Public Portion of Hearing Closed

MOTION / VOTE:

The Planning Commission, on motion of Commissioner Kiser, Hennecke second, finds that the project is exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15303, and adopts a resolution approving a Use Permit for a 120 ft tall wireless lattice tower for CCT Telcomm at 1106 East Turner Road near Cluff Avenue subject to the findings and

conditions of approval contained in the draft resolution provided. The motion carried by the following vote:

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

- b) Notice thereof having been published according to law, an affidavit of which publication is on file in the Community Development Department, Chair Heinitz 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-Sale Beer and Wine for the Lodi Stadium 12 Movie Theater at 109 North School Street. (Applicant: Santa Rosa Entertainment Group, File 2016-13 U; CEQA Determination: Exempt per Section 15321)

Commissioner Kirsten recused himself for this hearing because he has property interest within the sphere of influence of the project.

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

Commissioner Kiser asked if there is a finding for necessity and convenience. Mr. Hoffman stated that there is a finding in the resolution.

Chair Heinitz asked for clarification regarding the type of food that counts toward the food sales to satisfy the ABC requirement of food sales exceeding alcohol sales. Mr. Hoffman stated that items such as candy, soda, popcorn, etc. count toward the food sales.

Hearing Opened to the Public

- Neil Pearlmutter, applicant, came forward to answer questions. Mr. Pearlmutter stated that there is a trend in the industry for luxury seating and to offering of beer and wine. He stated that a couple of other theaters have already gone through this process and it has been successful.
- Chair Heinitz asked if the other establishments that have beer and wine are located in a downtown situation like this location. Mr. Pearlmutter stated that the Healdsburg theater is located in a downtown.
- Commissioner Slater asked how much trouble has the other establishment had with alcohol. Mr. Pearlmutter stated that the only problem that they have run into is turning people that may already be inebriated away from the facility. Mr. Slater asked if they were aware that the Commission can bring this item back if there is a nuisance problem. Mr. Pearlmutter stated that he is aware. He added that management applies their own very strict guidelines over and above these and the ABC rules for the service of alcohol. Mr. Slater asked if someone will be conducting periodically surveillance in the theater to ensure that underage drinking isn't happening. Mr. Pearlmutter stated that they will have periodic checks. Mr. Slater asked if during the preview time if there will be public announcements made for drinking responsibly. Mr. Pearlmutter stated that they are not currently doing that, but it isn't a bad idea.
- Chair Heinitz asked what staff will be serving the alcohol. Mr. Pearlmutter stated that they will have to hire additional staff members that are over 21 years of age.
- Commissioner Olson stated that she has some concerns with people getting out-of-hand both inside and outside. Mr. Pearlmutter stated that the theater in Healdsburg has been serving alcohol since 2009 and there have not been any problems during that time. There will not be any glass bottles or glass containers provided to help avoid possible injury if items are thrown. He added that they will be trying to give the best environment

for everyone that would like to come and see a movie. Ms. Olson asked if the line to purchase alcohol will be the same as the concession. Mr. Pearlmutter stated that they will be in a separate line, they will be completely segregated. He added that all of their staff will be trained through ABC and no one will be admitted if intoxicated nor will they leave in that manner.

- Chair Heinritz stated that alcohol is not allowed to leave the premises and during special events such as the downtown Wine Stroll you must have a monitor at the door to ensure that all excess wine is dumped before leaving. Mr. Pearlmutter stated that he was not aware of the special rules for the Wine Stroll, but will definitely follow the rules when they participate in the event. Mr. Heinritz asked what is going to stop a group of people from coming in with only one of them of legal age sharing their alcohol with the underage patrons. Mr. Pearlmutter stated that the theaters where the alcohol is allowed will be closely monitored. Mr. Heinritz asked if the company had considered using wristbands. Mr. Pearlmutter stated that the idea has been suggested and they are considering it.
- Vice Chair Hennecke asked if there will be someone monitoring people leaving to ensure that they are not intoxicated. Mr. Pearlmutter stated that there will be extra staff members on hand particularly on the weekend nights to help monitor the doors.
- Commissioner Kiser stated that he has similar concerns as his fellow Commissioners and does not see this application as a necessity. He doesn't feel that the area can possibly be monitored appropriately.
- Commissioner Cummins thanked Mr. Pearlmutter for all of the improvements that have been made to the theater so far. He asked if police have been called to the other locations because of a drunk and disorderly. Mr. Pearlmutter stated that they have not.
- Planner Hoffman stated that the ABC training has been helping with the other establishments in the downtown. The City of Lodi received an ABC Grant and it is helping the establishment owners to curb the inappropriate behavior that we've seen in the past.
- Vice Chair Hennecke asked for clarification regarding the ABC Licenses that the Planning Commission can pull. Mr. Hoffman stated that the Planning Commission can only pull the Licenses that are linked to a Use Permit. The other licenses require a bit more work and someone would deal directly with ABC.
- Dan Tocchini, applicant, came forward to answer questions. Mr. Tocchini stated that the seating has been reduced by half and have to be reserved. You will not see the same crowds that you would in the regular theaters. He added that there have been no police calls at the Healdsburg theater in the six years that they have operated it with alcohol. If this doesn't work it will be stopped by him and the other owners.
- Commissioner Slater stated his appreciated of the reserved seating. Mr. Tocchini stated that it really works well.
- Commissioner Olson asked how it would affect your business if the Commission denied this application. Mr. Tocchini stated that the industry is heading in this direction. If this does not pass then Lodi will have missed the boat. In the next few years most if not all theaters will be going in this direction.
- Chair Heinritz stated that the demographics for this theater are young teens not the older crowd. What is going to stop them from reserving their own seats? Mr. Tocchini stated that they can reserve their own seat, but they will have to stay in that seat. There will not be able to move around the theater.
- Commissioner Kiser asked Mr. Tocchini to clarify if the application did not pass will it affect the business. Mr. Tocchini stated that it may not today, but it will eventually.
- Norma Halstead came forward to support the project. Riverbank has this type of theater and is considered a little more of an upscale option.

Public Portion of Hearing Closed

- Commissioner Olson asked if the Police have expressed any concerns with this project. Mr. Hoffman stated that the Chief and several Lieutenants just visited a similar establishment in Arizona and are encouraged by what they saw there.
- Chair Heinitz asked why Use Permit applicants are not made aware of the alcohol ordinance for the City of Lodi when they apply. Mr. Hoffman stated that the requirement for not taking alcohol on to the public streets comes from ABC and they will be made aware of that when they apply for their license.
- Commissioner Cummins stated that he has been in this type of establishment with his grandchildren many times and there has never been an incident due to alcohol and has no problem with this application.
- Commissioner Kiser asked if this application has the condition to chip-in with security if and when it is established in the downtown. Mr. Hoffman stated that all downtown applications have this condition.

MOTION / VOTE:

The Planning Commission, on motion of Commissioner Slater, Cummins second, finds that the project is exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15321, and adopts a resolution approving a Use Permit to allow a Type-41 On-Sale Beer and Wine for the Lodi Stadium 12 Movie Theater at 109 North School 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, Hennecke, Olson, Slater and Chair Heinitz

Noes: Commissioners – Kiser

Absent: Commissioners - Kirsten

Commissioner Kirsten rejoined the Commission.

- c) Notice thereof having been published according to law, an affidavit of which publication is on file in the Community Development Department, Chair Heinitz called for the public hearing to consider the request of the Planning Commission to recommend that the Lodi City Council repeal Lodi Municipal Code (LMC) Chapter 9.19 - Political Sign Regulations in its entirety; further recommends repealing and re-enacting LMC Chapter 17.34 – Signs in its entirety; and further recommends repealing and reenacting LMC Section 10.44.040 – Parking for Certain Purposes Prohibited – Display of “for Sale” signs on Vehicles, Vessels or Trailers-Restrictions in its entirety. (Applicant: City of Lodi; File 2016-15 Z; CEQA Determination: Exempt per Section 15321)

Deputy City Attorney John Fukasawa gave a brief presentation based on the staff report. Staff is recommending the Commission forward the recommendation for approval of the Zoning Code change to the City Council as stated in the attached resolution. Mr. Fukasawa addressed the concerns in the letters that were received and provided on Blue Sheet. He stated that the use of A-Frame signs has not been altered.

Commissioner Hennecke disclosed that he spoke with several professional organizations regarding this item and he is the Vice President of the Lodi Association of Realtors

Chair Heinitz disclosed that he spoke with the President of the Lodi Chamber of Commerce, Pat Patrick, and he is requesting that this item be postponed to another meeting to allow concerned business owners that are attending a Chamber function tonight to attend. Mr. Fukasawa stated that the item needs to move forward because the political signage ordinance is invalid and the City is heading into an election. He also added that there aren't any changes to the item that they are showing concern with. Mr. Heinitz stated that he now understands that, but believes that they have a right to have that information explained to them in person.

Commissioner Cummins asked what the harm is in delaying the discussion for thirty days. Mr. Fukasawa stated that the election signs are a part of this item as well and the time is shortening for that item.

Vice Chair Hennecke asked if it would be possible to move forward with the items that have been added for instance the Political Signs and bring back the portion that we still have concerns with for amendment. Mr. Fukasawa stated that the changes should be brought to the City Council as one piece because each individual piece is intertwined with the others.

Commissioner Slater stated that he is concerned for the average homeowner that may not be aware of the law that they cannot park their car that is for sale on a public street. Mr. Fukasawa stated that the current ordinance states that it is illegal for people to park their vehicle on the public right-of-way for the purpose of selling it. The only change to the ordinance is the elimination of the mention of a sign. It now makes it illegal to park your vehicle in the public right-of-way for the purpose of selling it.

Commissioner Kiser stated that he believes that this item should be tabled to give people the opportunity to speak on it.

Commissioner Olson stated that if this is opening up the City for litigation because the ordinance isn't in compliance then it needs to be changed. Mr. Fukasawa stated that the only changes are to bring the City into compliance.

Vice Chair Hennecke stated that he would like to table the item until the concerns expressed in the letters can be addressed with the various agencies. He would like to see this brought back to the May 25th meeting.

Hearing Opened to the Public

- Pat Pacardo, Woodbridge resident, came forward to express his concerns and stated that he would like to know where he can look the ordinance up on the internet.

Public Portion of Hearing Closed

- Commissioner Olson would like to see this moved forward to the City Council and then the Commissioners can take their knowledge back to the various organizations to explain the reason for the changes.

MOTION / VOTE:

The Planning Commission, on motion of Commissioner Hennecke, Cummins second, continued item 3c to the May 25, 2016 regular Planning Commission Meeting at 7:00 pm. The motion carried by the following vote:

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

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.

5. ANNOUNCEMENTS AND CORRESPONDENCE

None

6. ACTIONS OF THE CITY COUNCIL

Mr. Hoffman stated that the Housing Element has been approved and has been sent on to the State Housing Community Development.

7. ACTIONS OF THE SITE PLAN AND ARCHITECTURAL REVIEW COMMITTEE

Commissioner Kiser gave a brief report regarding the meeting that was held on April 27, 2016. Chair Heinitz asked why the Multi-Family item didn't come to the Commission. Mr. Hoffman stated that the Commission approved the Multi-Family with the subdivision map and it is only required to be reviewed by the Site Plan and Architectural Review Committee. Mr. Hennecke asked if an item can be directed to come to the Commission. Mr. Hoffman stated that the zoning code dictates where an application is reviewed and it would have to be changed if you wanted to dictate where specific items are reviewed. Mr. Hennecke asked if the Planning Commission can direct SPARC to re-review an item; for instance in this case to look at adding elevators. Mr. Hoffman stated that elevators are a design choice by the developer and cannot be mandated by any commission or committee. An item that is reviewed by SPARC can be appealed and that appeal is heard by the Planning Commission. Mr. Slater asked if a Planning Commissioner can appeal an item. Mr. Hoffman stated that anyone can appeal an item based on concerns brought up at the meeting or prior in a letter and the cost is \$350.

8. ART IN PUBLIC PLACES

Commissioner Kirsten gave a brief report regarding the most recent meetings. Mr. Kiser asked if the funds are being replenished now that there is new building. Mr. Kirsten stated that they are being replenished.

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

None

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

Mr. Hoffman stated that at the last Commission meeting a request was made to supply the attendance records and a report has been supplied.

Mr. Heinitz stated that he has been going through a few tough months and will not be requesting reappointment.

11. ADJOURNMENT

There being no further business to come before the Planning Commission, the meeting was adjourned at 8:23 p.m.

ATTEST:

Kari Chadwick
Planning Commission Secretary

**LODI PLANNING COMMISSION
REGULAR COMMISSION MEETING
CARNEGIE FORUM, 305 WEST PINE STREET
WEDNESDAY, MAY 25, 2016**

1. CALL TO ORDER / ROLL CALL

The Regular Planning Commission meeting of May 25, 2016 was called to order by Chair Heinitz at 7:00 p.m.

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

Absent: Planning Commissioners – None

Also Present: Community Development Director Steve Schwabauer, City Planner Craig Hoffman, and Deputy City Attorney John Fukasawa

2. MINUTES

None

3. PUBLIC HEARINGS

- a) Continued from May 11, 2016 - Notice thereof having been published according to law, an affidavit of which publication is on file in the Community Development Department, Chair Heinitz called for the public hearing to consider the request of the Planning Commission to recommend that the Lodi City Council repeal Lodi Municipal Code (LMC) Chapter 9.19 - Political Sign Regulations in its entirety; further recommends repealing and re-enacting LMC Chapter 17.34 – Signs in its entirety; and further recommends repealing and reenacting LMC Section 10.44.040 – Parking for Certain Purposes Prohibited – Display of “for Sale” signs on Vehicles, Vessels or Trailers-Restrictions in its entirety. (Applicant: City of Lodi; File 2016-15 Z; CEQA Determination: Exempt per Section 15321)

City Planner Craig Hoffman gave a brief report regarding the steps that staff has made to reach out to the organizations that submitted letters of concern.

Community Development Director Steve Schwabauer stated the process for this ordinance to become adopted: An ordinance needs to have a first reading then a second reading and then it doesn't become effective until 30 days after the second reading. Staff would like to have this acted on right now, so the election signage will be in place for this election year. If the Commission still has concerns with portions of the ordinance staff would like to have direction on what needs to be brought back for further discussion, but would not like to have this held up any further.

Chair Heinitz asked to have a bullet point layout of what is allowed and what isn't allowed. Mr. Schwabauer stated that staff could provide that if the Commission would like to request it. Mr. Schwabauer stated that the reason for this item is to bring all temporary signs whether they are for political, commercial, religious, etc. purposes need to be held to the same standards. A Municipality cannot regulate any one type of temporary sign more harshly than another. Mr. Heinitz asked if this is only on public property. Mr. Schwabauer stated that this is all signs on public or private property.

Commissioner Kiser stated that the Clerk's Office goes over all the signage regulations with the people running for office. He asked if those are the regulations that are changing. Mr. Schwabauer stated that they are changing and the Deputy City Attorney can go over the mechanics of the changes. Mr. Kiser stated that he would like those changes explained.

Deputy City Attorney John Fukasawa stated that the existing regulations have changed to read to be the same as our temporary signs. He continued by stating that the political signs do not have a date certain for when they can go up, but they do have a specific duration time limit of six months and will need to be removed within ten days of the end of the event. Mr. Schwabauer stated that this is the first year for this experience and there may need to be changes, but staff will have two years to work them out. Mr. Kiser stated his appreciation for the explanation.

Chair Heinitz named cities that have taken a stance that they are not going to adjust their ordinances to meet the Supreme Court ruling. Mr. Schwabauer stated that as a lawyer that is not a stance that he would ever recommend taking.

Commissioner Slater stated that he has a concern with the section 17.34.040 regarding the parking of vehicles in the public right-of-way for the purpose of selling them. The change in section 10.44.040 causes a conflict and can be confusing. One allows someone to take a marker and right on the window that a vehicle is for sale then park it on the street the other states that that is not allowed. He feels they should both state the same thing to eliminate any confusion. Mr. Schwabauer stated his understanding.

Hearing Opened to the Public

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Public Portion of Hearing Closed

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MOTION / VOTE:

The Planning Commission, on motion of Commissioner Kiser, Slater second, finds that the project is exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15321, and forwards the recommendation to the Lodi City Council to repeal Lodi Municipal Code (LMC) Chapter 9.19 - Political Sign Regulations in its entirety; further recommends repealing and re-enacting LMC Chapter 17.34 – Signs in its entirety; and further recommends repealing and reenacting LMC Section 10.44.040 – Parking for Certain Purposes Prohibited – Display of “for Sale” signs on Vehicles, Vessels or Trailers-Restrictions in its entirety subject to the findings and conditions of approval contained in the draft resolution provided with the cleanup of the language regarding vehicles for sale in the public right-of-way. The motion carried by the following vote:

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

4. PLANNING MATTERS/FOLLOW-UP ITEMS

Mr. Hoffman stated that staff does not have anything at this time, but Captain Griffin is in the audience just-in-case the Commission has questions regarding downtown activity.

