

LODI PLANNING COMMISSION

Teleconference Meeting

Streaming Link: <https://www.facebook.com/CityofLodi/>

AGENDA – Regular Meeting

Date: APRIL 22, 2020

Time: Regular Session @ 7:00 PM

SPECIAL TELECONFERENCE NOTICE

Pursuant to Executive Order N-29-20:

The Brown Act, Government Code Section 54953, contains special requirements that apply when members of a legislative body participate in a public meeting by telephone. Certain of these requirements have been suspended by Paragraph 3 of Executive Order N-29-20, executed by the Governor of California on March 17, 2020 to mitigate the spread of the coronavirus known as COVID-19. In particular, the Executive Order suspends that provision of the Brown Act that requires noticing, posting of agendas, and public access to each location where a member will be participating telephonically, as well as provisions that require physical presence of members of the legislative body or the public for purposes of a quorum or to hold a meeting. Executive Order N-29-20 allows an agency to conduct a teleconference meeting that provides members of the public telephonic or other electronic participation in place of making a physical location for the public to observe the meeting and provide public comment, consistent with other provisions of the Brown Act.

The following members of the City of Lodi Planning Commission are listed to permit them to appear telephonically at the Planning Commission Meeting on April 22, 2020: Commissioner William Cummins (Chair), Crystal Hicks (Vice Chair), Lisa Craig, Tiffany Gomes, Julieann Martin, Debbie Olson, and Mitchell Slater.

Public Comment:

As always, members of the public can send written comments to the Planning Commission prior to the meeting by emailing pccomments@lodi.gov. These emails will be provided to the members of the Planning Commission and will become part of the official record of the meeting.

Members of the public who wish to verbally address the Planning Commission during the meeting should email those comments to pccomments@lodi.gov. Comments must be received before the Chair announces that the time for public comment is closed. Staff will read three minutes of each email into the public record. **IMPORTANT:** identify the Agenda Item Number or description in the subject line of your email. Example: Public Comment for Agenda Item Number 4a Dunkin Donuts.

Pursuant to the Americans with Disabilities Act (ADA) and Executive Order N-29-20, if you need special assistance to provide public comment in this meeting, please contact the Office of the Community Development Department at (209) 333-6711 or pccomments@lodi.gov at least 48 hours prior to the meeting in order for the City to make reasonable alternative arrangements for you to communicate your comments. If you need special assistance in this meeting for purposes other than providing public comment, please contact the Office of the Community Development Department at (209) 333-6711 or pccomments@lodi.gov at least 48 hours prior to the meeting to enable the City to make reasonable arrangements to ensure accessibility to this meeting (28 CFR 35.160 (b) (1)).

Viewing:

Members of the public may view and listen to the meeting at: <https://www.facebook.com/CityofLodi/>

For information regarding this agenda please contact:
Kari Chadwick @ (209) 333-6711
Community Development Secretary

1. ROLL CALL
2. MINUTES – None
3. COMMENTS BY THE PUBLIC (NON-AGENDA ITEMS)

If you wish to address the Commission, please refer to the Special Teleconference Notice at the beginning of this agenda. Individuals are limited to one appearance during this section.

4. PUBLIC HEARINGS

- a. Request for the Planning Commission of the City of Lodi to approve a Use Permit for a Dunkin Donuts drive-through restaurant to be located at 2611 Reynolds Ranch Parkway. (Applicant: Sandpiper Pennebaker Group LLC; File 2020-012 U; CEQA Determination: Exempt per Section 15332)
- b. Request for Planning Commission of the City of Lodi to approve a Use Permit for a proposed outdoor vehicle storage yard at 701 East Lodi Avenue, Lodi, CA. (Applicant: Mr. Steve Vanderlick; File 2020-013 U; CEQA Determination: Exempt per Section 15301)
- c. Request for Planning Commission of the City of Lodi to approve the amendment of an amendment of an existing Use Permit for alcohol service at the El Pazcifico restaurant located at 112 W. Pine Street, Lodi, CA. (Applicant: Mr. Juan Gonzales; File 2020-014 U; CEQA Determination: Exempt per Section 15303)
- d. Request for the Planning Commission of the City of Lodi to recommend that the City Council amend Title 17 – Development Code, of the Lodi Municipal Code, by repealing and reenacting the following Lodi Municipal Code Sections: 17.18.020 - Purposes of Residential Zoning Districts (clarification of minimum allowed development density); 17.20.030 - Commercial Zoning District Land Uses and Permit Requirements (allow Residential Care Facility subject to Use Permit approval); 17.20.040 – Commercial District General Development Standards (reduce minimum lot size to 8,000 square feet); and, 17.22.030 - Mixed Use Zoning Districts Land Uses and Permit Requirements (recognize existing single family homes as legal uses). CEQA Status: Exempt, Section 15061(b)(3) – Common Sense Exemption

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

5. PLANNING MATTERS/FOLLOW-UP ITEMS
6. ANNOUNCEMENTS AND CORRESPONDENCE
7. ACTIONS OF THE CITY COUNCIL
8. ACTIONS OF THE SITE PLAN AND ARCHITECTURAL REVIEW COMMITTEE
9. ACTIONS OF THE LODI ARTS COMMISSION
10. COMMENTS BY THE PLANNING COMMISSIONERS & STAFF (NON-AGENDA ITEMS)
11. ADJOURNMENT

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

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

Right to Appeal:

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

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

Item 4a.



**CITY OF LODI
PLANNING COMMISSION
Staff Report**

MEETING DATE: April 22, 2020

APPLICATION NO: Use Permit

REQUEST: Request for the Planning Commission of the City of Lodi to approve a Use Permit for a Dunkin Donuts drive-through restaurant to be located at 2611 Reynolds Ranch Parkway. (Applicant: Sandpiper Pennebaker Group LLC; File 2020-012 U; CEQA Determination: Exempt per Section 15332)

LOCATION: 2611 Reynolds Ranch Parkway
APN 058-660-18

APPLICANT: Sandpiper Pennebaker Group LLC
c/o Mr. Michael Carouba
1420 S. Mills Ave., Suite M
Lodi, CA 95242

PROPERTY OWNER: Sandpiper Pennebaker Group LLC
1420 S. Mills Ave., Suite M
Lodi, CA 95242

RECOMMENDATION

Staff recommends that the Planning Commission approve the Use Permit for the Dunkin Donuts to allow a 1,822 sq. ft. restaurant with drive thru lanes at 2611 Reynolds Ranch Parkway, subject to the conditions in the attached resolution.

PROJECT/AREA DESCRIPTION

General Plan Designation: Commercial
Zoning Designation: PD (39) Planned Development
Property Size: 0.71 acres – 30,927 sq. ft.

The adjacent zoning and land use characteristics:

	ADJACENT ZONING DESIGNATIONS AND LAND USES		
	GENERAL PLAN	ZONING CLASSIFICATION	EXISTING LAND USE
North	Low Density Res.	Residential Low Density	Single family homes
South	Mixed Use Corridor	PD(39) Commercial	Commercial shopping center
East	Mixed Use Corridor	PD(39) Commercial	Commercial shopping center
West	Low Density Res.	PD(39) Residential	Single family homes

REQUEST

The applicant is proposing a 5,008 sq. ft. multi-tenant pad building that would include a Dunkin Donuts store (1,822 sq. ft.) with drive thru lanes at 2611 Reynolds Ranch Parkway. The proposed building is the last vacant parcel of the surrounding shopping center in which the project is located. The shopping center is a fully integrated development and all shared public improvements have been constructed, including adjacent parking lot and drive aisles.

The requested Use Permit is to allow a proposed restaurant with drive thru feature. Specifically, the applicant is proposing:

- 5,008 sq. ft. multi-tenant commercial building (three proposed commercial spaces, two of these spaces do not yet have proposed tenants)
- 1,822 sq. ft. Dunkin Donuts restaurant with drive thru lanes.
- 12 car stacking lane for the restaurant.
- The site uses existing driveways of the surrounding commercial center.
- The project includes on-site parking and landscaping.
- All improvements are on the site.

Staff has reviewed the project site layout and building design for consistency with the surrounding properties. All site improvements are within the property boundaries and the project includes parking for the restaurant. Vehicle stacking will be sufficient to ensure parking does not block driveways or entrances.

ANALYSIS

The discretionary Use Permit procedure enables Planning and other city staff to impose conditions designed to avoid, minimize or mitigate potentially adverse effects of a certain use upon the community or other properties in the vicinity.

Staff has reviewed the project and the development standards provided within Section 17.32.080.D – Drive-through Facilities of the Lodi Municipal Code and has determined the following:

- The configuration of the proposed drive thru lane is consistent with City is consistent with requirements for clearance from obstacles, visibility and separation from public rights-of-way.

- The proposed drive thru lane exceeds the City requirement of stacking for eight vehicles plus the vehicle being served. The proposed drive thru provides stacking for eleven vehicles plus the vehicle being served.
- The proposed drive thru lane meets requirements for visibility and internal turn radius and minimum lane width.
- Requirements for directional signs and size/location of menu boards are addressed in proposed conditions of approval for the project.