Captain Griffin came forward to report that there has not been any major activity in the downtown, just the occasional minor disturbance. Chair Heinitz asked how the new establishments such as McGuire’s are doing. Captain Griffin stated that there have not been any issues that he has heard about.

Commissioner Slater stated his appreciation for the Police presence at the Zine Fest and only saw one patron that he felt should take advantage of the breathalyzer test that was being offered. Chair Heinitz also stated his appreciation for the Police presence and the affect it had on crowd control.

5. ANNOUNCEMENTS AND CORRESPONDENCE

None

6. ACTIONS OF THE CITY COUNCIL

None

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 Kiser stated that the Commission should expect a revised application for the La Quinta Hotel with a different look. Mr. Hoffman stated that there will be a new application brought to the Commission with revised architecture.

Commissioner Slater re-expressed his concern for the fact that the apartments were approved without an elevator and would like see that revisited. Mr. Hoffman stated that the Zoning Code does not address elevators and therefore that item falls outside of the Commissions purview. Mr. Schwabauer added that every Committee, Commission and even Council have a certain jurisdiction that they have power over. The Zoning Code is this Commissions jurisdiction. Chair Heintz stated that in the past everything pertaining to a project that the Commission was being asked to approve was brought forward with the application. Mr. Schwabauer stated that he cannot answer to what has occurred in the past, but knows what should be brought to the Commission as part of an application. He added that if he had known that this change was occurring he would have been more proactive in informing the Commission.

Commissioner Kiser thanked Mr. Schwabauer for attending the meeting and helping to enlighten the Commission.

11. ADJOURNMENT

There being no further business to come before the Planning Commission, the meeting was adjourned at 7:38 p.m.

ATTEST:

Kari Chadwick
Planning Commission Secretary

June 8, 2016 Minutes

The above Planning Commission minutes were not available at the time of packet preparation.

They will be made available prior to the start of the August 10, 2016 meeting.

Item 3a



CITY OF LODI PLANNING COMMISSION Staff Report

MEETING DATE: August 10, 2016

APPLICATION NO: Subdivision Application: 2016-14 S
Growth Management Allocation: 2016-14 GM

REQUEST: Request for Planning Commission approval of: Growth Management Allocation for 28 Medium-Density Residential Lots and a Subdivision Map for the Camper Subdivision, a 2.14 acre, 28 unit subdivision.

500 and 540 South Sacramento Street, north of Tokay Street

(Applicant: Bruce Camper; File: 2016-09 GM / S; CEQA Status: Section 15183 – Previous Environmental Review)

LOCATION: 500 and 540 South Sacramento Street, north of Tokay Street. APN: 045-320-02 and 045-320-08

APPLICANT: Bruce Camper
1263 Heidelberg Way
Lodi, CA 95242

Dillon and Murphy
Joe Murphy
847 N. Cluff Ave., Suite A2
Lodi, CA 95241

PROPERTY OWNER: Bruce Camper
1263 Heidelberg Way
Lodi, CA 95242

RECOMMENDATION

Staff recommends that the Planning Commission approve the Tentative Subdivision Map for the Camper – Sacramento Street Subdivision and recommend to the City Council approval of the request for 28 Medium-Density growth management allocations subject to conditions in the attached resolution.

PROJECT/AREA DESCRIPTION

General Plan Designation: Mixed Use Corridor
Zoning Designation: MCO – Mixed Use Corridor
Property Size: 2.14 acres – 93,132 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	Mixed Use Corridor	vacant
South	Mixed Use Corridor	Mixed Use Corridor	Market and self-storage
East	Industrial / Railroad	Industrial / Railroad	Railroad and M&R Packing Company
West	Mixed Use Corridor	Mixed Use Corridor	Residences, apartments, commercial

SUMMARY

The proposed project seeks to create a private 28 unit single family lot community with associated landscape parcel and private driveway. This is not a gated community although the driveway through the project is private.

All private streets meet the minimum City right of way standards of 24 feet. There is no on-site guest parking.

The project takes access off South Sacramento Street with two driveways.

The proposed residences are detached single-family homes on individual private parcels.

A project located at Century Boulevard and Chickadee Lane (Century 22) is very similar in design and was built in the late 1980's. The project is located between Stockton Street and Cherokee Lane. This development is 22 units and has an HOA.

ANALYSIS

Existing Conditions: The subject site consists of two parcels totaling 2.14 acres. The property is currently vacant with fencing surrounding the property. This is a historically under-utilized property.

General Plan and Zoning Conformance

The project site has a General Plan land use designation of Mixed Use Corridor. The proposed multi-family use project is consistent with the existing General Plan designation of Mixed Use Corridor and the proposed density of 13-units per acre is within the Mixed Use Corridor density range of 2.0 - 35 dwelling units per acre. The project site is zoned Mixed use Corridor (MCO) and multi-family dwellings (3 or more units) are an allowed use.

The General Plan provided land use designations to provide options for housing that would be different from conventional single family subdivisions. This land use designation also promotes infill development. The proposed density allows for individual home ownership of detached single family homes in a more affordable configuration and density.

Noise

The General Plan identifies that within 60 feet of the railroad centerline, residences are subject to 65 dBs of noise and at 200 feet, 60 dBs. The General Plan conditionally allows residential within this 65 dBs noise contour. The back 15 feet of the project site is within this 65 dBs contour. The project has been conditioned to complete a noise study or provide construction materials that will reduce internal noise levels to 45 dBs for the project. Typically; triple pane windows, added insulation,

purple board gypsum for indoor sound attenuation, and added stucco layers reduce interior noise levels dramatically.

Parking

The project provides for a 2 car garage for all 28 single family residences. The interior private drive does not allow or provide for guest parking. The project site is 600 feet in length. That would provide for approximately 24 parking spaces along Sacramento Street in the front of the project site. Historically Sacramento Street has not had a lot of on-street parking along the eastern edge.

Single-family residential projects typically provide guest parking on City streets.

Fencing

A chain link fence is located along the eastern property line with the railroad tracks. The project applicant is proposing minimal fencing for the project to maintain as much open space as possible.

The project will include a solid wood fence to the southern, northern and eastern property boundary. Internal wood fencing would be between houses and out of setbacks to maintain open landscape areas.

Along the railroad tracks, the applicant is proposing a solid wood fence with landscaping to provide a buffer. Staff is not requiring a masonry wall. This would be something that would most likely be vandalized. Creeping vines like morning glory and ivy can be used to eventually cover the fence and create a green buffer along with cypress trees.

A masonry wall will not block or reduce noise from the railroad tracks. This noise is ambient and cannot be blocked. Residential design and construction measures will reduce noise

The project has been conditioned to use enhanced materials for fence construction – pressure treated wood and metal posts.

Project Design:

The applicant has proposed a 28 unit development that includes a private roadway, 12 single story residences fronting onto Sacramento Street and 16 two story homes along the eastern property line. See front elevations and site plan.

The homes along the eastern property line include a 10 ft rear yard with 5 ft side yards. A two car garage fronts onto the private drive along with front door.

The homes along Sacramento Street included a front elevation facing the street and will be single story. There will be a 10 ft front setback for landscaping and 4 to 5 ft side yards. The 2 car garage fronts onto the private drive. Many of the forward homes have courtyards for outside seating and barbeque area.

The homes along Sacramento Street will be about 1,200 sq ft in size and the 2 story homes will be 1,700 sq ft in size.

The internal private drive will be comprised of street pavers. (Think downtown School Street) The pavers create a different street scape and help the project meet stormwater infiltration standards from the State. The roadway will be owned by the project home owners.

Typical landscaping for the project will be drought tolerant with plants, shrubs and street trees. Along the eastern property line will be vertical trees (Italian cypress for visual screening). The preliminary landscape plan generally places one large street tree in each front yard among other

accent landscaping including various shrubs, ground cover and lawn. The landscaping plan would have to comply with the requirements of the Lodi Municipal Code Section 17.03.070 which regulate landscape water efficiency.

The project includes a landscape area for the residents to use The landscape lot will be owned by the project ownership group.

HOA / CCRs

A project that has unique features or common areas typically has a home owners association or other mechanism for maintenance and ownership of shared facilities. The project has been required to prepare documents for an HOA. The applicant has requested that the Commission consider the use of CCRs verses the typical HOA. Staff is willing to work with the applicant and to review prepared documents. The roadway and landscape area will need to be co-owned facilities and an ownership entity needs to own and ultimately maintain these areas.

The prepared documents also need to discuss: parking, garbage pick-up, shared maintenance, nuisance activities, uses of shared facilities, overall project condition and aesthetics. This document will be recorded with the final map.

Subdivision Map:

The proposed Tentative Map would subdivide the project parcel into 28 Medium-Density residential single-family lots, 1 private lot for an open space / park lot and associated private roadways.

The project includes lots that meet the required 2 to 35 units per acre density and are consistent with a medium density project allowed per the General Plan and zoning.

In accordance with Lodi Municipal Code Section, 17.52.070, the Commission may approve a tentative map only when it first finds that the proposed subdivision, together with the provisions for its design and improvement, is consistent with the general plan, and any applicable specific plan, and that none of the findings for denial can be made. The findings shall apply to each proposed parcel as well as the entire subdivision, including any parcel identified as a designated remainder in compliance with Map Act Section 66424.6. The findings are included as part of the resolution and staff recommends approval of the subdivision map.

In accordance with Lodi Municipal Code Section, 17.52.130, an approved Tentative Map is valid for 24 months after its effective date (Section 17.66.130). At the end of 24 months, the approval shall expire and become void unless, the applicant petitions the Planning Commission for an extension and the Commission grants an extension in accordance with Lodi Municipal Code Section 17.52.130 (B)(1). Phased Final Maps shall extend the expiration of the tentative map by 36 months or the date of the previously filed Final Map.

Growth Management Compliance:

The allocation system gives priority through point assignments to projects that reduce impacts on services, infrastructure, and resources. The ordinance sets an annual growth limit of two percent of the City's population, compounded annually. Once the number of allocable units is figured, the City requires that the allocation units be distributed among housing types as follows; **44 percent low density, 28 percent medium density and 28 percent high density (GM-P4).**

The California Department of Finance sets the City population for January 1st of each year. The population has been as follows:

2012 – 62,575
2013 – 63,233

2014 – 63,651
 2015 – 63,791 (62,772)
2016 – 63,219

Staff believes the drop in population is based upon how the state now counts temporary population and transient individuals.

Growth Allocations for 2013 and 2014 were higher because the persons per household was lower. New Department of Finance numbers show Lodi at 2.85 persons per household in 2015 compared with 2.7 in the past.

Growth allocations for 2016 are also lower because of a reduction in the City population.

The following calculation explains the current City population of **63,219** as of January 1, 2016 and **443** units available for 2016:

1. Calculate two percent of the City’s current population: **63,219** x 2% = 1,264.38
2. Divide 1,264 by the average number of persons per household 1,264 / 2.85 = **443.50**
3. Divide the 443.50 (**443 du**) units into the 3 housing types:
 - 44% low density = 195 units
 - 28% medium density = 124 units
 - 28% high density = 124 units

In 2013, the City Council expired allocations accumulated since 2008. In the five-year period since 2008, 2,235 allocations were added to the reserve. The Council eliminated 800 Low Density and 1,435 High Density allocations. This Council action created a new balance of **4,674** as detailed below in Table A.

Table A: Growth Management Allocation History 2012

Density	Base Available Allocations		
	Total Available for 2012	2% Allocations for 2013	Total Available for 2013
Low (0.1-7)	2,995	197	3,192
Medium (7.1-20)	557	126	683
High (20.1-30)	1,122	125	1,247
TOTAL	4,674	448	5,122

Table B identifies the available Allocations in 2013, Allocations provided to projects in 2013 and those available for 2014.

Table B: Growth Management Allocation for 2013 and 2014

	Available Allocations			
	Total Available for 2013	Total Allocated in 2013 (Rose Gate)	2%Allocations for 2014	Total Available for 2014
Low (0.1-7)	3,192	- 232 (2960)	199	3,159
Medium (7.1-20)	683	- 0 (683)	127	810
High (20.1-30)	1,247	- 0 (1,247)	127	1,374
TOTAL	5,122	4,890	453	5,343

Table C identifies the 2014 Total Allocations, the requested Allocations for projects, and the remaining overall Allocations.

Table C: Growth Management Allocation for 2014

Density	Available Allocations				
	Total Available for 2014	Allocation for Van Ruiten Ranch	Allocation for Reynolds Ranch	Remaining Allocations for 2014	Total Remaining for 2014
Low (0.1-7)	3,159	145	0	145 – 199 (54)	3,014
Medium (7.1-20)	810	55	227	282 – 127 (-155)	528
High (20.1-30)	1,374	88	330	418 – 127 (-291)	956
TOTAL	5,343	288	557	- 392	4,498

Table C identifies the 2015 Total Allocations, the requested Allocations for projects, and the remaining overall Allocations.

Table D: Growth Management Allocation for 2015

Density	Available Allocations				
	Total Remaining for 2014	2%Allocations for 2015	Total Available for 2015	Grupe – Taylor Road	Total Remaining for 2015
Low (0.1-7)	3,014	197	3,211	22	3,189
Medium (7.1-20)	528	125	653	0	653
High (20.1-30)	956	125	1081	0	1081
TOTAL	4,498	447	4,945	4,923	4,923

Table E: Growth Management Allocation for 2016

Density	Total Remaining for 2015	2% Allocations for 2016	Available Allocations			Total Remaining for 2016
			Total Available for 2016	Garfield	Camper - Sac	
Low (0.1-7)	3,189	195	3,384	6	0	3,378
Medium (7.1-20)	653	124	777	0	28	749
High (20.1-30)	1081	124	1205	0	0	1,205
TOTAL	4,923	443	5,366	5,360	5,332	5,332

The Growth Management Ordinance includes a priority location area and a point system to assist the City with prioritizing issuance of growth management allocations. The priority location area designates lands available for development and provides development categories of one, two or three, with Priority Area 1 being the first priority area for development. The priority areas are based on availability of city services (e.g., water, wastewater, storm drains, streets, police, fire and parks). The proposed project site is classified as an in-fill project. For scoring purposes in-fill projects are considered Priority Area 1 projects. The point system was established to rate projects based on various project merits in order to determine if one project should be approved before another, particularly if there are more allocation requests than there are available allocations. However, because the City hasn't had growth management allocation requests since 2006, surplus allocations have been accumulated.

Conclusion

Staff sent a copy of the application to various City departments for review and comment. Their comments and requirements incorporated into the attached resolution. Staff believes that the Commission can make the findings in order to approve the proposed project, subject to conditions outlined in the attached resolution. The proposed tentative map, as described in the code compliance sections above, is consistent with the current General Plan (2010).

The proposed exclusively residential development aligns with the residential land use designations and densities assigned to site in the current General Plan. The site for the proposed subdivision is suitable for the density and type of development proposed in that it is a flat piece of land. Also the design of the subdivision and type of improvements would not conflict with easements, acquired by the public at large, for access through or use of the property within the proposed subdivision in that there are no existing public access easements on the site. Further, as stated in the code compliance sections above, the applicant has proposed development standards for this subdivision that are consistent with the historical development of the City.

ENVIRONMENTAL ASSESSMENT

The California Environmental Quality Act (CEQA) requires analysis of agency approvals of discretionary "Projects." A "Project," under CEQA, is defined as "the whole of an action, which has a potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment." The proposed Rezone, Tentative Subdivision Map, and Design Review for subdivision layout is a project under CEQA.

CEQA Guidelines Section 15183 (Public Resources Code §21083.3), provides that projects that are consistent with a Community Plan, General Plan, or Zoning for which an environmental impact report (EIR) has been certified "shall not require additional environmental review, except as might be

necessary to examine whether there are project-specific significant effects which are peculiar to the project or its site.”

The City Council, by Resolution No. 2010-41, which became effective on April 7, 2010, certified an Environmental Impact Report (EIR), State Clearinghouse No. 20009022075, for the City of Lodi General Plan. This General Plan designated the project site as Mixed Use Corridor.

No potential new impacts related to the Project have been identified that would necessitate further environmental review beyond the impacts and issues already disclosed and analyzed in the General Plan EIR. No increase in development density beyond what was anticipated in the General Plan for the Project site would occur. No other special circumstances exist that would create a reasonable possibility that the proposed Project will have a significant adverse effect on the environment. Therefore, the proposed Project qualifies for the exemption under CEQA Guidelines Section 15183 and no further environmental review is required.

PUBLIC HEARING NOTICE:

Legal Notice for the Use Permit was published in the Lodi News Sentinel on Saturday, July30, 2016 and August 15, 2015. Forty-seven (47) public hearing notices were sent to all property owners of record within a 300-foot radius of the project site as required by California State Law §65091 (a) 3. Public notice also was mailed to interested parties who had expressed their interest of the project.

RECOMMENDED MOTIONS

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

1. “I move that the Planning Commission adopt a Resolution finding that the project has satisfied the requirements of the California Environmental Quality Act (CEQA) pursuant to Section 15183, the project is consistent with the findings of the previous environmental documents prepared for the 2010 Lodi General Plan and approve the Tentative Subdivision Map for the Camper – Sacramento Street Subdivision and recommend to the City Council approval of the request for 28 Medium-Density Growth Management Allocations subject to conditions in the attached 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

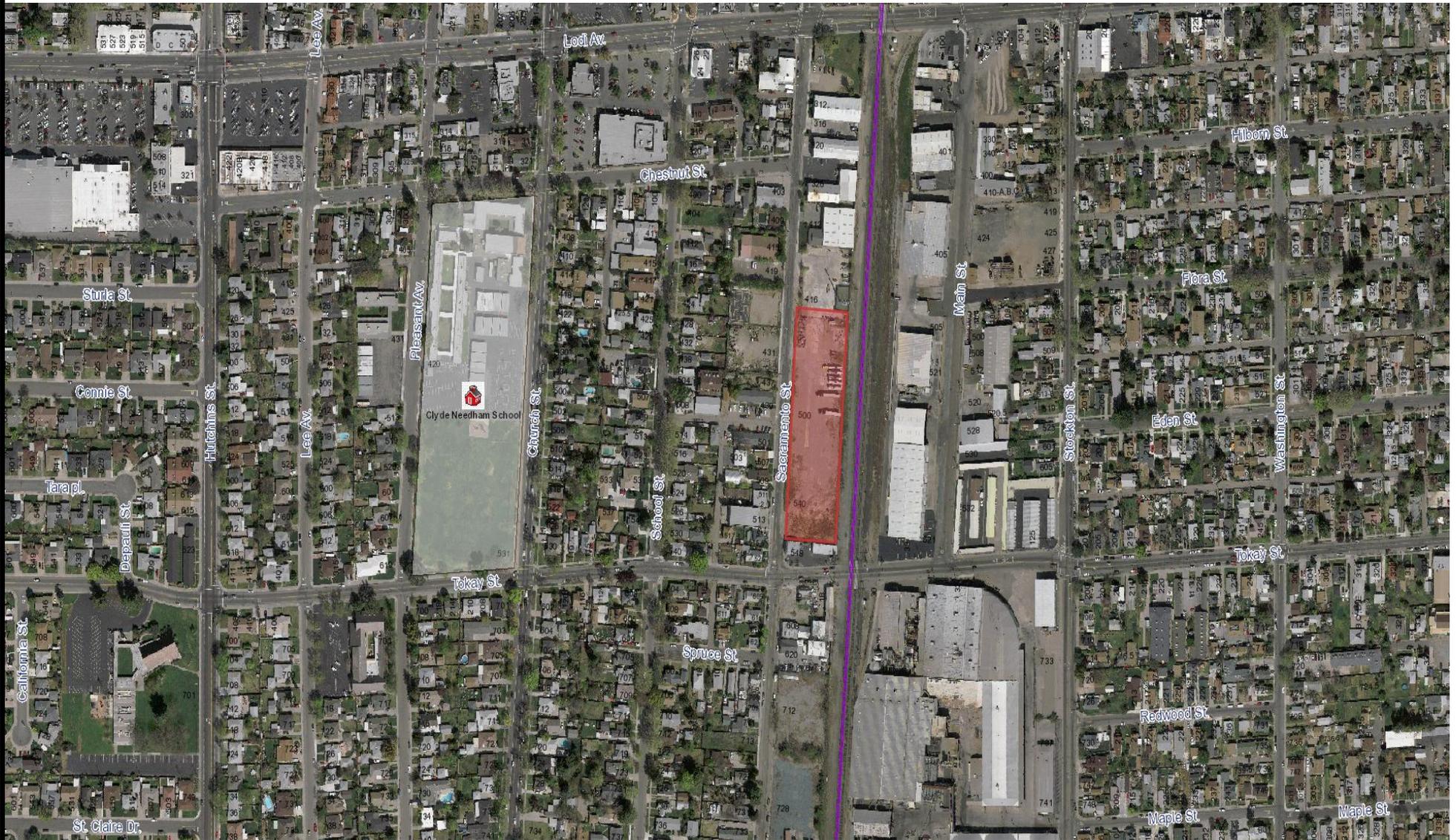
Stephen Schwabauer
Community Development Director

ATTACHMENTS:

- A. Vicinity / Aerial Map
- B. Site Map
- C. House Elevations
- D. Subdivision Map
- E. Draft Resolution

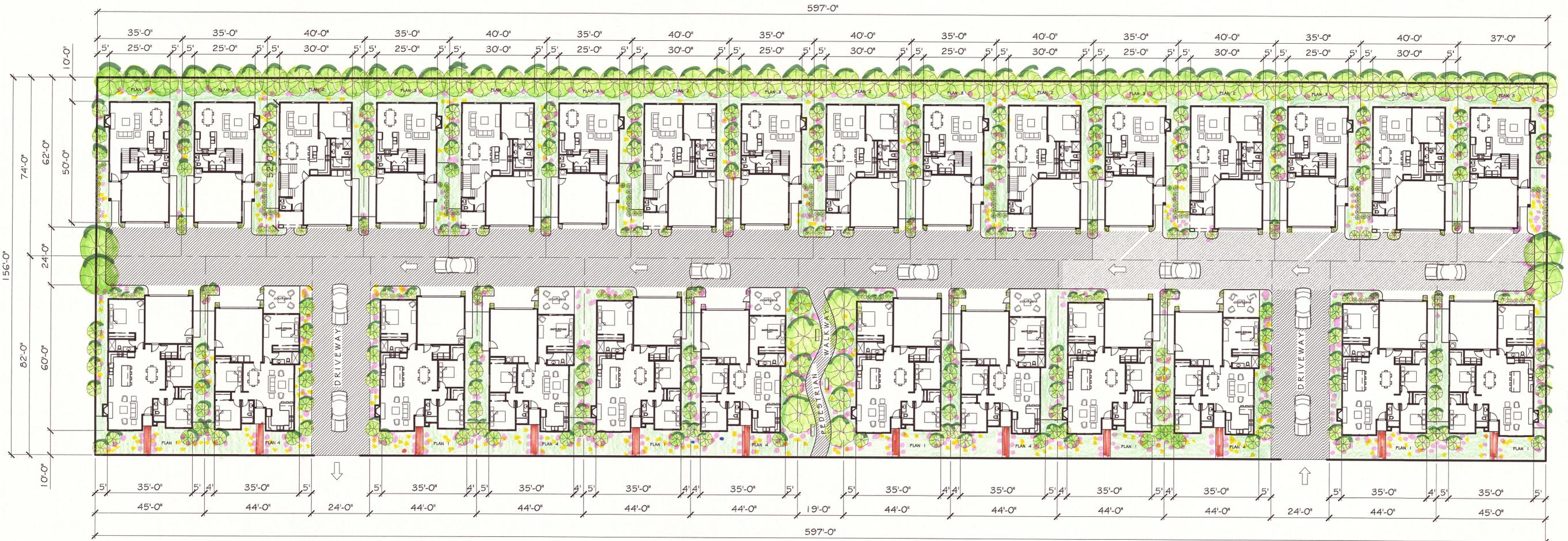
VICINITY MAP

North



South

500 South Sacramento Street



SACRAMENTO STREET

SITE PLAN

SCALE: 1" = 20'-0"

REVISIONS	BY

JH DESIGN
RESIDENTIAL DESIGN
JUAN F. HERRERA
(209) 470-4122

SITE PLAN

PROPOSED SPECULATIVE PLANS FOR:
SACRAMENTO STREET PROJECT
CITY OF LODI, CALIFORNIA

Date:	8-1-2016
Scale:	AS NOTED
Drawn:	HERRERA
Job:	16-011
Sheet	1
Of 2	Sheets



SACRAMENTO STREET TENTATIVE SUBDIVISION MAP

JULY, 2016

1" = 60'



SCALE:

OWNER

BRUCE CAMPER & DEBORAH CAMPER COWAN
1263 HEIDELBURG WAY
LODI, CA. 95242
(209) 366-3991

ENGINEER

DILLON & MURPHY
P.O. BOX 2180
847 N. CLUFF AVENUE, SUITE A2
LODI, CA. 95241
(209) 334-6613

NOTES

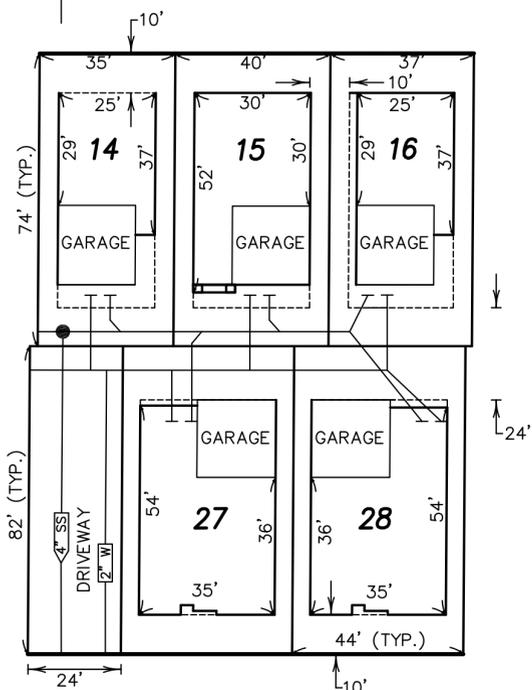
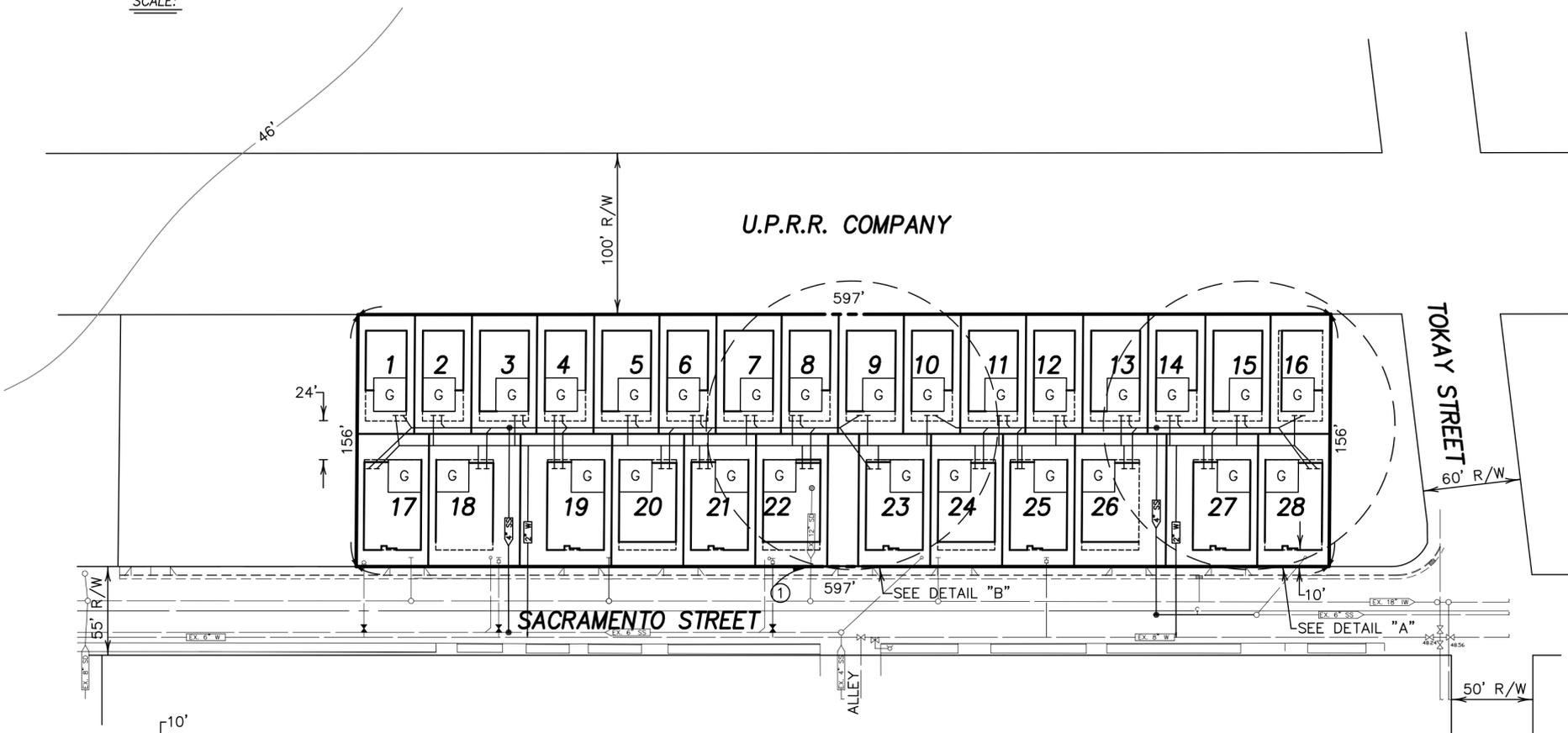
1. APN: 045-320-02, 045-320-08
2. WATER: CITY OF LODI
3. SANITARY SEWER: CITY OF LODI
4. STORM DRAINAGE: CITY OF LODI. SEE NOTE 12.
5. SITE ADDRESS: 500, 540 S SACRAMENTO ST.
LODI, CA. 95240
6. FLOOD ZONE: ZONE X, MAP NO.06077C0169F OCT. 16, 2009
7. ZONING: MUC (MIXED USE CORRIDOR)
8. INSTALL 790 LF ~2" W IN DRIVEWAY TO PROVIDE SERVICE TO NEW LOTS.
9. INSTALL 760 LF ~4" SS IN DRIVEWAY TO PROVIDE SERVICE TO NEW LOTS.
10. DRIVEWAYS PERPENDICULAR TO SACRAMENTO STREET SHALL BE 24' WIDE, DRIVEWAY PARALLEL TO SACRAMENTO TO BE 24' WIDE. SEE TABLE BELOW FOR LOT SIZES.
11. TWO YEAR STORM TO BE RETAINED ON-SITE IN LANDSCAPING AREAS AND PERMEABLE SURFACES. HEAVIER STORMS TO BE DISCHARGED TO EXISTING INDUSTRIAL WASTE LINE.
12. REMOVE EXISTING DRIVEWAYS ON SACRAMENTO STREET AS NECESSARY. REPLACE WITH CONCRETE WITH CURB, GUTTER OF SIDE AND SIDEWALK.

CONSTRUCTION NOTES

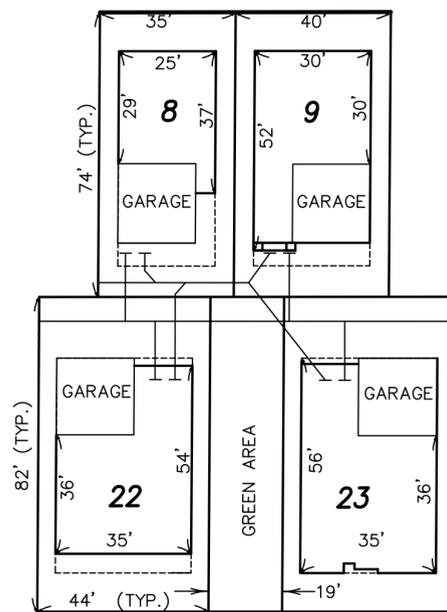
1. EXISTING 12" SD LINE TO BE CAPPED AT PROPERTY LINE.

LEGEND

BLDG.	BUILDING
DRWY	DRIVEWAY
EX.	EXISTING
G	GARAGE
IW	INDUSTRIAL WASTE
P.U.E.	PUBLIC UTILITY EASEMENT
R/W	RIGHT OF WAY
SS	SANITARY SEWER
SD	STORM DRAIN
S.F.	SQUARE FEET
W	WATER
46	EXISTING GROUND ELEVATION CONTOUR



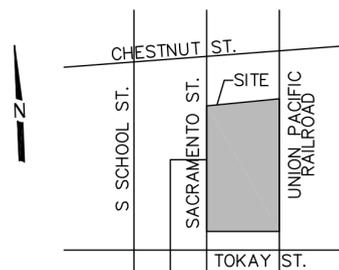
DETAIL "A"
1" = 30'



DETAIL "B"
1" = 30'

LOT SIZE TABLE

LOT NO.	LOT S.F.	BLDG. PAD S.F. (INCLUDING GARAGE)	LOT NO.	LOT S.F.	BLDG. PAD S.F. (INCLUDING GARAGE)
1	2590	1702	15	2960	1816
2	2590	1702	16	2738	1702
3	2960	1816	17	3621	1497
4	2590	1702	18	3621	1200
5	2960	1816	19	3621	1497
6	2590	1702	20	3621	1200
7	2960	1816	21	3621	1497
8	2590	1702	22	3621	1200
9	2960	1816	23	3621	1497
10	2590	1702	24	3621	1200
11	2960	1816	25	3621	1497
12	2590	1702	26	3621	1200
13	2960	1816	27	3621	1497
14	2590	1702	28	3621	1497



VICINITY MAP

N.T.S.