Staff believes that the Planning Commission can make the required findings, in accordance with Lodi Development Code § 17.40.040(F), to approve the requested Use Permit. The required findings are as follows:

1. *The proposed use is allowed with a Use Permit within the applicable zoning district and complies with all applicable provisions of this Development Code.* **Comment:** The existing property is zoned PD (39), the underlying designation is Commercial. A restaurant is an allowed use. The drive thru is subject to a use permit in this zone. The project has been conditioned to be consistent with the zoning code and the use will not be detrimental to the welfare of persons or properties working, residing, or otherwise existing in the adjacent neighborhood areas.
2. *The proposed use is consistent with the General Plan and any applicable specific plan.* **Comment:** The General Plan land use designation for the project site is Commercial, which permits the proposed use. The conditions for the restriction of the conditional use are consistent with the General Plan, will not affect neighborhood compatibility; and will not cause the operation of the conditional use to be detrimental to the welfare of persons or properties working, residing, or otherwise existing in the adjacent neighborhood areas.
3. *The location, size, design and operating characteristics of the use or development is compatible with and shall not adversely affect or be materially detrimental to the health, safety, or welfare of persons residing or working in the area or be detrimental or injurious to public or private property or improvements.* **Comment:** The parcel was designed to be a stand-alone pad building. The project has been designed to meeting the design standards for the Commercial zoning district. The proposed use is consistent with the Zoning Code and the General Plan policies. As such, the subject site is adequate in size and shape to accommodate the proposed use within a commercial area with all the required off-street parking provided on the subject site. Further, the project will not have a negative effect on the public health, safety, or welfare; or be materially injurious to persons, properties or improvements in the vicinity.
4. *The location, size, design, and operating characteristics of the proposed use are 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 a Use Permit, in that the site is adequate in size, shape and topography for the proposed use, consisting of a proposed new building. Second, the site is located in a commercial area that is accessible from public streets. Existing street networks are adequate in size and shape to accommodate the quantity and quality of traffic generated by the proposed use without any significant impacts to the street system. Third, the proposed use, as conditioned, will not have an adverse effect upon the use, enjoyment or valuation of property in the neighborhood because the proposed use will be located within a commercial area and is a proposed commercial use.

Should it be determined upon receipt of the architectural construction document submittal, for review and permitting, that the architectural character, exterior detail, signage and use of materials is found to be inconsistent with the established development standards of the retail complex, that submittal will be subject to the review of the Site Plan Architectural Review Committee (SPARC). Upon such finding, the Applicant will be notified in writing to prepare and submit the required applications and fees and will be notified of an appropriate hearing date for such review.

5. *The proposed project is in compliance with the California Environmental Quality Act (CEQA) and the Lodi Environmental Review Guidelines. **Comment:** The Class 32 "Infill" Categorical Exemption (CEQA Guideline Section 15332), hereafter referred to as the Class 32 Exemption, exempts infill development within urbanized areas if it meets certain criteria. The class consists of environmentally benign infill projects that are consistent with the General Plan and Zoning requirements. This class is not intended for projects that would result in any significant traffic, noise, air quality, or water quality impacts. This exemption is not limited to any use type and may apply to residential, commercial, industrial, public facility, and/or mixed-use projects.*

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

ENVIRONMENTAL ASSESSMENT:

The 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 new development is a project under CEQA.

The Class 32 "Infill" Categorical Exemption (CEQA Guideline Section 15332), hereafter referred to as the Class 32 Exemption, exempts infill development within urbanized areas if it meets certain criteria. The class consists of environmentally benign infill projects that are consistent with the General Plan and Zoning requirements. This class is not intended for projects that would result in any significant traffic, noise, air quality, or water quality impacts. This exemption is not limited to any use type and may apply to residential, commercial, industrial, public facility, and/or mixed-use projects.

The project is consistent with the condition described under CEQA Guidelines Section 15332 and, therefore, the proposed Project is exempt from review under CEQA 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, April 11, 2020. Twelve (12) public hearing notices were sent to all property owners of record within a 300-foot radius of the project site as required by California State Law §65091 (a) 3. Public notice also was mailed to interested parties who expressed their interest of the project.

RECOMMENDED MOTIONS

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

“I move that the Planning Commission adopt a Resolution finding that the project is exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15332, and adopt a Resolution approving the Use Permit allow a Dunkin Donuts restaurant with drive thru lanes at 2611 Reynolds Ranch Parkway, 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,

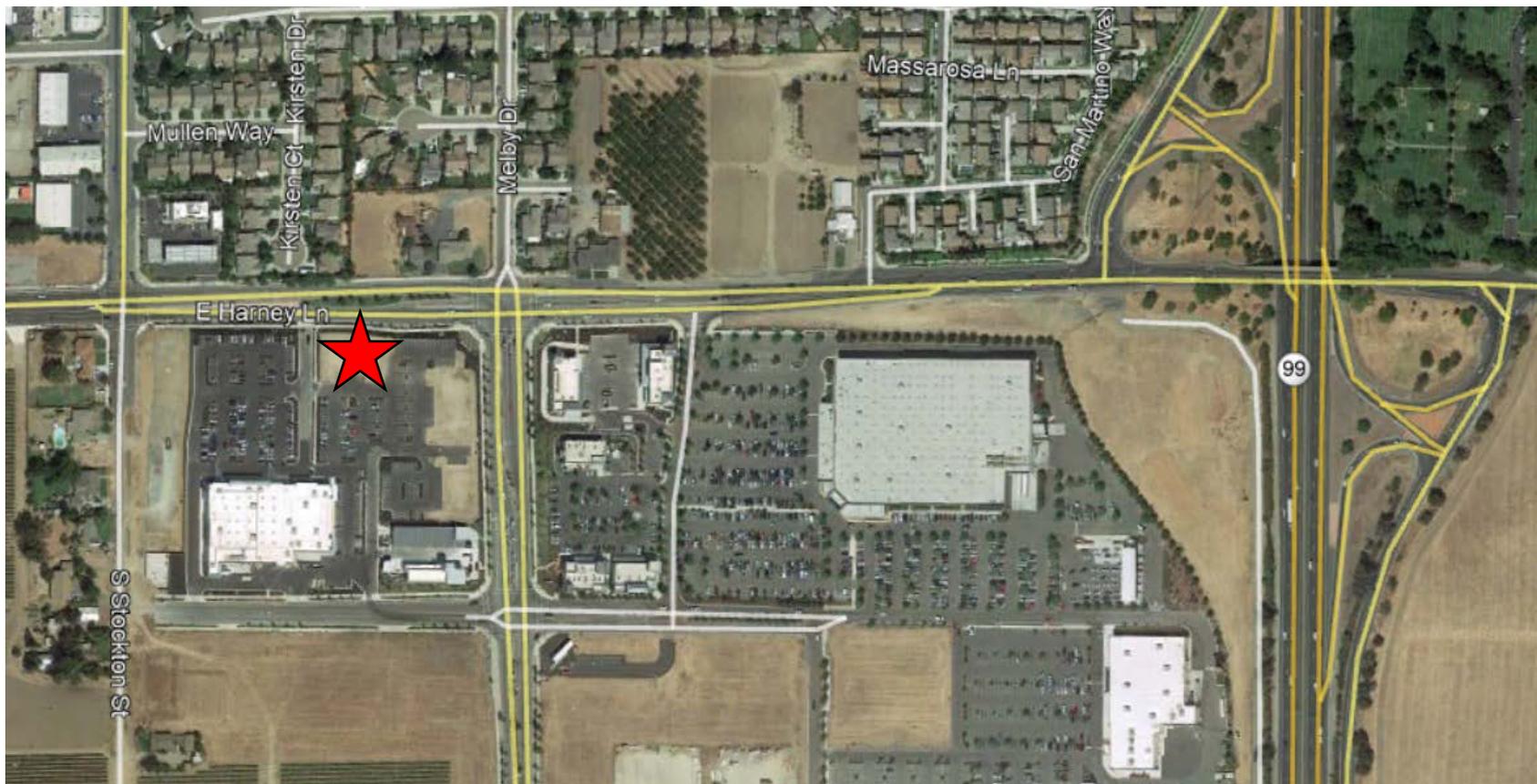
Paul Junker
Contract City Planner

John Della Monica
Community Development Director

ATTACHMENTS:

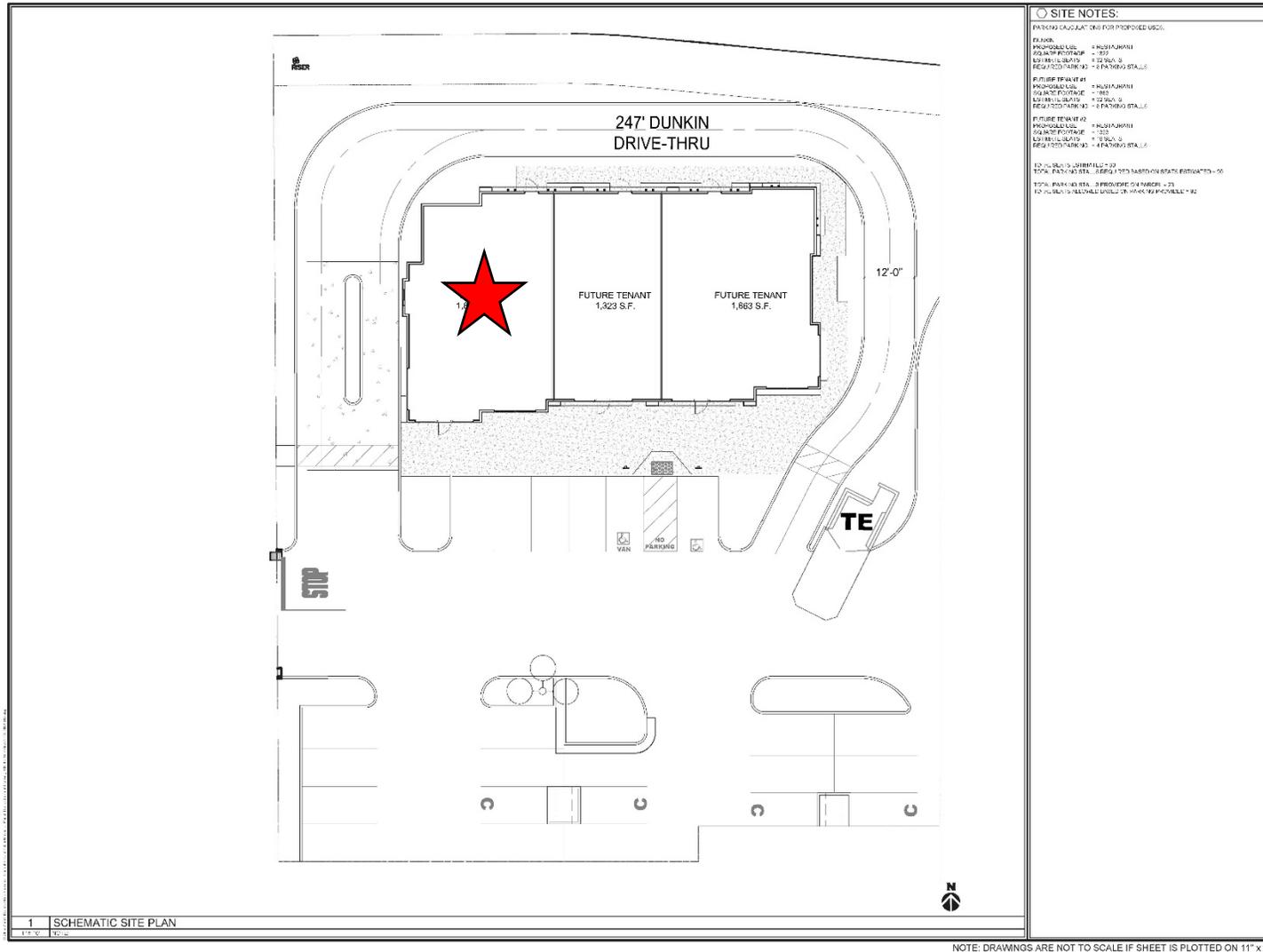
- A. Vicinity / Aerial Map
- B. Floor plans
- C. Draft Resolution

Vicinity Map



2611 Reynolds Ranch Parkway

Dunkin Donuts Site Plan



2611 Reynolds Ranch Parkway

RESOLUTION NO. P.C. 20-__

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LODI
APPROVING THE REQUEST OF SANDPIPER PENNEBAKER GROUP LLC
FOR A USE PERMIT FOR A DUNKIN DONUTS RESTAURANT WITH
DRIVE THRU LANES AT 2611 REYNOLDS RANCH PARKWAY**

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

WHEREAS, the project proponents are Sandpiper Pennebaker Group, LLC, c/o Mr. Michael Carouba, 1420 S. Mill Avenue, #M, Lodi CA 95242; and

WHEREAS, the project parcel is owned by Sandpiper Pennebaker Group, LLC, c/o Mr. Michael Carouba, 1420 S. Mill Avenue, #M, Lodi CA 95242; and

WHEREAS, the project is located at 2611 Reynolds Ranch Parkway, Lodi, CA 95240 (APN: 058-660-18); and

WHEREAS, the property has a General Plan designation of Commercial and is zoned Planned Development (39); and

WHEREAS, the project proposal includes a drive-thru feature that requires the approval of a Use Permit by the Planning Commission; 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 will not, under the circumstances of this particular case, be detrimental to the health, safety, morals, comfort, convenience and general welfare of the persons residing or working in the neighborhood of such proposed use, or be injurious or detrimental to property and improvements in the neighborhood or to the general welfare of the City; and

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

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

1. The project is found to be categorically exempt from CEQA review under 14 CCR §15323. The Class 32 "Infill" Categorical Exemption (CEQA Guideline Section 15332), hereafter referred to as the Class 32 Exemption, exempts infill development within urbanized areas if it meets certain criteria. The class consists of environmentally benign infill projects that are consistent with the General Plan and Zoning requirements. This class is not intended for projects that would result in any significant traffic, noise, air quality, or water quality impacts. This exemption is not limited to any use type and may apply to residential, commercial, industrial, public facility, and/or mixed-use projects.

Therefore, the proposed Project qualifies for the exemption under CEQA Guidelines Section 15332 and no further environmental review is required.

2. The existing property is zoned PD (39), the use designation for the project site within PD (39) is Commercial. A restaurant is an allowed use. The drive thru is allowed subject to a use permit in this zone. The project has been conditioned to be consistent with the zoning code and the use will not be detrimental to the welfare of persons or properties working, residing, or otherwise existing in the adjacent neighborhood areas.

3. The General Plan land use designation for the project site is General Commercial, which permits the proposed use. The proposed use will not affect neighborhood compatibility; and the operation of the conditional use will not be detrimental to the welfare of persons or properties working, residing, or visiting the adjacent neighborhood areas.
4. The project site is a parcel located within a commercial shopping center and the design of the overall center can successfully accommodate the proposed use. The project has been designed to meet the design standards for PD (39) and the design standards of commercial development as established in the City of Lodi Development Code. As such, the subject site is adequate in size and shape to accommodate the proposed use within a commercial area with all the required off-street parking provided on the subject site. Further, the project will not have a negative effect on the public health, safety, or welfare; or be materially injurious to persons, properties or improvements in the vicinity.
5. The proposed use complies with all requirements as set forth for the issuance of a Use Permit, in that the site is adequate in size, shape and topography for the proposed use, consisting of a proposed new building with drive thru lanes.
6. The site is located in a commercial area that is accessible from public streets. Existing street networks are adequate in size and shape to accommodate the quantity and quality of traffic generated by the proposed use without any significant impacts to the street system.
7. The proposed use, as conditioned, will not have an adverse effect upon the use, enjoyment or valuation of property in the neighborhood because the proposed use will be located within a commercial area and is a proposed commercial use.
8. The proposed use will be compatible with the surrounding uses/businesses if the proposed use is conducted properly and if the Applicant/Operator works with neighboring businesses and residents to resolve any problems that may occur.

NOW, THEREFORE, BE IT DETERMINED AND RESOLVED by the Planning Commission of the City of Lodi that Use Permit Application No. 2020-012 is hereby approved, subject to the following conditions:

Community Development-Planning

1. The applicant/project proponent and/or property owner and/or developer and/or successors in interest and management shall, at their sole expense, defend, indemnify and hold harmless the City of Lodi, its agents, officers, directors and employees, from and against all claims, actions, damages, losses, or expenses of every type and description, including but not limited to payment of attorneys' fees and costs, by reason of, or arising out of, this Use Permit approval. The obligation to defend, indemnify and hold harmless shall include, but is not limited to, any action to arbitrate, attack, review, set aside, void or annul this Use Permit approval on any grounds whatsoever. The City of Lodi shall promptly notify the developer of any such claim, action, or proceeding and shall cooperate fully in the defense.
2. The applicant/project proponent and/or property owner and/or developer and/or successors in interest and management shall operate the project in strict compliance with the approvals granted herein, City standards, laws, and ordinances, and in compliance with all State and Federal laws, regulations, and standards. In the event of a conflict between City laws and standards and a State or Federal law, regulation, or standard, the stricter or higher standard shall control. Material violation of any of those laws in connection with the use may be cause for revocation of this Use Permit.
3. If operation of this use results in conflicts pertaining to parking, noise, traffic, loitering, public safety or other impacts, at the discretion of the Community Development Department, this conditional use permit may be referred to the Planning Commission for subsequent review

at a public hearing. If necessary, the Commission may modify or add conditions of approval to mitigate such impacts, or may revoke said conditional use permit bound upon applicable findings.