RESOLUTION NO. 16-XX

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LODI APPROVING THE REQUEST OF BRUCE CAMPER FOR A TENTATIVE SUBDIVISION MAP FOR THE 28 LOT CAMPER – SACRAMENTO STREET SUBDIVISION AND RECOMMEND TO THE CITY COUNCIL APPROVAL OF THE REQUEST FOR 28 MEDIUM-DENSITY GROWTH MANAGEMENT ALLOCATIONS

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

WHEREAS, the project site is located 500 and 540 South Sacramento Street, north of Tokay Street. APN: 045-320-02 and 045-320-08; and

WHEREAS, the project applicant is Bruce Camper, 1263 Heidelberg Way, Lodi, CA 95242; and

WHEREAS, the project engineer is Dillon and Murphy, Joe Murphy, 847 N. Cluff Ave., Suite A2, Lodi, CA 95241; and

WHEREAS, the project properties owners of record is a Bruce Camper, 1263 Heidelberg Way, Lodi, CA 95242; and

WHEREAS, the applicant, Bruce Camper, has filed the Camper Sacramento Street Subdivision Map and Growth Management Application with the City of Lodi; and

WHEREAS, City Council Resolution No. 2010-41 adopted by the City Council on April 7, 2010, approved the land use designation as Mixed Use Corridor for the project site; and

WHEREAS, the City Council by Ordinance No. 1869, which became effective on March 21, 2013, granted Mixed Use Corridor for the project site; and

WHEREAS, the City Council by Resolution No. 2010-41, which became effective on April 7, 2010, certified an Environmental Impact Report (EIR), State Clearinghouse No. 20009022075, for the City of Lodi General Plan; and

WHEREAS, a copy of the Environmental Impact Report (EIR), State Clearinghouse No. 20009022075, is kept on file for public review within the Community Development Department by the Community Development Director at 221 West Pine Street, Lodi, CA; and

WHEREAS, the Subdivision Map contains 2.14 acres, 28-single family residential lots and is consistent with the density ranges of the General Plan; and

WHEREAS, the Community Development Department did study and recommend approval of said request; and

WHEREAS, after due consideration of the project, the Planning Commission did conditionally approve the project; and

WHEREAS, the Planning Commission's recommendation is based upon the following findings and determinations:

1. The California Environmental Quality Act (CEQA) requires analysis of agency approvals of discretionary "Projects." A "Project," under CEQA, is defined as "the whole of an action, which has a potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment." The proposed Rezone, Tentative Subdivision Map, and Design Review for subdivision layout is a project under CEQA.

CEQA Guidelines Section 15183 (Public Resources Code §21083.3), provides that projects that are consistent with a Community Plan, General Plan, or Zoning for which an

environmental impact report (EIR) has been certified “shall not require additional environmental review, except as might be necessary to examine whether there are project-specific significant effects which are peculiar to the project or its site.”

The project site was annexed into the City of Lodi in 1996 and paid all mitigation costs and completed environmental measures to reduce impacts from the conversion from rural to urban uses.

The City Council, by Resolution No. 2010-41, which became effective on April 7, 2010, certified an Environmental Impact Report (EIR), State Clearinghouse No. 20009022075, for the City of Lodi General Plan. This General Plan designated the project site as Low Density Residential.

No potential new impacts related to the Project have been identified that would necessitate further environmental review beyond the impacts and issues already disclosed and analyzed in the General Plan EIR. No increase in development density beyond what was anticipated in the General Plan for the Project site would occur. No other special circumstances exist that would create a reasonable possibility that the proposed Project will have a significant adverse effect on the environment. Therefore, the proposed Project qualifies for the exemption under CEQA Guidelines Section 15183 and no further environmental review is required.

2. The proposed design and improvement of the tentative subdivision, as conditioned, will conform to the standards and improvements mandated by the adopted City of Lodi Public Works Department Standards and Specifications, Zoning Ordinance, as well as all other applicable standards.
3. The standard size, shape and topography of the site is physically suitable for residential development proposed in that the site is generally flat and is not within an identified natural hazard area.
4. The site is suitable for the density proposed by the tentative subdivision map in that the site can be served by all public utilities and creates design solutions for storm water, traffic and air quality issues.
5. The design of the proposed tentative subdivision and type of improvements are not likely to cause serious public health problems in that all public improvements will be built per City standards and all private improvements will be built per the California Building Code.
6. The design of the proposed tentative subdivision and the type of improvements will not conflict with easements acquired by the public at large for access through or use of property within the proposed tentative subdivision.
7. The subdivision is conditioned to construct public street improvements thereby insuring that an adequate Level of Service is maintained on the roadways within the area.
8. The subdivision map allows for the orderly growth of Lodi in that the Land Use and Growth Management Element allows for the development of Multi-Family Residential on the project site.
9. Said Subdivision map complies with the requirements of Title 17, Article 5 of the Lodi Development Code, governing subdivision maps.

NOW, THEREFORE, BE IT DETERMINED AND RESOLVED, by the Planning Commission of the City of Lodi hereby approves the Subdivision Map and recommends that the City Council award 28 medium density growth management allocation units subject to the following development conditions and standards:

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. This recommendation for approval by the Planning Commission shall not constitute an authorization to begin any construction.
3. The developer shall comply with all the applicable requirements of the City's Community Development Department including Planning and Building Divisions; Public Works, Fire and Electric Utility Departments; and all other applicable local, state and federal agencies. It is the responsibility of the applicant to check with each agency for requirements that may pertain to the project.
4. The Tentative Map shall expire within 24 months of Planning Commission approval or a time extension must be granted by the Planning Commission.
5. The Final Map shall be in substantial conformance to the approved Tentative Map, as conditioned, and that any future development shall be consistent with applicable sections of the Municipal Code.
6. The developer shall install, on each residence, minimum four-inch high block style numbers for address identification. The numbers shall be in color that is contrasting to the background surface to which they are adhered and shall be readily visible from the street during the day and night. The construction drawings for the house plans shall identify the location of the address boxes or numbers on the house façades, along with a detail or keynote that describes how the house numbers will be illuminated or made identifiable from the street.
7. Meters, hydrants, poles, etc. shall be located clear of the sidewalk and driveways or as determined by the City Engineer. Final locations and the number of such facilities shall be determined at the time the improvement plans are reviewed.
8. A conceptual fencing/wall plan shall be submitted for the entire subdivision with the grading plan and a detailed fencing/wall plan shall be submitted with the improvement plans for each phase of development. The design, height, and location of walls shall be subject to approval of the Community Development Director prior to approval of improvement plans. Fencing shall be provided along the north, south and east property lines.
9. If archeological materials are uncovered during any construction or pre-construction activities on the site, all earthworks within one hundred feet (100') of these materials shall be stopped, the Community Development Department notified, and a professional archeologist, certified by the Society of California Archeology and/or the Society of Professional Archeology, shall be notified. Site work in this area shall not occur until the archeologist has had an opportunity to evaluate the significance of the find, and outline appropriate mitigation measures, if they are deemed necessary.
10. The developer shall pay for and install all street name signs, traffic regulatory and warning signs, and any necessary street striping and markings required by the City Engineer. Street striping and markings shall be raised ceramic markers or thermoplastic material, as directed by the City Engineer.
11. Road or street names shall not duplicate any existing road or street name in the City, except where a new road or street is a continuation of an existing street. Road or street names that may be spelled differently but sound the same shall also be avoided. Road or street names shall be approved by the Fire Chief and the Community Development Director.

12. All improvements, public and private, shall be designed and constructed in accordance with the most recent edition of the City Plans and all applicable state and local ordinances, standards and requirements. Should a conflict arise, the governing specification shall be determined by the City Engineer.
13. The developer shall ensure finished pad elevations are at a minimum one foot above the 100 year base flood elevation as shown on the latest Federal Emergency Management Agency (FEMA) floodplain maps for San Joaquin County, California. The developer shall be responsible for all necessary activities, applications, documentation and costs to amend floodplain maps for their development.
14. In accordance with the Growth Management and Infrastructure/Public Facilities Element of the City's General Plan, the environmental review prepared for this project, and the regulations of the applicable school districts, the Developer shall demonstrate that adequate provision is made for school facilities. To the extent permitted by law, this may include the payment of school facility mitigation fees adopted by the Lodi Unified School district, or alternative financial arrangements negotiated by agreement between the Developer and the applicable school districts.
15. The Developer shall notify all purchasers of homes or lots, either through the Department of Real Estate Subdivision Report or, if there is no Subdivision Report, through a statement signed by each buyer and submitted to the City, that the this subdivision is adjacent to an active railroad line. The wording and format for notifying home buyers of this information is subject to approval by the Community Development Director.
16. No variance from any City of Lodi adopted code, policy or specification is granted or implied by this approval.
17. The City places a high value on quality design and materials in the construction of fencing and buffers for developments. Fencing is an integral design feature in residential developments and defines property ownership and boundaries. The City expects quality materials that will last and maintain an appealing aesthetic within neighborhoods. This includes metal or pressure treated posts for fencing.
18. The project shall be developed consistent with the plans approved by the Planning Commission.
19. A comprehensive landscape plan shall be developed for the project by a landscape architect and meet the state water efficiency standards.
20. The applicant shall prepare a noise study or provide construction materials that will reduce internal noise levels to 45 dBs for the project. Typically; triple pane windows, added insulation, purple board gypsum for indoor sound attenuation, and added stucco layers reduce interior noise levels

City of Lodi Fire Department

21. The developer shall comply with all applicable requirements of the California Fire Code and the adopted policies of the City of Lodi.
22. Fire apparatus access roads shall have an unobstructed width of not less than 24 feet, exclusive of shoulders, except for approved security gates in accordance with Section 503.6 of the California Fire Code and an unobstructed vertical clearance of not less than 13 feet 6 inches. (Ord. No. 1840, § 1, 11-17-2010)
23. Approved fire apparatus access roads shall be provided for every facility, building or portion of a building hereafter constructed or moved into or within the jurisdiction. The fire apparatus access road shall comply with the requirements of this section and shall extend within 150 feet (45,720 mm) of all portions of the facility and all portions of the exterior walls of the first

story of the building as measured by an approved route around the exterior of the building or facility.

24. The developer shall install on-site and/or boundary water mains, fire hydrants and related services. Hydrants shall adhere to the City's standard details, with their location determined by the Fire District and City Engineer, and shall be installed and in service prior to any combustible construction on the site. Public fire hydrant spacing and distribution shall be determined as follows:
 - a) At 300 feet spacing in high density, commercial, industrial zoning or high-value areas;
 - b) At 500 feet spacing in low density residential areas;
 - c) At 1000 feet spacing in residential reverse frontage;
 - d) A fire hydrant shall be located within 200 feet of the radius point of all cul-de-sacs;
 - e) Hydrants shall be required on both sides of the street whenever one or more of the following conditions exist:
 - i. Streets have median center dividers that make access to hydrants difficult, cause time delays, or create undue hazards or both;
 - ii. On major arterials where there is more than four lanes of traffic;
 - iii. Width of street in excess of 88 feet;
 - iv. The existing street being widened or having a raised median center divider in the future pursuant to the General Plan Roadway Improvement Plans for the City of Lodi.
25. An automatic sprinkler system installed in accordance with Section 903.3 shall be provided throughout all buildings with a Group R fire area.

Building Department

26. Building permit is required for Site work. 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.
27. The 2013 California Residential Code, Section R313.2 requires all new one and two-family dwellings to have an automatic residential fire sprinkler system installed.
28. Dwelling unit walls less than 3' from the property lines are required to be 1 hour fire rated. 2013 CRC, Section R302, Table R302.1 (2)
29. Sanitary sewer drainage pipe shall be sized as per 2013 CPC, Table 703.2 or 717.1 and is to be sloped a minimum of 1% (4" – 6" pipe). 2013 CPC, Section 718.1

City of Lodi Public Works Department

The following conditions of approval are required for the subject project per City codes and standards, all to be accomplished prior to, or concurrent with, final parcel map filing unless noted otherwise:

30. Engineered Improvement plans and cost estimate shall be submitted for approval per the City Public Improvement Design Standards for all public improvements prior to final map filing. Plan submittal shall include:
 - a) Approved tentative map, signed by the Community Development Director.
 - b) Storm drainage facilities design shall conform to the Multi-Agency Post-Construction Stormwater Standards Manual (PCSP) as adopted by City Council on November 4, 2015.

- c) Irrigation plans and plantings shall conform to the Model Water Efficient Landscaping Ordinance (MWELo) per the Governor's Executive Order B-29-12 adopted on December 31, 2015.
- d) Current soils report. If the soils report was not issued within the past three (3) years, provide an updated soils report from a licensed geotechnical engineer.
- e) Grading, drainage and erosion control plan.
- f) Copy of Notice of Intent for NPDES permit, including storm water pollution prevention plan (SWPPP).
- g) All utilities, including electrical, gas, telephone and cable television facilities.
- h) Joint Trench plans.
- i) Provide an onsite fire truck/garbage truck turning analysis.

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

31. Design and installation of public improvements to be in accordance with City master plans. Street, wastewater, storm drainage, and water master plans and design calculations for the development will be required.

a) Street

- i) Install frontage improvements including but not limited to pavement, driveways, streetlights, curb, gutter and sidewalk along Sacramento Street frontage within the project limits in accordance with City Standards.
- ii) All existing unused driveways shall be removed and new curb, gutter, and sidewalk shall be installed per City Standards.
- iii) Access driveways shall be a minimum of 24 feet and function for two way vehicular access.

b) Wastewater

- i) Individual wastewater service shall be provided to each parcel from an on-site private wastewater main.
- ii) The on-site private wastewater pipe shall be connected to the existing 6-inch public wastewater main in Sacramento Street per City Standards. A manhole or riser shall be installed to separate the private wastewater line from the public wastewater line.

c) Water

- i) Individual water service shall be provided to each parcel from an on-site public water main.
- ii) The on-site public water main shall be looped and connected to the existing public water main in Sacramento Street per City Standards.
- iii) Water meter boxes shall be located outside of areas of vehicular travel.

d) Storm Drainage

- i) On-site storm water shall be collected on-site and discharged to a public storm drain system. A manhole or riser shall be installed to separate the private storm water from the public storm water line
- ii) Public storm drain facilities are not available in Sacramento Street. Developer shall install new storm drain facilities to connect to the existing public storm drain system in Tokay Street and/or Chestnut Street. Engineering calculations shall be submitted with the plans.

32. All unused water, wastewater or storm drain connections shall be abandoned at the owner's expense.
33. Project design and construction shall be in compliance with applicable terms and conditions of the Multi-Agency Post-Construction Stormwater Standards Manual (PCSP) as adopted by City Council on November 4, 2015.
 - a) State-mandated construction site inspections to assure compliance with the City of Lodi Storm Discharge Permit are required. The fee for the inspections is the responsibility of the developer and must be paid prior to parcel map filing or commencement of construction operations, whichever occurs first.
34. All project design and construction shall be in compliance with the Americans with Disabilities Act (ADA). City of Lodi Standard Plans are in the process of being revised and it should not be assumed that current standard plans are fully ADA compliant. Project compliance with ADA standards is the developer's responsibility.
35. If this project is constructed in phases, the following improvements shall be constructed with the first phase:
 - a) All public frontage improvements.
 - b) Public and private utility mains and services for each parcel including the extension of the public water main from Sacramento Street.
 - c) Private access road improvements.
36. All public improvements to be installed within one year under the terms of an improvement agreement to be approved by the City Council prior to final parcel map filing. The developer will be required to provide warranty security in the amount of 10% of the value of the public improvements. The warranty period will be two (2) years commencing on the date of acceptance of the public improvements.
37. All property dedicated to the City of Lodi shall be free and clear of all liens and encumbrances and without cost to the City of Lodi and free and clear of environmental hazards, hazardous materials or hazardous waste. Developer shall prepare and submit a hazardous materials report and shall indemnify the City against any and all hazardous materials and/or ground water contamination for all property/easements dedicated to the City.
38. Dedication of utility easements as required by the various utility companies and the City of Lodi, including, but not limited to the on-site public water main.
39. Dedication of the 24' Non-Exclusive Egress and Ingress Easement along the frontage of Lots 1 through 16 and the driveways between properties 18 and 19 and 26 and 27 shall be dedicated for the purposes of access. Said access easement shall be to the approval of the Public Works Department, Community Development Department and Fire Department.
40. As set forth in Resolution No. 2007-59 approved by the City Council on April 4, 2007, the territory included in the subdivision map shall be annexed to the City of Lodi Community Facilities District No 2007-1 (Public Facilities) prior to final map filing. All costs associated with annexation to the District shall be the Developer's responsibility.
41. The Project will include a Home Owner Association (HOA). HOA for the project shall be provided to the Community Development for review and approval prior to recordation of the final map. HOA shall contain appropriate mechanisms for the permanent ongoing maintenance of facilities, including but not limited to private storm drain system, private wastewater system, common landscaping and shared drives. HOA shall include

appropriate mechanism to assess and collect assessments for said maintenance and the ability to enforce adherence to the HOA. HOA shall clearly provide that the homeowner is responsible for compliance of HOA and also responsible and liable for any renter's violations of the HOA. The HOA shall also discuss guest parking and garbage pick-up. Following approval of the HOA by staff, the HOA shall be recorded concurrently with the final map.

42. Submit final map per City and County requirements including the following:
 - a) Preliminary title report.
 - b) Standard note regarding requirements to be met at subsequent date.
 - c) Waiver of access rights on Sacramento Street except at driveway locations specifically approved by the Public Works Department.
 - d) Parcel Map Guarantee.
 - e) Annexation to Community Facilities District 2007-1.
 - f) Home Owners Association's proposed Declaration of Covenants, Conditions, and Restriction.
43. Payment of the following:
 - a) Filing and processing fees and charges for services performed by City forces per the Public Works Fee and Service Charge Schedule.
 - b) Development Impact Mitigation Fees per the Public Works Fee and Service Charge Schedule at the time of certificate of occupancy.
 - c) Water meter installation fees at the time of building permit issuance for each parcel.
 - d) Regional Transportation Impact Fee (RTIF) at the time of building permit issuance for each parcel.
 - e) Stormwater compliance inspection fee prior to parcel map filing or commencement of construction operations, whichever occurs first.
 - f) Annexation into the City of Lodi Community Facilities District – Estimated at \$10,000 prior to recording the final subdivision map. The annexation process generally requires 2-3 months to complete.

The above fees are subject to periodic adjustment as provided by the implementing ordinance/resolution. The fee charged will be that in effect at the time of collection indicated above.
44. Obtain the following permits:
 - a) Grading Permit issued from the City of Lodi Building Department.
 - b) Encroachment Permit issued from the City of Lodi Public Works Department for any work within the public right of way or on existing public water, wastewater and storm drain infrastructure.
 - c) NPDES Construction General Permit (SWPPP)
 - d) San Joaquin Valley Air Pollution Control District (SJVAPCD) permits

The following comments are provided as a matter of information. The items listed are not requirements of the Public Works Department, but indicate conditions normally imposed by other City departments or agencies which affect and/or need to be coordinated with the design and installation of Public Works requirements:

1. On-site fire protection as required by the Fire Department.

2. Landscaping and irrigation system as required by the Community Development Department.
3. Applicable agreements and/or deed restrictions for access, use and maintenance of shared, private facilities to Community Development Department approval.

Dated: August 10, 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 August 10, 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: August 10, 2016

APPLICATION NO: Use Permit: 2016-20 U

REQUEST: Request for Planning Commission approval of a Use Permit to allow a brewery production facility, Type 20, 23, 42 and 84 ABC license, at 9 West Locust Street. (Applicant: Five Window Beer Company / Charles Lippert – Joseph Ehlers; File 2016-20 U; CEQA Determination: Exempt per Section 15321)

LOCATION: 9 West Locust Street
Lodi, CA 95240
APN: 043-025-17

APPLICANT: Five Window Beer Company
Charles Lippert and Joseph Ehlers
1431 Reiman Street
Lodi, CA 95242

PROPERTY OWNER: John D Gerlock, Trust
2449 Vintage Oaks Court
Lodi, CA 95242

RECOMMENDATION

Staff recommends the Planning Commission approve the request of Five Window Beer Company / Charles Lippert – Joseph Ehlers for a Use Permit to allow a beer production facility, Type 20, 23, 42 and 84 ABC license, at 9 West Locust Street subject to conditions in the attached resolution.

PROJECT AREA DESCRIPTION

General Plan Designation: Downtown Mixed Use
Zoning Designation: Downtown Mixed Use
Property Size: (15,000 sq. ft.) – building space 6,300 sq ft.

The adjacent zoning and land use characteristics:

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

BACKGROUND

In March 2011, the Planning Commission approved a Use Permit for a wine production and tasting room at this location for A&H Wines. Previous uses included; grape crushing, production, wine storage, wine distribution and wine tasting room. ABC licenses included Type 2, 9, 14, 17 and 20.

The applicant's proposal (Five Window Beer Company / Charles Lippert – Joseph Ehlers) is to utilize the 6,300 sq ft of tenet space located at 9 West Locust Street as a micro-brewery. The applicants are requesting the following ABC licenses:

Type 20 – Off sale beer and wine

Type 23 – Small Beer Manufacturer

Type 42 – On-Sale Beer and Wine, public premises

Type 84 – Certified Farmer's Market Beer Sales.

The tenant space is transitioning from a wine production and tasting room to a beer production and tasting room.

The applicant's currently have a 7 barrel - 217 gallon brewing system. A typical brew takes 8 hours to complete. Applicants are going to start with 1 or 2 brews per week and could increase to 3 or 4.

The product is transferred to serving / holding tanks and fermenting can take 1 to 2 weeks depending upon the beer and a bourbon based oak barrel could take months. Currently the applicants have 5 – 217 gallon storage tanks for product.

Beer is then put in kegs. In the future the applicants would like to bottle beer. Larger brewing systems could also be purchased, but typically only one system would be used. During a brew, there are typically 2 to 4 people.

Grains and waste will be placed into food grade storage bins immediately after brewing and taken off-site within 24 hours. Applicants have access to friends and relatives in the cattle and dairy industry for waste disposal.

The space could be occupied up to 7 days per week depending upon how many brews take place.

At any given time there may be 5 to 10 – 200 gallon barrels of fermenting beer and 5 to 15 – 200 gallon barrels of finished beer stored on the site. The site will also contain a small office for administrative uses. The facility will be in use up to 7 days a week primarily for office and brewing use. A small retail beer sales area will also be established inside the building where tasting groups may purchase beer for off-site consumption.

The applicants anticipate being open to the public for beer tasting and purchase Thursday – Saturday from 4:00 pm to 9:00 pm and then on Sunday from 12:00 pm to 5:00 pm. The tasting room portion of the space is approximately 1,000 sq ft in size.

In the future, the applicants would like to hold special events for releases and may have live entertainment, food pairings, food trucks or other events.

The Type 42 license allows the applicants to partner with different wine makers and sell their wines to create different partnership opportunities.

beer manufacturing establishment with limited on-site consumption (beer tasting) is permitted is the type of business permitted in the Downtown Mixed Use Zoning District per Lodi Municipal Code Section 17.22.030.

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 Downtown Mixed Use, which provides for on-site and off-site alcohol sales as well as retail and commercial activities that enhance the Downtown area as a destination place. The proposed manufacturing and storage of beer is the type of business allowed by 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 beer production facility with an associated retail and onsite beer tasting establishment is compatible with existing and future land uses because this subject property is located within the Downtown Mixed Use 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 and sale of beer is consistent with various uses located within the vicinity of the project site and throughout the Downtown Mixed Use 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 Downtown Mixed Use Zoning District, and the facility will be located within an existing building. No conflicts with existing and potential uses have been identified.
5. *The proposed project has been reviewed in compliance with the California Environmental Quality Act (CEQA) and the Lodi Environmental Review Guidelines.* **Comment:** The project was found to be Categorical Exempt according to the California Environmental Quality Act, §15321, Class 21 (a) (2). The project is classified as an “Enforcement action by regulatory agencies” because it is the “adoption of an administrative decision for the use or enforcing the general rule, standard, or objective.” No significant environmental impacts are anticipated and no mitigation measures are required.

Staff sent a copy of the application to various City departments for comment and review. Their comments and requirements have been incorporated into the attached resolution. Conditions of

approval are proposed to ensure the restaurant is not operated in a negative manner or without adequate oversight. If problems or concerns related to the sale of alcoholic beverages occur in the future, staff and/or the Planning Commission may initiate a public hearing where the Commission would have the ability to amend conditions or revoke the Use Permit.

ENVIRONMENTAL ASSESSMENT:

The project was found to be 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, July 30, 2016. Thirty-Nine (39) 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 brewery production facility, Type 20, 23, 42 and 84 ABC license, at 9 West Locust 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
City Planner

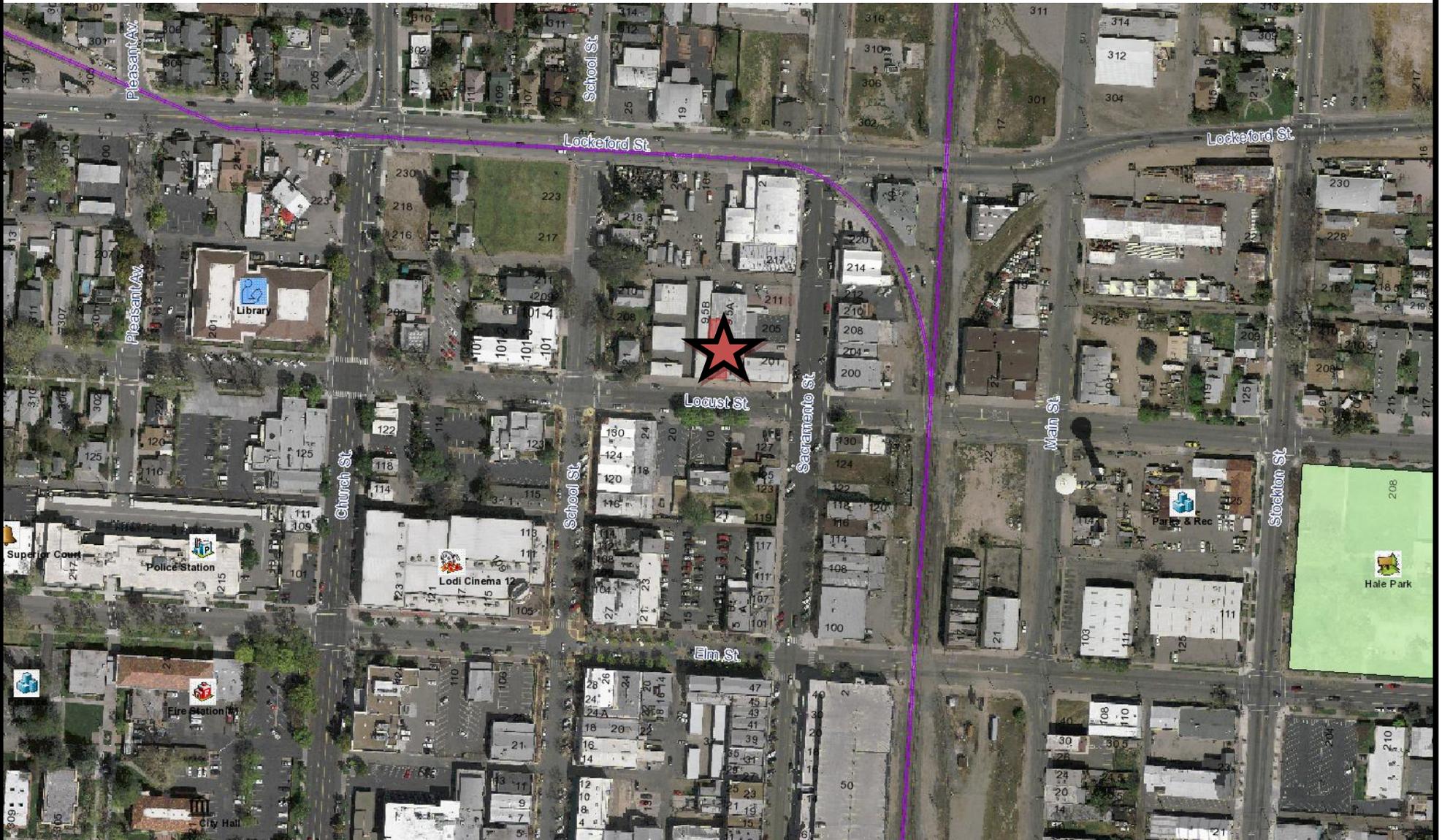
Stephen Schwabauer
Community Development Director

ATTACHMENTS:

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

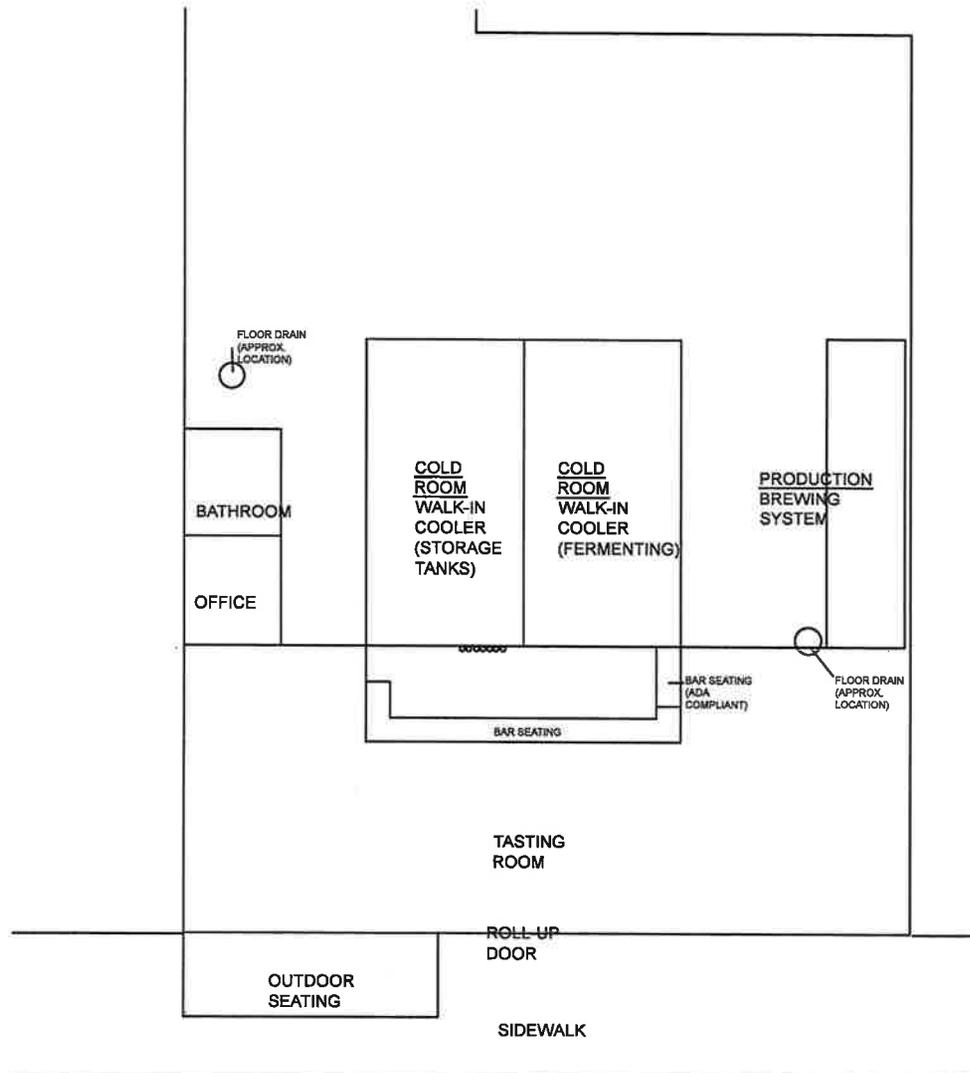
VICINITY MAP

North



South

9 West Locust Street



PROJECT DESCRIPTION:

Business Type: Micro Brewery

We are proposing the opening of a micro brewery at 9 W. Locust Street, Lodi, CA 95240.

Hours of Operation (open to the public): Thursday - Sunday, 4:00pm - 9:00pm

We will be open for tasting and would like to bring in local groups for food/dining (e.g. local taco trucks).

Current Brewery size: 7 BBL brewing capacity | 217 gallon system

Disposal of Grains: The grains will be placed into a food grade storage bin immediately after brewing and taken off-site within 24 hours. Currently, we have family and friends in the cattle and dairy industry that will allow us to dispose of the grains.

ABC Licensing/Types Requested: Type 20, 23, 42, 84.

Type 20 - Off Sale Beer & Wine

Type 23 - Small Beer Manufacturer

Type 42 - On Sale Beer & Wine, Public Premises

Type 84 - Certified Farmers' Market Beer Sales Permit

Our goal and vision is to open a local micro brewery at 9 West Locust St. in Lodi. We will have an on-site tasting room with hours of operation from 4pm - 9pm, Thursday - Sunday. We look to bring in food/dining from local businesses that compliment a micro brewery (e.g. Taco trucks, etc.). Aside from our beer, we will bring in local wines to provide an alternative in case one is in the mood or prefers a nice glass of Lodi wine. Our distribution plan is to provide restaurants, pubs, stores, and events with select beers. We'd love to be apart of the downtown Lodi Farmer's Market and other local events (e.g. festivals, downtown events, weddings, receptions, etc.) Exhibiting and attending beer competitions, conventions, and other expos are a priority. We are two Lodi born guys that have loved brewing craft beer for many years with a hope and dream to open a local micro brewery. We have experience brewing batches of beer ranging from a half barrel up to 15 barrels and have a number of great recipes ready. The ABC licenses we are currently submitting are Types 20, 23, 42, and 84.

RESOLUTION NO. P.C. 16-XX

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LODI APPROVING THE REQUEST OF FIVE WINDOW BEER COMPANY, CHARLES LIPPERT AND JOSEPH EHLERS A USE PERMIT TO ESTABLISH A BREWERY PRODUCTION FACILITY, TYPE 20, 23, 42 AND 84 ABC LICENSE, AT 9 WEST LOCUST STREET.