4. *Should it be determined upon receipt of the architectural construction document submittal, for review and permitting, that the architectural character, exterior detail, signage and use of materials is found to be inconsistent with the established development standards of the retail complex, that submittal will be subject to the review of the Site Plan Architectural Review Committee (SPARC).* Upon such finding, the Applicant will be notified in writing to prepare and submit the required applications and fees and will be notified of an appropriate hearing date for such review.
5. The City Council, Lodi Police Department, the Planning Commission and City staff may, at any time, request that the Planning Commission conduct a hearing on this Use Permit for the purpose of amending or adding new conditions to the Use Permit or to consider revocation of the Use Permit if the Use Permit becomes a serious policing problem.
6. The subject property and its immediate surrounding shall be maintained neat and clean at all times. The subject property and its immediate surrounding shall be maintained free from debris and graffiti at all times. The property owner shall remove any debris or graffiti within 24-hours upon notification by the City. Litter on the site and any litter scattered on nearby property, streets, and sidewalks shall be removed daily. If necessary, the applicant shall steam clean the project site and its immediate surrounding premises as often as needed.
7. In the event of graffiti or other extraneous markings occurring, the applicant/operator and/or successors in interest and management shall remove or cover said markings, drawings, or signage within 24 hours of such occurrence, weather permitting. Paint utilized in covering such markings shall be of a color that matches, as closely as possible, the color of the adjacent surfaces.
8. 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.
9. The applicant shall obtain Operational Permits from the Lodi Fire Department, Fire Prevention Bureau. The Fire Department may be contacted at 25 East Pine Street, Lodi, CA 95240-2127. Phone Number (209) 333-6739.
10. 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.
11. No variance from any City of Lodi adopted code, policy or specification is granted or implied by this approval.
12. In the event that car stacking extends into the drive isles, bank and/or retail staff will help take orders and direct vehicles to reduce blocking driveways.
13. Directional signage and menu boards shall be located and installed consistent with Section 17.32.080 D – Drive-through Facilities, of the Lodi Municipal Code.

Building and Safety - General Comments:

13. The construction of the new building and related site improvements shall require a building permit. All plan submittals shall be based on the City of Lodi Building

Regulations and currently adopted 2019 California Building code. Please review our policy handouts for specific submittal procedures.

14. All buildings and structures shall have the required fire separation distance separation to the property lines as specified by the 2019 CBC, Table 602 or shall provide the required fire rated protection of walls, limitations of protected and unprotected openings for each building, as per 2019 CBC, Sections 705, Tables 601, 602 ,705.8 and 716.5
15. Plans shall provide occupancy load calculations for each area of the building based on square footage and the applicable occupant load factor from Table 1004.5. 2019 CBC, Section 1004.5
16. This project appears to be a shell building. A separate and complete tenant improvement plan submittal and permit is required prior to occupancy of each tenant space and issuance of a "Certificate of Occupancy". Such plans shall specify the tenant's name, type of business, and include a complete design for: Site & Building Accessibility, Occupancy, Exiting, Sanitation, Ventilation and other Habitability elements (i.e., envelope, lighting, mechanical design and energy reports)".
17. Site Plan to show all building entrances and ground level exits shall be connected on an accessible route to other buildings on the site, public transportation stops, accessible parking and passenger loading zones and to public streets and sidewalks. 2019 CBC, Sections 11B-206.4.1, 11B-404, 11B-Division 4
18. Plans to specify walkways and sidewalks along accessible routes of travel (1) are continuously accessible, (2) have maximum 1/2" changes in elevation, (3) are minimum 48" in width, (4) have a maximum 2% cross slope, and (5) where necessary to change elevation at a slope exceeding 5% (i.e., 1:20) shall have ramps complying with 2019 CBC, Section 11B-405 or 11B-406 as appropriate. Where a walk crosses or adjoins a vehicular way, and the walking surfaces are not separated by curbs, railings or other elements between the pedestrian areas and vehicular areas shall be defined by a continuous detectable warning which is 36" wide, complying with 2019 CBC, Sections 11B-247.1 & 11B-705.1.2.5.
19. Long and short term bicycle parking as required by the 2019 CGBC, Section 5.106.4 and designated parking spaces for Clean Air/Van Pool/EV vehicles as required by the 2019 CGBC, Section 5.106.5.2 shall be provided.
20. Plans to specify and show accessible parking spaces in compliance with 2019 CBC, Sections 11B-208.2, 11B-502 and Table 11B-208.2. At least one space shall be van accessible as per 2019 CBC, Section 11B-208.2.4.
21. Plans shall show facilitation for future installations of Electric Vehicle Supply Equipment (EVSE) for the charging of electric vehicles. The number of Electric Vehicle (EV) charging spaces to be provided shall be as per the 2019 CGBS, Table 5.106.5.3.3. The plans shall specify: 1) The type and locations of the EVSE(s), 2) Raceways that originate at the service panel or subpanel serving the area, and shall terminate in close proximity to the proposed location(s) of the charging equipment and into listed, suitable cabinets, boxes, enclosures or equivalent. 3) Plan design shall be based on 40 amp minimum branch circuits. 4) Electrical calculations shall substantiate the electric system design to include the rating of the equipment and any on-site transformers and have sufficient capacity to simultaneously charge all required EVs at its full rated amperage. 5) The service panel or sub-panel shall have sufficient capacity to accommodate the

required number of dedicated branch circuits for the future installation of the EVSE. 6) Future EV charging spaces qualify as designated clean air vehicle spaces. 2019 CGBS, Section 5.106.5.3

Be aware, in determining the location(s) of the EVSE(s) to take into consideration accessibility requirements for the future installation of EV charging spaces. Minimum number of accessible EV charging spaces will be required as per 2019 CBC, Table 11B-228.3.2.1 at the time of installation. Accessible EV charging spaces are required to comply with 2019 CBC, Section 11B-812 and to be located on an accessible route. The accessible EV charging spaces are not considered accessible parking spaces for the purpose of calculating the minimum number of accessible parking spaces as per 2019 CBC, Sections 11B-208.1, 11B-208.2, & Table 11B-208.2

22. The application suggests all three suites may be restaurants. Automatic Fire Sprinklers will be required for this building if the occupant load for the proposed A occupancy exceeds 100 or if the structure exceeds 5,000 sqft and contains more than one fire area with an a-2 occupancy.. The Fire Sprinkler system shall be submitted under a separate permit and cover to the Building Department by a C-16 licensed contractor.
23. If the building is required to be protected by an automatic fire extinguishing system and therefore an approved fire control room shall be provided. [LMC 15.20.180 & Lodi Fire Standard D-01] Plans shall include a fire control room with the following:
 - a) Fire control rooms shall contain all fire sprinkler system control valves, fire alarm control panels, extra fire sprinkler heads, and other fire equipment required by the Chief.
 - b) Fire control rooms shall be located within the building at a location approved by the Chief, and shall be provided with a means to access the room directly from the exterior with an approved door of minimum dimensions of 36" x 80".
 - c) Durable signage shall be provided on the exterior side of the access door to identify the fire control room. The sign shall indicate "FIRE CONTROL ROOM" with 3" tall letters that contrast with their background.
 - d) Keys shall be located within an approved Knox® Company key box located adjacent to the main entrance door on the exterior of the building at 6' above finished floor. Keys shall include keys for manual pull stations, fire alarm control panel, breakaway locks for PIV, locks for OS & Y chains and exterior doors and essential rooms as determined by the Chief.
 - e) Fire control rooms for commercial buildings shall be a minimum dimension of 5' x 7' not less than 35 square feet.
 - f) The fire sprinkler riser shall be located at least 12" from any wall. Fire riser SHALL NOT block doorway.
 - g) The fire equipment room may contain other building service equipment. This other equipment shall not be within 3' in front of any fire equipment in the room. Rooms may be enlarged to share with other equipment such as electrical. However rooms may not be used as storage areas.
24. All automatic sprinkler systems shall require a fire department connection (FDC) in a location approved by the Fire Chief. On site FDC's shall be within 50 feet on a fire hydrant unless placed along a public street within 20 feet of the property line. FDC's shall be placed on the same side of fire access roads as the fire hydrant. Plans to show the location of the Fire Department Connection within the required distance to a hydrant.

25. Fire sprinkler monitoring alarm system is required by 2019 CFC, Section 903.4. The Fire Alarm System shall be submitted under a separate permit and cover to the Building Department by a C-10 licensed fire alarm contractor.
26. Additional comments and conditions will be provided during the building permit review process when more detailed plans are available.

I certify that Resolution No. 20-__ was passed and adopted by the Planning Commission of the City of Lodi at a regular meeting held on April 22, 2020 by the following vote:

AYES: Commissioners:

NOES: Commissioners:

ABSENT: Commissioners:

ATTEST

Secretary, Planning Commission

DRAFT

Item 4b.



**CITY OF LODI
PLANNING COMMISSION
Staff Report**

MEETING DATE: April 22, 2020

APPLICATION NO: Use Permit 2020-013 U

REQUEST: Request of the Planning Commission to approve a Conditional Use Permit for an auto impound yard/vehicle storage facility at 701 E Lodi Avenue (Applicant: Steven Vanderlick; File Number: 2020-013 U; CEQA Determination: Exempt Per Section 15301)

LOCATION: 701 E Lodi Avenue
APN: 043-230-20

APPLICANT: Steven Vanderlick
1234 Bentwood Drive
Galt, CA 95632

PROPERTY OWNER: Gurpreet Singh
1532 Blackbird Place
Lodi, CA 95240

RECOMMENDATION

Staff recommends the Planning Commission approve the Use Permit 2020-13 U, subject to the proposed conditions of approval.