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

WHEREAS, the project site is located at 9 West Locust Street, Lodi, CA 95240 (APN: 043-025-17); and

WHEREAS, the project proponent is Five Window Beer Company, Charles Lippert and Joseph Ehlers, 1431 Reiman Street, Lodi CA 95242; and

WHEREAS, the project property owners are John D Gerlock, Trust, 2449 Vintage Oaks Court, Lodi, CA 95240; and

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

WHEREAS, because Census Tract 42.04 has an over-concentration of 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 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." 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 Downtown Mixed Use, which provides for on-site and off-site alcohol sales as well as retail and commercial activities that enhance the Downtown area as a destination place. The proposed manufacturing and storage of beer is the type of business allowed by the General Plan.
3. The Zoning designation for this property is Downtown Mixed Use, which permits beverage production and on-site consumption subject to a Use Permit per Lodi Municipal Code. The proposed beer manufacturing establishment with limited on-site consumption (beer tasting) is permitted is the type of business permitted in the Downtown Mixed Use Zoning District per Lodi Municipal Code Section 17.22.030.

4. The proposed beer production facility with an associated retail and onsite beer tasting establishment is compatible with existing and future land uses because this subject property is located within the Downtown Mixed Use 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 and sale of beer is consistent with various uses located within the vicinity of the project site and throughout the Downtown Mixed Use 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 Downtown Mixed Use 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 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.
7. 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.
8. 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. 2016-20 U is hereby approved, subject to the following conditions:

1. The property owner and/or developer and/or successors in interest and management shall, at their sole expense, defend, indemnify and hold harmless the City of Lodi, its agents, officers, directors and employees, from and against all claims, actions, damages, losses, or expenses of every type and description, including but not limited to payment of attorneys' fees and costs, by reason of, or arising out of, this development approval. The obligation to defend, indemnify and hold harmless shall include, but is not limited to, any action to arbitrate, attack, review, set aside, void or annul this development approval on any grounds whatsoever. The City of Lodi shall promptly notify the developer of any such claim, action, or proceeding and shall cooperate fully in the defense.
2. The property owner and/or developer and/or successors in interest and management shall operate the project in strict compliance with the approvals granted herein, City standards, laws, and ordinances, and in compliance with all State and Federal laws, regulations, and standards. In the event of a conflict between City laws and standards and a State or Federal law, regulation, or standard, the stricter or higher standard shall control.
3. The property owner and/or developer and/or successors in interest and management shall insure that the sale of alcohol does not cause any condition that will cause or result in repeated

activities that are harmful to the health, peace or safety of persons residing or working in the surrounding area. This includes, but is not limited to: disturbances of the peace, illegal drug activity, public intoxication, drinking in public, harassment of people passing by, assaults, batteries, acts of vandalism, loitering, excessive littering, illegal parking, excessive loud noises, traffic violations or traffic safety based upon last drink statistics, curfew violations, lewd conduct, or police detention and arrests.

4. If any of the following conditions fail to occur, or if they are, by their terms, to be implemented and maintained over time, if any of such conditions fail to be so implemented and maintained according to their terms, the City shall have the right to revoke or modify all approvals herein granted; deny or further condition issuance of all future building permits; deny, revoke, or further condition all certificates of occupancy issued under the authority of approvals herein granted; record a notice of violation on the property title; institute and prosecute litigation to compel their compliance with said conditions or seek damages for their violation.
5. The Use Permit shall be vested within six (6) months from the effective date of approval. A building permit for the tenant improvements allowed under this Use Permit shall have been obtained within six (6) months from the effective date of the Use Permit or the Use Permit shall expire; provided however that the Use Permit may be extended pursuant to the Lodi Municipal Code.
6. 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.
7. 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 20, 23, 42 and 84 ABC license
8. 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 beer, 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.
9. 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.
10. 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.
11. All temporary and permanent signage proposed in connection with the brewery operation shall be reviewed and approved by the Community Development Department.
12. All brewery waste shall not be stored outside and shall be properly disposed of within 24 hours of brewery / fermentation activity.
13. All delivery truck cueing shall take place off of the public right-of-way.

14. 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.
15. 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.
16. Noise levels shall not exceed 65 - 70 dBA, as measured from the outside wall of the building envelop. 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.
17. 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.
18. If the brewery 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.
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. 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.

Building - General Comments:

22. The last Certificates of Occupancy for the proposed Tenant Spaces were for Storage and the use of a small portion as Office. Special stipulations included no wine tasting, no fermentation, no high piled storage. No documentation in City files or permitting system show authorization for wine production, processing or tasting in the Tenant Spaces. Change of use and/or occupancy of the building will require Tenant Improvement plans to be submitted to the Building Department.
23. Plans shall provide occupant load calculations for the space(s), as per 2013 CBC, Section 1004.
Occupant load for areas without fixed seats is based on square footage divided by the appropriate occupant load factor from 2013 CBC, Table 1004.1.2
 - Office areas: 100 gross sqft/person
 - Stock, Storage, Shipping: 300sqft/person
 - Tasting (Assembly) Area: Table & Chairs 15sqft/person, Chairs 7sqft/person, Standing areas 5sqft/person
 - Kitchen/Staff/Serving areas 200sqft/person
24. If the calculated occupant load exceeds 49, the following requirements will need to be addressed:

- a. The occupancy classification for this space will change to an A-2. It shall be demonstrated that the A-2 occupancy is allowed in the building based on construction type, square footage and 2013 CBC, Table 503
 - b. Fire rated separation may be required between different occupancies in the building as per 2013 CBC, Section 508.4 and Table 508.4. Plans shall show that the building qualifies for non-separated occupancies under 2013 CBC, Section 508.3.3 or show fire rated occupancy separation walls as specified by 2013 CBC, Table 508.4.
 - c. Two exits shall be required. Exit doors shall be equipped with panic hardware and show swing in the direction of egress travel. 2013 CBC, Sections 1008.1.2, 1008.1.10
 - d. Exit doors shall be separated by minimum of 1/2 the diagonal distance of the area served in non-sprinklered buildings or minimum of 1/3 the diagonal distance of the area served in sprinklered buildings. 2013 CBC, Section 1015.2.1
 - e. Egress shall not pass through kitchens, storage rooms, closets or spaces used for similar purposes. 2013 CBC, Section 1014.2 (4)
 - f. Emergency egress illumination, with backup power supply, shall be provided for all area discharge elements and the exterior landings. 2013 CBC, Section 1006
 - g. Illuminated exit signs shall be provided. 2013 CBC, Section 1011
 - h. Occupant load sign shall be provide at or near the main entrance. 2013 CBC, Section 1004.3
 - i. New doors or existing doors that under the new occupancy is a required exit is required to provide an accessible path of travel to the public way (alley, sidewalk or street). 2013 CBC, Sections 1027.5, 11B-206.4, 11B-206.4.1
25. Apply for required operational permits at the Lodi Fire Department. Approval of required operational permits required prior to building permit issuance. 2013 CFC, Section 105.6
 26. Scullery/dishwashing sinks and/or dishwashing machines shall be connected **directly** to the drainage system and a floor drain shall be provided adjacent to such fixtures and the fixture shall be connected on the sewer side of the floor drain trap. 2013 CPC, Section 704.3
 27. Unless the Tenant Space 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 for A-2 occupancies by 2013 CPC, Table 422.1.
 28. 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
 29. If food or drink is consumed at the counters or bars, plans shall specify and show a minimum 60" long counter area with a height not to exceed 34" with knee clearances at least 27" high x 19" deep. 2013 CBC, Section 11B-226.3
 30. An automatic sprinkler system will be required in an A-2 occupancy if the occupant load exceeds 99 or if the fire area is 5,000 square feet or more. 2013 CFC, Section 903.2.1.2
 31. A Type I or Type II hood, as specified by 2013 CMC, Section 508, will be required over cooking equipment.
 32. 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.

33. An operational permit shall be required from the Lodi Fire Department for the operation of the wine manufacturing facility. Please contact the Lodi Fire Prevention Bureau at (209) 333-6735.
34. Any waste entering the public system shall be reviewed by Public Works prior to operation.
35. Prior to use, the patio area on the public sidewalk must receive a downtown encroachment permit from the Public Works Department for the proposed outdoor seating and serving of alcohol. If the area will not be used, the existing fencing must be removed and the sidewalk restored to City Standards.
36. 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.
37. 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.
38. No variance from any City of Lodi adopted code, policy or specification is granted or implied by this approval.

Dated: August 10, 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 August 10, 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: August 10, 2016

APPLICATION NO: Use Permit: 2016-21 U / SP

REQUEST: Request for Planning Commission approval of a Use Permit and Site Plan review to allow a brewery production facility, Type 23 ABC license and a wine tasting room, Type 2 ABC license at 100 South Sacramento Street. (Applicant: Grant Hamilton and Michael McCay; File 2016-21 U; CEQA Determination: Exempt per Section 15321)

LOCATION: 100 South Sacramento Street
Lodi, CA 95240
APN: 043-047-04

APPLICANT: Idol Beer Works
Grant Hamilton
2704 Buttonwillow Ave
Stockton, CA

McCay Cellars
Michael McCay
4 North Hutchins Street
Lodi, CA 95242

PROPERTY OWNER: Barbera Packing Co.
Melinda Barbera
P.O. Box 789
Lodi, CA 95241

RECOMMENDATION

Staff recommends the Planning Commission approve the request of Grant Hamilton and Michael McCay for a Use Permit and Site Plan review to allow a brewery production facility, Type 23 ABC license and a wine tasting room, Type 2 ABC license at 100 South Sacramento Street subject to conditions in the attached resolution.

PROJECT AREA DESCRIPTION

General Plan Designation: Downtown Mixed Use
Zoning Designation: Downtown Mixed Use
Property Size: 36,590 sq. ft. / 0.84 acres

The adjacent zoning and land use characteristics:

	ADJACENT ZONING DESIGNATIONS AND LAND USES		
	GENERAL PLAN	ZONING CLASSIFICATION	EXISTING LAND USE
North	Downtown Mixed Use	Downtown Mixed Use	Lodi Transit Center
South	Downtown Mixed Use	Downtown Mixed Use	Automotive repair
East	Downtown Mixed Use	Downtown Mixed Use	Railroad tracks
West	Downtown Mixed Use	Downtown Mixed Use	Retail / Commercial uses

BACKGROUND

Records indicate the current structure was built in 1945 with modifications in 1965. The property has been used as an automotive based business for over 50 years.

The existing building is roughly 6,000 sq ft in size.

The property owner began discussions with staff approximately two years ago about transitioning the property to something more consistent with the downtown destination / entertainment vision. A use that would bring pedestrian traffic to Sacramento Street and be consistent with the overall downtown business direction.

In May, Giant Tire store moved locations to Kettleman Lane and opened the property for a new opportunity and lease.

The applicants are proposing to convert the majority of the property to a wine tasting room and brewery. The building footprint will not be changing. The majority of interior work will include upgrading bathrooms and converting the car repair bays to a brewery and tasting area. Outside improvements include outside seating, patio areas beer garden and music stage. Outside areas must be fenced and screened for safety and ABC requirements. Outside parking will be reconfigured to meet accessibility requirements.

McCay Cellars is proposing a wine tasting room with a Type 2 ABC license. The operation includes an interior wine tasting room and outside patio that will be screened from view by 6 ft tall privacy fence with possible landscaping.

Typical hours of operation is 7 days a week from 11:00 am to 7:00 pm with extended hours for Farmers Market, special wine releases, holiday parties, wine strolls or other special events as part of Lodi marketed events.

Idol Beer Works is proposing a Type 23 ABC license for a brewery operation that will include on-site beer production, tap room and indoor and outdoor seating. The applicant expects to have commercial sized mixing kettle, boil kettle and 6 fermentation tanks.

Beer production is expected to be in operation on Monday, Tuesday and Wednesday and closed to the public unless a special event is planned or a public holiday. The tasting room / tap room / retail area will be open to the public on Thursday, Friday, Saturday and Sunday. Hours of operation would be roughly 12:00 noon to 12:00 midnight. Hours on Thursday and Sunday would be less.

Grains and waste from the brewery operation would be taken off-site within 24 hours. Applicants have access to friends and relatives in the cattle and dairy industry for waste disposal.

Between the wine tasting room and the brewery, there is the potential for 100 to 200 people to be on-site during large events. Some of the bigger changes to the property include modifying outside spaces for seating, entertainment and live entertainment.

The project does not include a kitchen or food making areas. The applicants will partner with other downtown businesses for food and also use rotating food trucks for special occasions. The project includes outside areas that will include live music and entertainment. The project has been conditioned to mirror existing noise conditions surrounding the property. Live entertainment will be appropriate in scale for the property and not create off-site noise complaints. There are upstairs residences to the northwest in the existing Imperial Hotel.

There is parking available on-site, on Sacramento Street and within the parking structure. This property is part of the downtown parking district.

This proposal has the potential to bring more people to Sacramento Street and help this area of downtown start to resemble School Street.

Conditions of approval are included for noise, outside entertainment and activities.

ANALYSIS

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



Census Tract 42.04

The project site is within Census Tract 42.04, which covers the area north of Lodi Avenue, west of the U.P.R.R., south of Lockeford Street and east of Ham Lane. The area is over-concentrated as defined by ABC for licenses. Planning staff is of the opinion that a public need and necessity is warranted in this case because the primary function of the establishment is a brewery with limited tasting room hours and wine tasting room. In the past, the Planning Commission and City staff has supported businesses, where late night alcohol sales were not a dominant part of the business plan.

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 beer waste within 24 hours, 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 Downtown Mixed Use, which permits beverage production and on-site consumption subject to a Use Permit per Lodi Municipal Code. The proposed beer manufacturing establishment with on-site consumption (beer tasting) and wine tasting room is permitted is the type of business permitted in the Downtown Mixed Use Zoning District per Lodi Municipal Code Section 17.22.030.
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 Downtown Mixed Use, which provides for on-site and off-site alcohol sales as well as retail and commercial activities that enhance the Downtown area as a destination place. The proposed manufacturing and storage of beer is the type of business allowed by 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 beer production facility with an associated retail and onsite beer tasting and wine tasting room establishment is compatible with existing and future land uses because this subject property is located within the Downtown Mixed Use Zoning District. The surrounding uses are primarily commercial – retail 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 and sale of beer and wine tasting is consistent with various uses located within the vicinity of the project site and throughout the Downtown Mixed Use 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 Downtown Mixed Use Zoning District, and the facility will be located within an existing building. No conflicts with existing and potential uses have been identified.

5. *The proposed project has been reviewed in compliance with the California Environmental Quality Act (CEQA) and the Lodi Environmental Review Guidelines.* **Comment:** The project was found to be Categorical Exempt according to the California Environmental Quality Act, §15321, Class 21 (a) (2). The project is classified as an “Enforcement action by regulatory agencies” because it is the “adoption of an administrative decision for the use or enforcing the general rule, standard, or objective.” No significant environmental impacts are anticipated and no mitigation measures are required.

Staff sent a copy of the application to various City departments for comment and review. Their comments and requirements have been incorporated into the attached resolution. Conditions of approval are proposed to ensure the restaurant is not operated in a negative manner or without adequate oversight. If problems or concerns related to the sale of alcoholic beverages occur in the future, staff and/or the Planning Commission may initiate a public hearing where the Commission would have the ability to amend conditions or revoke the Use Permit.

ENVIRONMENTAL ASSESSMENT:

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

PUBLIC HEARING NOTICE:

Legal Notice for the Use Permit was published in the Lodi News Sentinel on Saturday, July 30, 2016. Twenty (20) 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 and Site Plan review to allow a brewery production facility, Type 23 ABC license and a wine tasting room, Type 2 ABC license at 100 South Sacramento 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
City Planner

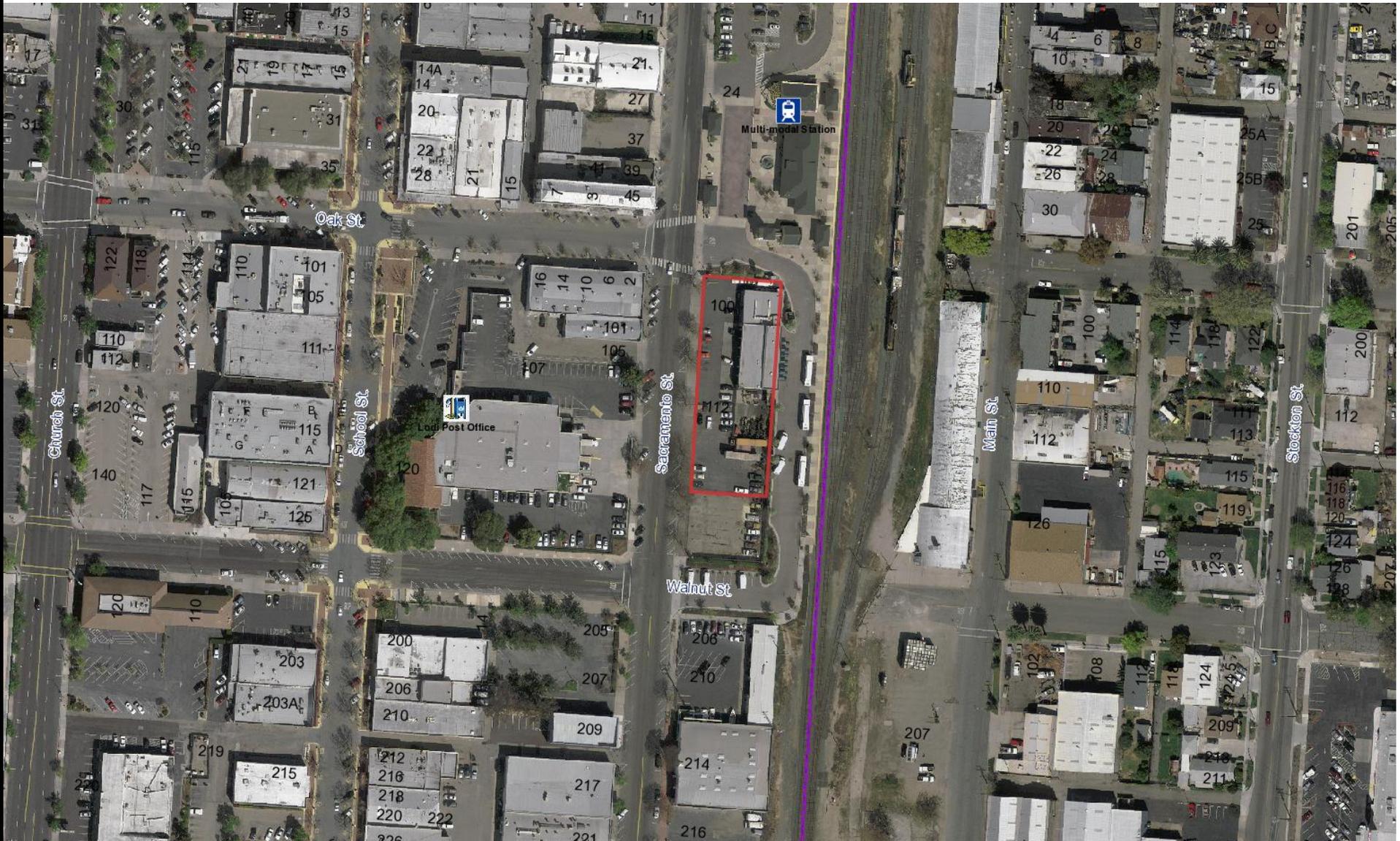
Stephen Schwabauer
Community Development Director

ATTACHMENTS:

- A. Vicinity / Aerial Map
- B. Business Description
- C. Project Plans
- D. Draft Resolution

VICINITY MAP

North



South

100 South Sacramento Street

Change of use permit request

Request: Request for Planning Commission approval of a Use Permit to allow a Type 23 ` SMALL BEER MANUFACTURER Alcohol Beverage Control License

Location: 100 South Sacramento St. Lodi Ca. 95240

Applicant: Grant Hamilton, Angela Gatti
2704 Buttonwillow Ave.
Stockton Ca. 95207

Property Owner: Barbera Packing Company
Melinda Barbera, Andrea Sanders
2204 Rockwell Drive
Davis, CA 95618
Telephone: (530) 756-8138

Project Description

We are requesting a change in use permit to allow the creation of a Small Beer Manufacturing Company, future restaurant, music and social venue on what was formally the Giant Tire Facility, 100 South Sacramento St. Lodi.

The present building footprint and structure will be retained with the addition of sun awnings and cosmetic updating along with the addition of outdoor seating areas.

The internal area will comprise of two physically separate businesses. McCay Cellars and Idol Beer Works. The previous access to the workshop area (Idol Beer Works) from the showroom (McCay Cellars) will be sealed off, permanently dividing the retail operations.

Two large male and female ADA compliant restrooms will be built to meet the needs of McCay Cellars and Idol Beer Works.

McCay Cellars will occupy the area previously used as a showroom and adjacent exterior.

Interior Sq. ft. xxxx

Idol Beer Works will occupy the area previously used as the workshop and adjacent exterior.

Interior Sq. ft. xxxx

Idol Beer Works will use over two thirds of the interior sq. footage for the production of craft beer, food and storage. With the remaining interior space being used for retail sales and customer beer sales.

The exterior is planned to incorporate a designated outdoor seating area along the front /west side of the building and a fenced beer garden and music area on the south side of the existing structure. Adjacent to the west side outdoor seating area we wish to have food trucks available to enhance the customer experience.

Beer production is expected to be in operation Monday, Tuesday and Wednesday and will be closed to the public unless there is a special event planned or it would land over a public holiday.

The tasting room / tap room, retail public area will be open to the public Thursday, Friday, Saturday and Sunday.

Hours of operation: Thursday 12-10pm, Friday 12pm-12am Saturday 12pm-12am and Sunday 12- 7pm

Interior occupancy of the licensed area designated for Idol Beer Works will be approx. 60 persons with seating for 40

The exterior space designated and licensed by ABC for patrons will be approx. 140 with seating for 80

All areas that will be licensed for the consumption of alcohol will be constantly supervised by staff and electronically monitored. All data will be saved for review by Idol Beer Works and any public enforcement agency.

Change of use permit request

Idol Beer Works expects to employ 6-10 staff members for the production and sale of the manufactured beer.

Parking:

There will be 26-30 parking spaces located on the 100 S Sacramento St. property with numerous parking options very close by in the city parking garage and on public streets. Two of these will be ADA compliant.

Brewing:

The standalone brewing equipment will consist of a Mash Tun (grain mixing kettle) and a Boil kettle along with approx. six fermentation tanks.

Water for the brewing process will be heated using existing gas / electric utilities

There will be two cold storage units located within the rear of the building, one for storage of non-taxed product and the other for beer sold within the tasting room.

The brewing equipment and the six free standing fermentation tanks will be located in plain sight of the public behind a secured area.

The existing floor drainage system will remain intact except the surface single point drains will be replaced with a covered drainage channel (curtain drain) for easier clean-up.

All spent grain by-product will be reutilized by a local farmer for livestock feed and fertilizer.

Local impact:

The closest church is 850ft. away located on Church St.

The closest school is 900ft. away located on Church St.

The closest public playground is 1400+ft. away on Church St. (Needham Elementary)

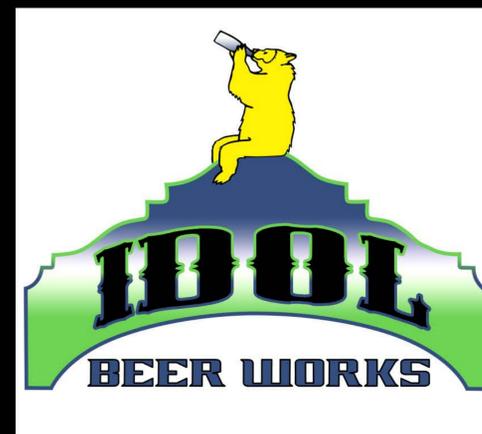
Family appropriate outdoor music in the beer garden

Summary:

Idol Beer Works will surely be a great asset to not only the downtown area but the region as a whole.

With our investment in South Sacramento St. we will continue to support the downtown area's development and help make it even more of a destination for locals and tourists alike while being socially responsible.

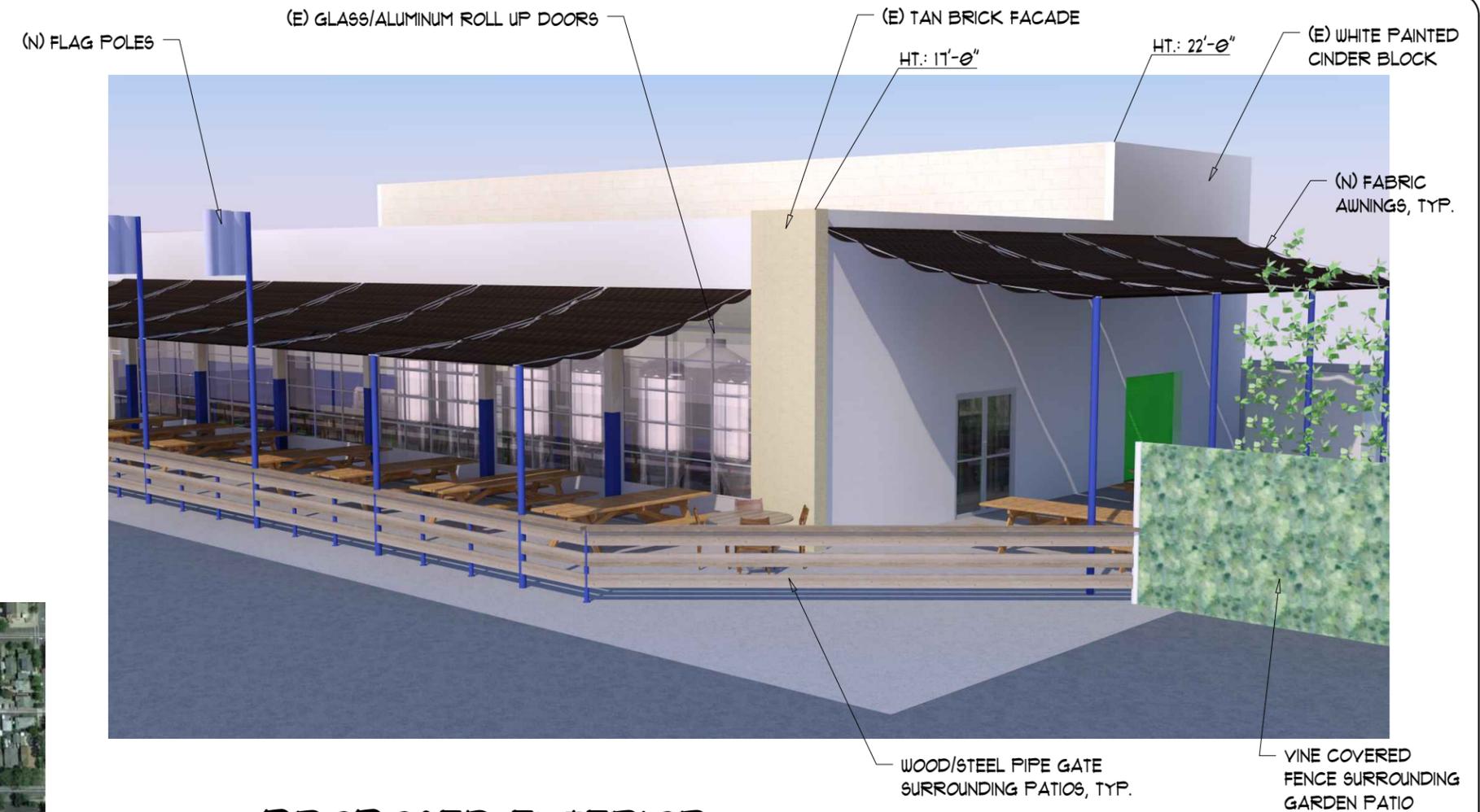
We will create a brewery / social venue where families can meet and enjoy in a fun casual atmosphere where outdoor games in the beer garden will occupy the young and old alike.







MCCAY
— CELLARS —



PROPOSED EXTERIOR



VICINITY MAP

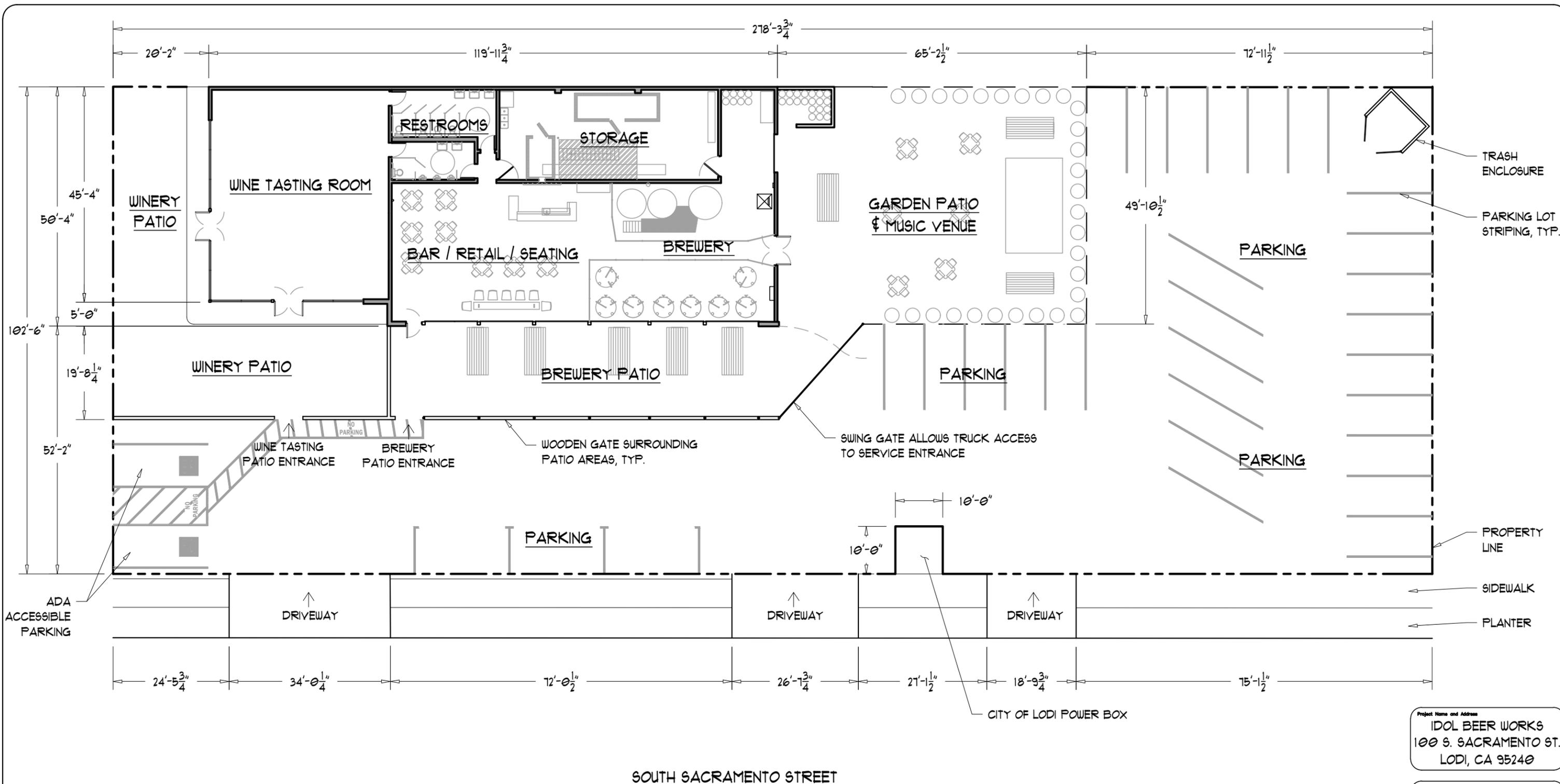
NOT TO SCALE



Project Name and Address
IDOL BEER WORKS
 100 S. SACRAMENTO ST.
 LODI, CA 95240

Owner
 GRANT HAMILTON
 (802) 212-2035
 IDOLBEERWORKS@GMAIL.COM

Drawn by	J. DONATI	Sheet	1/4
Date	7/25/2016		
Scale	N.T.S.		



PROPOSED SITE PLAN

AREAS	
(E) LOT	28,421 SQ. FT.
(E) BUILDING	5,192 SQ. FT.