PROJECT/AREA DESCRIPTION

General Plan Designation: Mixed Use Corridor
 Zoning Designation: MCO (Mixed Use Corridor)
 Property Size: 12,197 sq. ft. / 0.28 acres

Adjacent Zoning Designations and Land Uses

	General Plan	Zoning Classification	Existing Land Use
North	Industrial	Industrial (M)	RV Service & Storage
South	Mixed Use Corridor & Industrial	Mixed Use Corridor (MCO) & Industrial (M)	Auto Repair & Auto Dismantling
East	Public Quasi-Public	Public Quasi-Public (PQP)	Govt/Public
West	Mixed Use Corridor	Mixed Use Corridor (MCO)	Retail/Tires
Project Site	Mixed Use Corridor	Mixed Use Corridor (MCO)	Auto Repair

SUMMARY

The applicant, Steven Vanderlick, is proposing to operate an auto impound yard/vehicle storage facility at the northeast corner of Hansen Drive and Lodi Avenue. The proposed project would include storage

of vehicles that may be damaged, but no on-site vehicle repair would occur. Per the Lodi Zoning Code, the proposed use requires approval of a Conditional Use Permit by the Planning Commission.

BACKGROUND

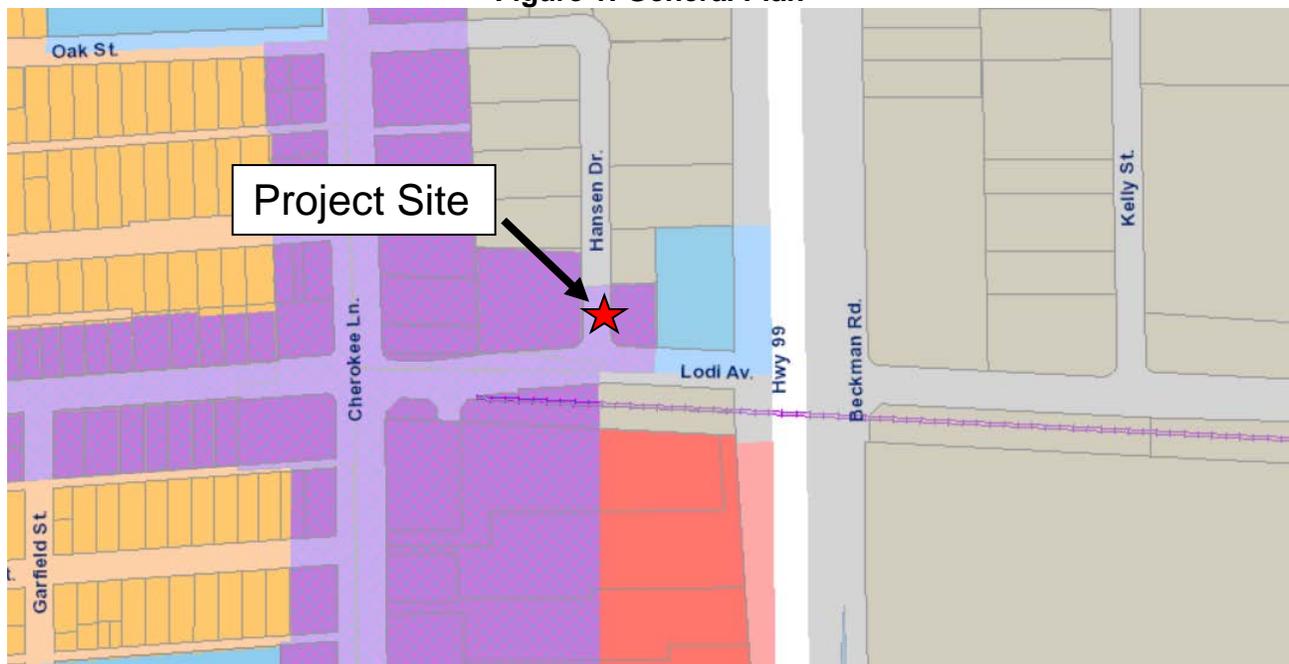
The following sections describe the site and its regulatory setting:

- General Plan and Zoning
- Standards for Specific Uses – Outdoor Storage
- General Performance Standards
- Existing Land Uses

General Plan and Zoning

The site is designated Mixed Use Corridor on both the General Plan Land Use Map and the Zoning Map, as shown below.

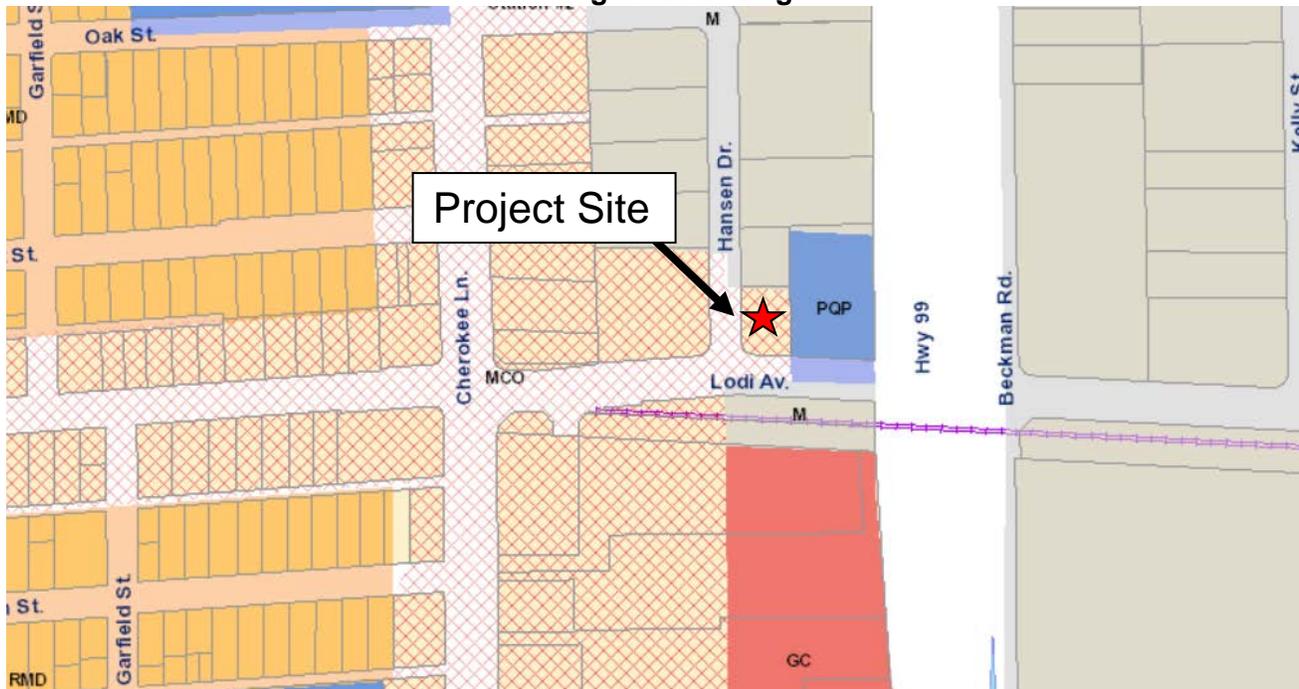
Figure 1: General Plan



The Mixed Use Corridor land use designation is described as follows:

The Mixed-Use Corridor classification includes a variety of office and general commercial uses, as well as low-, medium-, and high-density residential along the city's major corridors: Kettleman and Cherokee lanes and Lodi Avenue. This category allows for somewhat more intensive development along these corridors to take advantage of vacant and underutilized sites and provide shopping and services to residents in highly accessible corridors. The maximum FAR for this designation is 1.2.

Figure 2: Zoning



The Mixed Use Corridor (MCO) zoning district is described as follows:

*MCO (Mixed Use Corridor) District. The MCO zoning district is applied along the city's major corridors: Kettleman and Cherokee lanes and Lodi Avenue. This category provides for a **variety of office and general commercial uses**, as well a low-, medium-, and high-density residential. The maximum FAR is 1.2. The MCO zoning district is consistent with the mixed use corridor land use designation of the general plan. [Lodi Zoning Code, emphasis added]*

The site is in the easternmost portion of the Mixed Use Corridor area on Lodi Avenue.

Standards for Specific Uses – Outdoor Storage and General Performance Standards

The project site is not located on a key intersection or priority street within the Mixed Use Corridor and site is already developed, so most Mixed Use Corridor Development Standards and Design Guidelines don't apply. Standards for Specific Uses – Outdoor Storage and General Performance Standards are relevant to the proposed change of use and Standards and Guidelines within these sections that apply to this project include:

- Location
- Operations
- Enclosure
- Maintenance
- Air Emissions
- Liquid Waste
- Lighting
- Screening
- Parking

Applicable standards and guidelines are discussed later in this report.

Existing Land Use

The site is currently developed, as shown below (the most recent land use on the site was an auto repair facility).

Figures 3 - 6: Existing Site

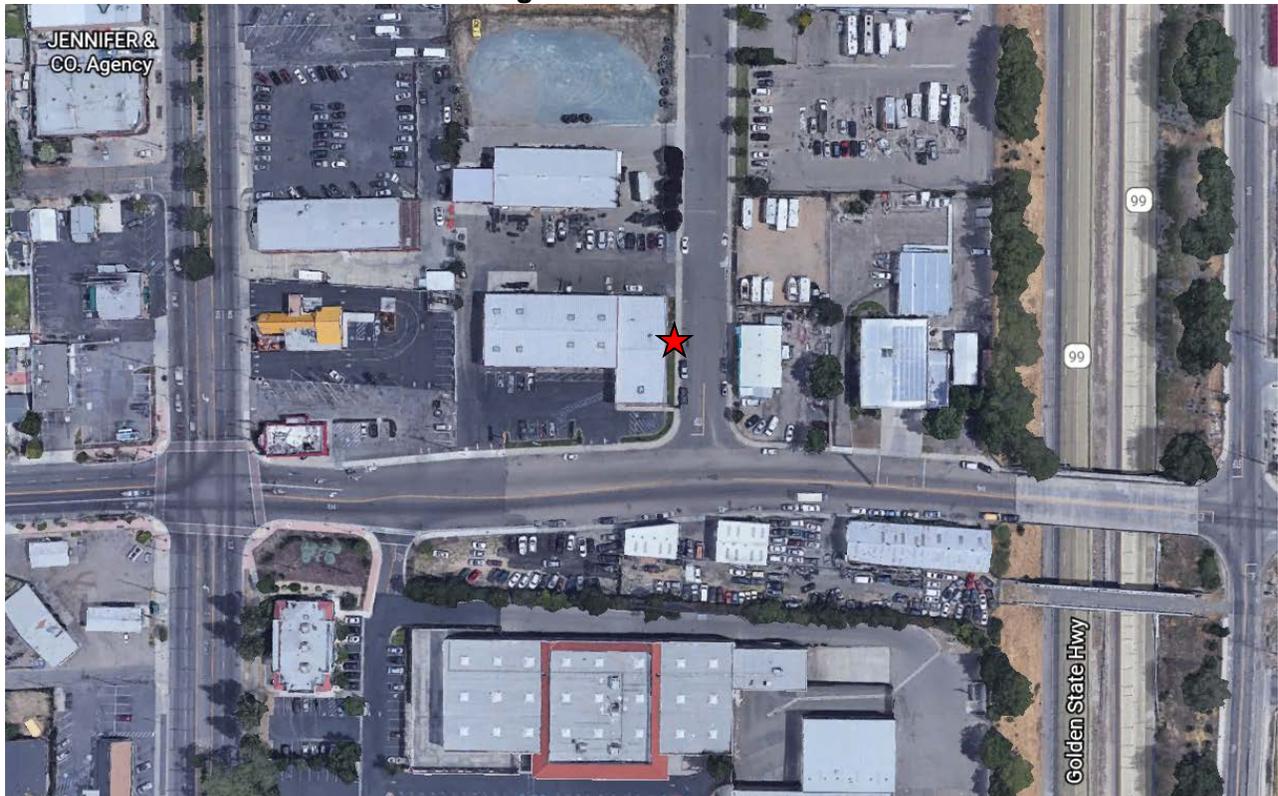




The area north of the site, is occupied by a recreational vehicle (RV) service and storage facility. The property to the west across Hansen Drive is a tire retail facility. The properties to the south across Lodi Avenue consist of an auto dismantling facility an auto repair facility. The property directly adjacent to the east of project site is a Public Quasi-Public facility.

Although the project site is located within the Mixed Use Corridor, which is intended primarily for office, general commercial, and mixed density residential uses, the site is located in the eastern most portion of the Mixed Use Corridor, which is surrounded by a mix of industrial and automotive related uses. Additionally, the site is not located on a primary street or key intersection of the Mixed Use Corridor, which would require the implementation of pedestrian amenities.

Figure 7: Aerial Photo



PROPOSED PROJECT

The applicant is proposing to operate an impound yard/vehicle storage facility, as described below.

The applicant's proposal does not include any exterior modifications or expansions to the existing structure. The applicant/operator intends to integrate into the city of Lodi's and the CHP San Joaquin County division's towing rotation programs. Business operations and General Operations Standards are further discussed below.

Business Operations

The site will be utilized by Mach One Towing as a secondary office and impound yard/vehicle storage facility. Mach One currently operates a facility at 13208 W. Stockton Blvd in the city of Galt that has been contracted with both the Galt Police Department and the CHP south Sac division for over five years (see Figures 6 – 7).

The proposed project will be staffed by at least one office staff member Monday through Friday from 8:00 a.m. to 5:00 p.m., although vehicles may be dropped off at the facility at any time. The main yard will be divided into two areas. The area directly fronting Lodi Avenue will be used for staff and customer parking. The rear area will be separated from the front by a gate and used for no more than thirty towed or impounded vehicles. The shop area will be used to store vehicles indoors as required by clients. Mach One Towing intends to hold vehicles for no more than sixty days to minimize the number of vehicles stored onsite.¹ The example below is the existing Mach One Towing facility in the city of Galt, California.

¹ Note: A proposed condition of approval is included which would limit the number of stored vehicles to no more than 30.

Figures 8 – 9: Existing Mach One Towing operation in the city of Galt



ANALYSIS

The following sections address several topics associated with the proposed project:

- Standards for Specific Uses – Outdoor Storage
- General Performance Standards
- Parking Requirements

Staff's analysis of these issues is provided below.

Standards for Specific Uses – Outdoor Storage

The following standards for the use of the site as an impound yard/vehicle storage facility that will include outdoor storage apply to the proposed project:

- Location: Storage areas shall be limited to areas not designated for parking, setbacks, or landscaping.
- Enclosure: An outdoor area used for storage shall be completely enclosed by a solid masonry wall and solid gate. The director may allow the substitution of a fence or hedge, after determining that the substitution will adequately comply with the provisions of Section 17.36.090 of the Development Code.
- Operations: All raw materials, equipment, or finished products stored or displayed shall not be placed or allowed to remain outside the enclosed storage area, and be stored on a surface paved with asphalt or concrete.
- Maintenance: All portions of outside storage and display areas shall have provisions for adequate drainage, and shall be continuously maintained.

General Performance Standards

The proposed impound yard/vehicle storage facility shall be operated and maintained so as to not be injurious to public health, safety or welfare, and to comply with the following standards:

- Air Emissions: No visible dust, gasses, or smoke shall be emitted, except as necessary for the heating or cooling of structures, and the operation of motor vehicles on the site.
- Liquid Waste: No liquid shall be discharged into a public or private body of water, sewage system, watercourse, or into the ground, except in compliance with applicable regulations of the California Regional Water Quality Control Board.
- Lighting: Exterior lighting on private property within the city shall comply with the requirements of this section.
- Exterior lighting fixtures shall not exceed a height of twenty feet or the height of the nearest building, whichever is less.
 - Lighting shall be energy-efficient, and shielded or recessed so that direct glare and reflections are confined to the maximum extent feasible within the boundaries of the site, and shall be directed downward and away from adjoining properties and public rights-of-way.
 - No permanently installed lighting shall blink, flash, or be of unusually high intensity or brightness, as determined by the director.
 - All lighting fixtures shall be appropriate in scale, intensity, and height to the use they are serving.
 - All lighting shall be properly maintained.

Security: Site operations in conjunction with outdoor uses, including the loading and unloading of equipment and materials, shall be screened to minimize the visibility of operations from abutting streets and residential zoning districts.

Based on staff's analysis, the project complies with or will be conditioned to meet all of these standards.

Parking

For the purpose of establishing adequate parking for the proposed impound yard/vehicle storage facility, the office is approximately 330 square feet, and the main shop space of the building is approximately 2,790 square feet, which will be used for indoor storage of vehicles and will be designated under the category of warehouses, distribution centers, and storage facilities.

Warehouses, distribution centers, and storage facilities:

- 1 space per 1,000 s.f. for the first 20,000 s.f. of gross floor area x 2,790 = 3 spaces

Offices, administrative, corporate:

- 1 space for each 250 s.f. x 330 = 2 spaces

The project will provide five onsite parking spaces, one of which shall be ADA compliant.

FINDINGS

The Lodi Municipal Code (Section 17.14.040 F) requires that the Commission make the following findings in order to approve a Use Permit:

Following a public hearing, the commission may approve or disapprove an application for a use permit. The commission shall record the decision and the findings upon which the decision is based. The commission may approve a use permit only after first finding that:

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 project site is zoned Mixed Use Corridor. The project applicant is proposing a change of use from an auto repair facility to an impound yard/vehicle storage facility which is consistent with other land uses surrounding the subject site and is a use that is permitted within the Mixed Use Corridor zone, subject to the approval of a use permit, and appropriate conditions of approval.

2. *The proposed use is consistent with the general plan and any applicable specific plan.*

Comment: The project site is located in the Mixed Use Corridor land use district, which allows primarily for office, general commercial, and mixed density residential, but also allows a mix of light industrial and service oriented uses subject to the requirements of the Mixed Use Corridor zoning designation. The proposed project is not located within a Specific 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 use is operationally similar and compatible with surrounding land uses and will be conditioned to ensure that the project will 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. Specifically, the project will be conditioned to properly screen and illuminate the site for security, and will be required to comply with NPDES (National Pollutant Discharge Elimination System) requirements for site drainage, and the containment and disposal of liquid waste.

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 project site is surrounded by similar automotive related uses and is not proposing any changes to the existing building, and is therefore compatible with the existing and future land uses in the vicinity.