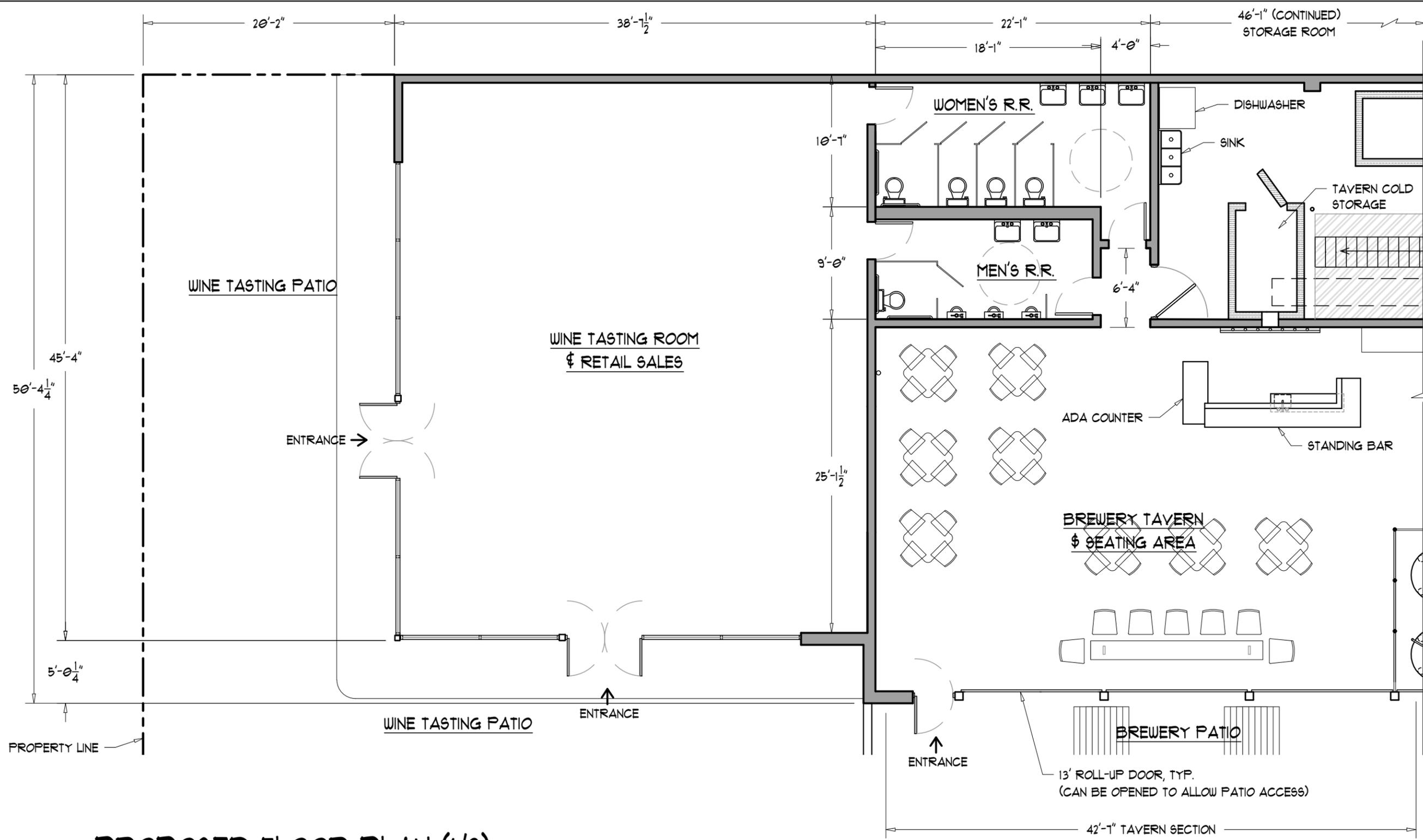
SCALE: 1" = 20.0'



Project Name and Address
IDOL BEER WORKS
 100 S. SACRAMENTO ST.
 LODI, CA 95240

Owner
 GRANT HAMILTON
 (802) 272-2035
 IDOLBEERWORKS@GMAIL.COM

Drawn by	J. DONATI	Sheet	2/4
Date	7/25/2016		
Scale	1" = 20'		



NOTE:
SECOND STORY (ABOVE
RESTROOMS AND STORAGE
ROOM) NOT SHOWN, WILL SERVE
AS ADDITIONAL STORAGE

FLOOR PLAN CONTINUED ON SHEET 4/4

PROPOSED FLOOR PLAN (1/2)

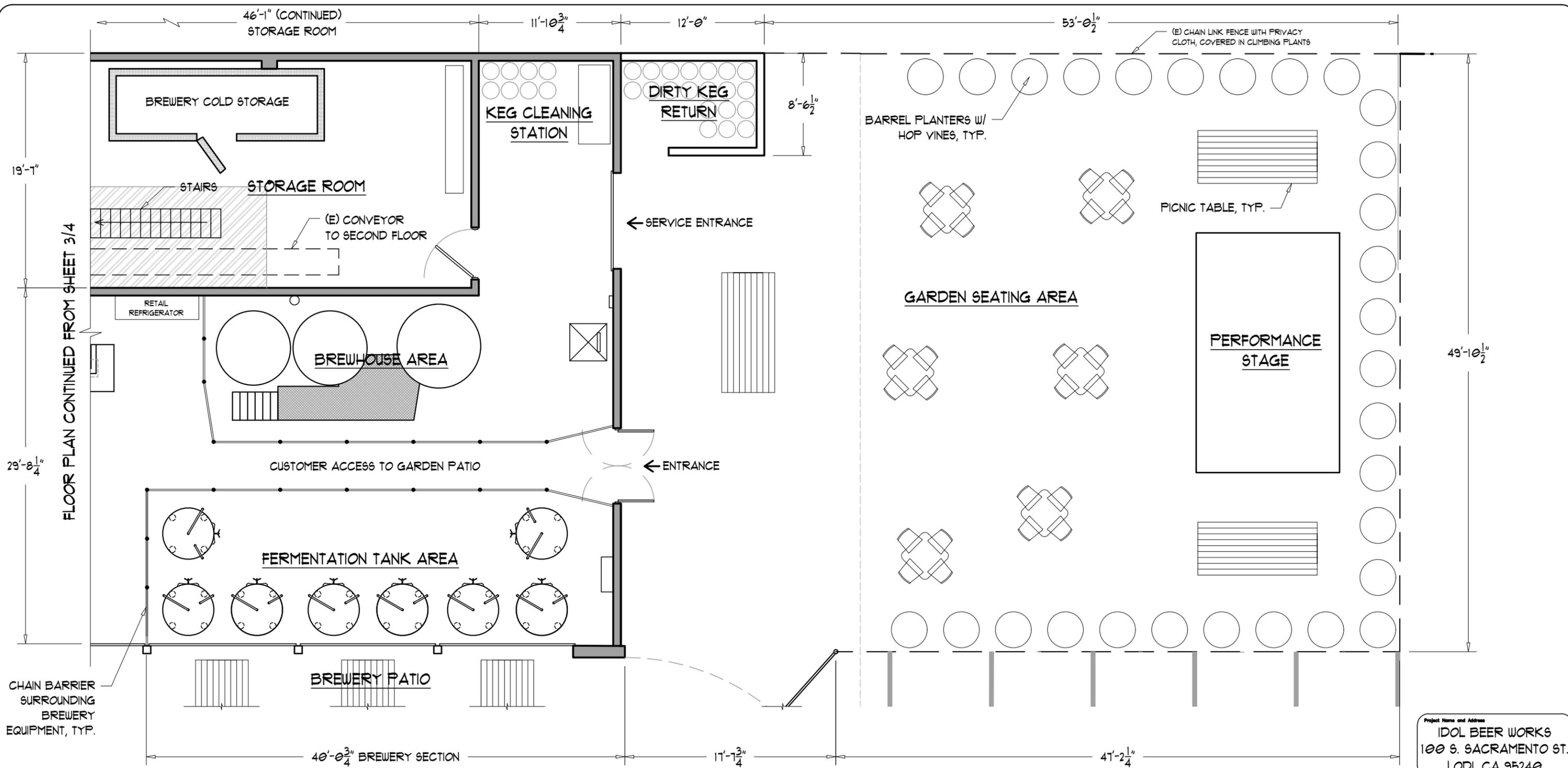
SCALE: 1/8" = 1' - 0"



Project Name and Address
IDOL BEER WORKS
100 S. SACRAMENTO ST.
LODI, CA 95240

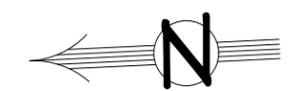
Owner
GRANT HAMILTON
(802) 272-2035
IDOLBEERWORKS@GMAIL.COM

Drawn by	J. DONATI	Sheet	3/4
Date	7/25/2016		
Scale	1/8" = 1'-0"		



FLOOR PLAN CONTINUED FROM SHEET 3/4

PROPOSED FLOOR PLAN (2/2)


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

Project Name and Address	
IDOL BEER WORKS 100 S. SACRAMENTO ST. LODI, CA 95240	
Owner	
GRANT HAMILTON (802) 212-2035 IDOLBEERWORKS@GMAIL.COM	
Drawn by	J. DONATI
Date	7/25/2016
Scale	1/8" = 1'-0"
4/4	

RESOLUTION NO. P.C. 16-XX

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LODI APPROVING THE REQUEST OF GRANT HAMILTON AND MICHAEL MCCAY FOR A USE PERMIT AND SITE PLAN REVIEW TO ALLOW A BREWERY PRODUCTION FACILITY, TYPE 23 ABC LICENSE AND A WINE TASTING ROOM, TYPE 2 ABC LICENSE AT 100 SOUTH SACRAMENTO STREET

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

WHEREAS, the project site is located at 100 South Sacramento Street, Lodi, CA 95240 (APN: 043-047-04); and

WHEREAS, the project proponent is Idol Beer Works, Grant Hamilton, 2704 Buttonwillow Ave Stockton, CA and McCay Cellars, Michael McCay, 4 North Hutchins Street, Lodi, CA 95242; and

WHEREAS, the project property owners are Barbera Packing Co., Melinda Barbera, P.O. Box 789, Lodi, CA 95241; and

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

WHEREAS, the applicants have filed a Use Permit and Site Plan review to allow a brewery production facility, Type 23 ABC license and a wine tasting room, Type 2 ABC license at 100 South Sacramento Street; and

WHEREAS, because Census Tract 42.04 has an over-concentration of 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, §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 Downtown Mixed Use, which provides for on-site and off-site alcohol sales as well as retail and commercial activities that enhance the Downtown area as a destination place. The proposed manufacturing and storage of beer and wine tasting is the type of business allowed by the General Plan.
3. The Zoning designation for this property is Downtown Mixed Use, which permits beverage production and on-site consumption subject to a Use Permit per Lodi Municipal Code. The proposed beer manufacturing establishment with on-site consumption (beer tasting) and wine tasting is permitted is the type of business permitted in the Downtown Mixed Use Zoning District per Lodi Municipal Code Section 17.22.030.
4. The proposed beer production facility with an associated retail and onsite beer tasting and wine tasting room establishment is compatible with existing and future land uses because this subject property is located within the Downtown Mixed Use Zoning District. The surrounding uses are primarily commercial-retail 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 commercial 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 and sale of beer and wine is consistent with various uses located within the vicinity of the project site and throughout the Downtown Mixed Use 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 Downtown Mixed Use 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 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.
7. 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.
8. 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. 2016-21 U is hereby approved, subject to the following conditions:

1. The property owner and/or developer and/or successors in interest and management shall, at their sole expense, defend, indemnify and hold harmless the City of Lodi, its agents, officers, directors and employees, from and against all claims, actions, damages, losses, or expenses of every type and description, including but not limited to payment of attorneys' fees and costs, by reason of, or arising out of, this development approval. The obligation to defend, indemnify and hold harmless shall include, but is not limited to, any action to arbitrate, attack, review, set aside, void or annul this development approval on any grounds whatsoever. The City of Lodi shall promptly notify the developer of any such claim, action, or proceeding and shall cooperate fully in the defense.
2. The property owner and/or developer and/or successors in interest and management shall operate the project in strict compliance with the approvals granted herein, City standards, laws, and ordinances, and in compliance with all State and Federal laws, regulations, and standards. In the event of a conflict between City laws and standards and a State or Federal law, regulation, or standard, the stricter or higher standard shall control.
3. The property owner and/or developer and/or successors in interest and management shall insure that the sale of alcohol does not cause any condition that will cause or result in repeated activities that are harmful to the health, peace or safety of persons residing or working in the surrounding area. This includes, but is not limited to: disturbances of the peace, illegal drug activity, public intoxication, drinking in public, harassment of people passing by, assaults, batteries, acts of vandalism, loitering, excessive littering, illegal parking, excessive loud noises, traffic violations or traffic safety based upon last drink statistics, curfew violations, lewd conduct, or police detention and arrests.
4. If any of the following conditions fail to occur, or if they are, by their terms, to be implemented and maintained over time, if any of such conditions fail to be so implemented and maintained according to their terms, the City shall have the right to revoke or modify all approvals herein granted; deny or further condition issuance of all future building permits; deny, revoke, or further condition all certificates of occupancy issued under the authority of approvals herein granted; record a notice of violation on the property title; institute and prosecute litigation to compel their compliance with said conditions or seek damages for their violation.
5. The Use Permit shall be vested within six (6) months from the effective date of approval. A building permit for the tenant improvements allowed under this Use Permit shall have been obtained within six (6) months from the effective date of the Use Permit or the Use Permit shall expire; provided however that the Use Permit may be extended pursuant to the Lodi Municipal Code.
6. 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.
7. 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 and 23 ABC license
8. 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 beer, 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.

9. 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.
10. 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.
11. All temporary and permanent signage proposed in connection with the brewery and wine tasting operation shall be reviewed and approved by the Community Development Department.
12. All brewery waste shall not be stored outside and shall be properly disposed of within 24 hours of brewery / fermentation activity.
13. All delivery truck cueing shall take place off of the public right-of-way.
14. 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.
15. 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.
16. Noise levels shall not exceed 65 - 70 dBA, as measured from the property line. 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.
17. 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.
18. 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.
19. If the brewery and wine tasting 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.
20. 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.
21. The Use Permit and site modifications are approved as depicted in the exhibits of the Planning Commission report and packet.

Building - General Comments:

22. Due to the change of use and/or occupancy of the building from an "M" occupancy to "A-2" occupancy, Tenant Improvement plans will be required to be submitted to the Building Department. 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. Plans shall provide occupant load calculations for the Tenant Spaces, as per 2013 CBC, Section 1004.

Occupant load for areas without fixed seats is based on square footage divided by the appropriate occupant load factor from 2013 CBC, Table 1004.1.2

- Office areas: 100 gross sqft/person
- Stock, Storage, Shipping: 300sqft/person
- Tasting (Assembly) Area: Table & Chairs 15sqft/person, Chairs 7sqft/person, Standing areas 5sqft/person
- Kitchen/Staff/Serving areas 200sqft/person

24. If the calculated occupant load exceeds 49, the following requirements will need to be addressed:

- a. The occupancy classification for this space will change to an A-2. It shall be demonstrated that the A-2 occupancy is allowed in the building based on construction type, square footage and 2013 CBC, Table 503
- b. Two exits shall be required. Exit doors shall be equipped with panic hardware and show swing in the direction of egress travel. 2013 CBC, Sections 1008.1.2, 1008.1.10
- c. Exit doors shall be separated by minimum of 1/2 the diagonal distance of the area served in non-sprinklered buildings or minimum of 1/3 the diagonal distance of the area served in sprinklered buildings. 2013 CBC, Section 1015.2.1
- d. Egress shall not pass through kitchens, storage rooms, closets or spaces used for similar purposes. 2013 CBC, Section 1014.2 (4)
- e. Emergency egress illumination, with backup power supply, shall be provided for all area discharge elements and the exterior landings. 2013 CBC, Section 1006
- f. Illuminated exit signs shall be provided. 2013 CBC, Section 1011
- g. Occupant load sign shall be provide at or near the main entrance. 2013 CBC, Section 1004.3
- h. New doors or existing doors that under the new occupancy is a required exit is required to provide an accessible path of travel to the public way (alley, sidewalk or street). 2013 CBC, Sections 1027.5, 11B-206.4, 11B-206.4.1

25. Fire rated separation may be required between different occupancies in the building as per 2013 CBC, Section 508.4 and Table 508.4 Plans shall show that the building qualifies for non-separated occupancies under 2013 CBC, Section 508.3.3 or show fire rated occupancy separation walls as specified by 2013 CBC, Table 508.4.

26. Scullery/dishwashing sinks and/or dishwashing machines shall be connected **directly** to the drainage system and a floor drain shall be provided adjacent to such fixtures and the fixture shall be connected on the sewer side of the floor drain trap. 2013 CPC, Section 704.3

27. 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 for A-2 occupancies by 2013 CPC, Table 422.1.

28. 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
29. If food or drink is consumed at the counters or bars, plans shall specify and show a minimum 60" long counter area with a height not to exceed 34" with knee clearances at least 27" high x 19" deep. 2013 CBC, Section 11B-226.3
30. An automatic sprinkler system will be required in an A-2 occupancy if the occupant load exceeds 99 or if the fire area is 5,000 square feet or more. 2013 CFC, Section 903.2.1.2
31. A Type I or Type II hood, as specified by 2013 CMC, Section 508, will be required over cooking equipment.
32. 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 each Tenant Space. The tenant space may not use the HVAC system from the adjoining space, unless it can be shown that the HVAC system is designed for multiple zones (tenant spaces) and each space has separate thermostatic controls. 2013 CBC, Section 1204.1
33. The plans shall clearly specify and show that the electrical wiring for each suite is separate. Specify and show the sub-panel for each tenant space to be located in the tenant space and no means of disconnect shall be located in another tenant space. 2013 CEC, Article 225.35
34. Each Tenant Space is required to have an accessible entrance. 2013 CBC, Section 11B-206.4.5
35. Apply for required operational permits at the Lodi Fire Department. Approval of required operational permits required prior to building permit issuance. 2013 CFC, Section 105.6
36. 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.

Public Works

37. Any waste entering the public system shall be reviewed by Public Works prior to operation.
38. Install additional lighting on the fence along the east edge of the property.
39. Provide parking lot dimensions specifically for parking stalls along the City right-of-way and near adjacent properties. Parking area shall conform to City of Lodi Standard Plan 134.

Fire

40. 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.
41. 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.
42. 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.
43. No variance from any City of Lodi adopted code, policy or specification is granted or implied by this approval.

Dated: August 10, 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 August 10, 2016 by the following vote:

AYES: Commissioners:

NOES: Commissioners:

ABSENT: Commissioners:

ATTEST

Secretary, Planning Commission