5. *The project has been reviewed in compliance with the California Environmental Quality Act (CEQA) and the Lodi Environmental Review Guidelines.*

Comment: The project is found to be categorically exempt from CEQA review under 14 CCR §15332. Class 32 exemptions consist of projects characterized as infill developments that, a) are consistent with the applicable general plan designation and applicable plan policies as well as applicable zoning designation and regulations, b) occur within city limits on a project site of no more than five acres substantially surrounded by urban development, c) the project site has no value as habitat for endangered, rare, or threatened species, d) approval of the project would not result in any significant effects relating to traffic, noise, air quality or water quality, and e) the site can be adequately served by all required utilities and public services. The key consideration is whether the project that is determined to be an infill development. The project proposal for a change of use meets the requirements of the Class 32 CEQA exemption.

CONDITIONS OF APPROVAL

Staff's recommended conditions of approval for the proposed project are included in the attachments to this report. In addition to the city's standard requirements for impound yards/vehicle storage, staff recommends approval of the applicant's request for 701 E Lodi Avenue, subject to the following conditions:

PUBLIC HEARING NOTICE

Legal Notice for the Use Permit was published in the Lodi News Sentinel on Saturday, April 11, 2020. Thirteen (13) 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 MOTION

Staff recommends that the Planning Commission approve a Use Permit 2020-013 U, subject to the attached conditions of approval.

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

"I move that the Planning Commission adopt a Resolution approving a Use Permit 2020-013 U, subject to the conditions of approval attached to the resolution."

ALTERNATIVE PLANNING COMMISSION ACTIONS

- Approve the request with attached or alternate conditions
- Deny the requested use permit
- Continue the request to a future Planning Commission meeting

Respectfully Submitted,

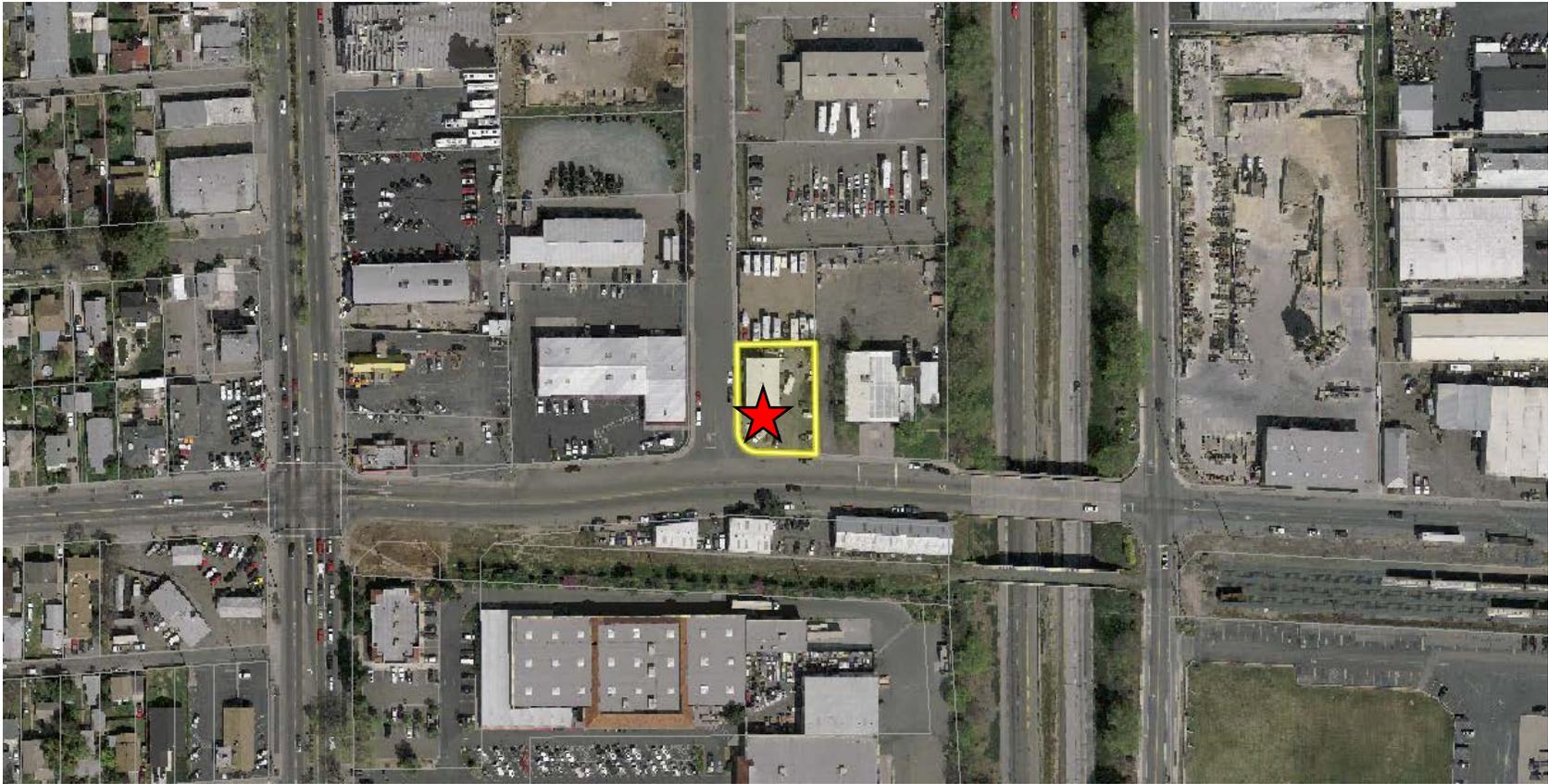
Chantal Power, AICP for
Eric Norris
Contract Planner

John Della Monica
Community Development Director

ATTACHMENTS:

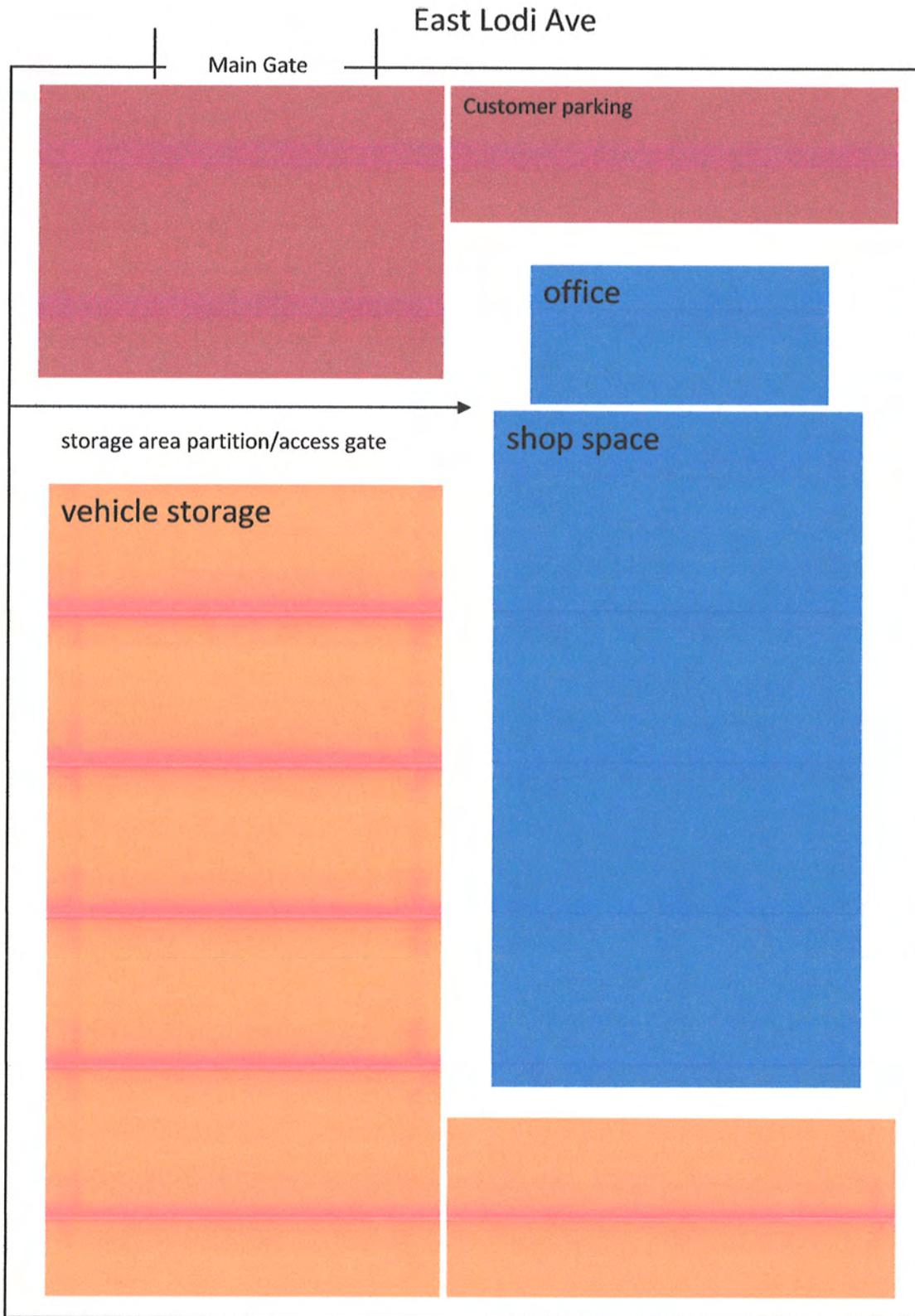
- A. Vicinity / Aerial Map
- B. Site Plan
- C. Applicant Letter
- D. Resolution for Approval of Use Permit
- E. Conditions of Approval for Use Permit

Vicinity/Aerial Map



701 E. Lodi Avenue, Mach One Towing

Attachment B



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Attachment C

Project Description:

Site will be utilized by Mach One Towing as a second office/storage yard to conduct its daily business and operations. The office will be staffed Mon-Fri 8am-5pm with at least one office staff member. The main yard will be divided into two areas, first area will be used for employee and customer parking. The second area will be utilized for towed or impounded vehicle storage(approximately 30 vehicles maximum). The shop area will be used to store vehicles indoors as required by clients. Mach one aims to be part of the city of Lodi towing/rotation program as well as part of the California Highway patrol San Joaquin county divisions towing/rotation program. Mach One has been contracted with both Galt Police and CHP south Sac divisions for over 5 years, as well as maintains service contracts with all major road clubs/insurance companies. The company aims to hold vehicles for no more than 60 days in effort to keep storage area at minimal capacity.

RESOLUTION NO. 20-

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LODI, CALIFORNIA, APPROVING A USE PERMIT TO ESTABLISH AN IMPOUND YARD/VEHCILE STORAGE FACILITY, LOCATED AT 701 E LODI AVENUE (ASSESSOR'S PARCEL NUMBER 043-230-20)

WHEREAS, on February 19, 2020, pursuant to the requirements of the City of Lodi Municipal Code, an application for Use Permit 2020-013 U was duly submitted to the Community Development Department; and

WHEREAS, the project proponent is Steven Vanderlick, 1234 Bentwood Drive, Galt, CA 95632; and

WHEREAS, the project parcel is owned by Gurpreet Singh, 1532 Blackbird Place, Lodi, CA 95240; and

WHEREAS, the project is located at 701 E Lodi Avenue, Lodi, CA 95240 (APN: 043-230-20); and

WHEREAS, the Planning Department considered the application pursuant to the City's General Plan and Zoning Code as well as all other applicable State and local regulations and determined that the project is located within the Mixed Use Corridor General Plan land use district and the Mixed Use Corridor zoning designation and is exempt from environmental review pursuant to Section 15332 (Infill Development) of the CEQA Guidelines; and

WHEREAS, on April 11, 2020, the City of Lodi Planning Department published a legal notice in the Lodi News Sentinel, a local paper of general circulation, indicating the date and time of the public hearing in compliance with state law concerning the Use Permit 2020-013 U, and mailed said public hearing notice to each property owner within a 300-foot radius of the project site in accordance with state law; and

WHEREAS, the Planning Commission held a duly noticed public hearing on April 22, 2020, in accordance with the Lodi Municipal Code, Section 17.74, to consider all of the information presented by staff, information presented by the Applicant, and public testimony presented both verbally and in writing at the meeting.

NOW, THEREFORE, BE IT DETERMINED AND RESOLVED by the Planning Commission of the City of Lodi as follows:

SECTION 1. CALIFORNIA ENVIRONMENTAL QUALITY ACT

Finding: The proposed application is considered a project, but which does not result in substantial changes from the previously approved project and therefore, this project does not require a subsequent EIR.

Evidence: The proposed project consists of a change of use from an auto repair facility to an

impound yard/vehicle storage facility. The project has been found to be categorically exempt from CEQA review under 14 CCR §15332. Class 32 exemptions consist of projects characterized as infill developments that, a) are consistent with the applicable general plan designation and applicable plan policies as well as applicable zoning designation and regulations, b) occur within city limits on a project site of no more than five acres substantially surrounded by urban development, c) the project site has no value as habitat for endangered, rare, or threatened species, d) approval of the project would not result in any significant effects relating to traffic, noise, air quality or water quality, and e) the site can be adequately served by all required utilities and public services. The key consideration is whether the project that is determined to be an infill development. The project proposal for a change of use meets the requirements of the Class 32 CEQA exemption.

SECTION 2. FINDINGS FOR USE PERMIT

Finding: The proposed use is allowed with a use permit within the applicable zoning district and complies with all applicable provisions of this development code.

Evidence: The project site is zoned Mixed Use Corridor. The project applicant is proposing a change of use from an auto repair facility to an impound yard/vehicle storage facility which is consistent with other land uses surrounding the subject site and is a use that is permitted within the Mixed Use Corridor zone, subject to the approval of a use permit, and appropriate conditions of approval.

Finding: The proposed use is consistent with the general plan and any applicable specific plan.

Evidence: The project site is located in the Mixed Use Corridor land use district, which allows primarily for office, general commercial and mixed density residential, but also allows a mix of light industrial and service oriented uses subject to the requirements of the Mixed Use Corridor zoning designation. The proposed project is not located within a Specific Plan.

Finding: The location, size, design and operating characteristics of the use or development is compatible with and shall not adversely affect or be materially detrimental to the health, safety, or welfare of persons residing or working in the area, or be detrimental or injurious to public or private property or improvements.

Evidence: The proposed use is operationally similar and compatible with surrounding land uses and will be conditioned to ensure that the project will 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. Specifically, the project will be conditioned to properly screen and illuminate the site for security, and will be required to comply with NPDES (National Pollutant Discharge Elimination System) requirements for site drainage, and the containment and disposal of liquid waste.

Finding: The location, size, design, and operating characteristics of the proposed use would be compatible with the existing and future land uses in the vicinity.

Evidence: The project site is surrounded by similar automotive related uses and is not proposing any changes to the existing building, and is therefore compatible with the existing and future land uses in the vicinity.

Finding: The proposed project has been reviewed in compliance with the California Environmental Quality Act (CEQA) and the Lodi Environmental Review Guidelines.

Evidence: The Planning Division reviewed Use Permit 2020-013 U and found the project to be categorically exempt from environmental review pursuant to §15332 (Infill Development Projects) of the CEQA Guidelines. The proposed change of use project the requirements of the Class 32 exemptions and is characterized as infill development project that, a) is consistent with the applicable general plan designation and applicable plan policies as well as applicable zoning designation and regulations, b) occurs within city limits at 701 E Lodi Avenue on a 0.28 acre project site that is substantially surrounded by urban development, c) the project site is already developed and has no value as habitat for endangered, rare, or threatened species, d) approval of the project would not result in any significant effects relating to traffic, noise, air quality or water quality, and e) the site can be already served by all required utilities and public services.

SECTION 3. RECORD OF PROCEEDING

The documents and other materials that constitute the record of the proceedings upon which the Planning Commission's decision is based, which include but are not limited to the staff reports as well as all materials that support the staff reports for the proposed project, are located in the office of the City Clerk of the City of Lodi at 211 W. Pine Street, Lodi, CA 95240. The custodian of these documents is the City Clerk of the City of Lodi.

SECTION 4. PLANNING COMMISSION ACTION

Based upon the findings outlined in Sections 1 and 2 above, the Planning Commission of the City of Lodi hereby approves Use Permit 2020-013 U, subject to the conditions of approval attached hereto as Exhibit A.

Dated: April 22, 2020

I certify that Resolution No. PC 20-__ was passed and adopted by the Planning Commission of the City of Lodi at a regular meeting held on April 22, 2020 by the following vote:

AYES: Commissioners:

NOES: Commissioners:

ABSENT: Commissioners:

ATTEST _____
Secretary, Planning Commission

	Conditions of Approval	Timing/ Implementation	Enforcement/ Monitoring	Verification (Date and Signature)
2.	<p>The applicant, to the fullest extent permitted by law, shall indemnify, defend, and hold harmless the City, and its elected and appointed officials, directors, officers, employees, agents, departments, agencies, volunteers and instrumentalities thereof, from any and all claims, damages, losses, expenses (including reasonable attorney's fees and costs), demands, law suits, writs of mandamus, and other actions and proceedings (whether legal, equitable, declaratory, administrative or adjudicatory in nature), and alternative dispute resolutions procedures (including but not limited to arbitrations, mediations, and other such procedures) (collectively "Actions"), brought against the City, and/or any of its officials, directors, officers, employees, agents, departments, agencies, v o l u n t e e r s , and instrumentalities thereof, that challenge, attack, or seek to modify, set aside, void, or annul any action of, or any permit or approval issued by, the City and/or any of its officials, directors officers, employees, agents, volunteers, departments, agencies, and instrumentalities thereof (including actions approved by the voters of the City), for or concerning the Project, whether such Actions are brought under CEQA, the Planning and Zoning Law, the Subdivisions Map Act, Code of Civil Procedure Section 1085 or 1094.5, or any other state, federal, or local statute, law, ordinance, rule, regulation, or any decision of a court of competent jurisdiction. It is expressly agreed that the City shall have the right to approve, which approval will not be unreasonably withheld, the legal counsel providing the City's defense and that applicant shall reimburse City for any costs and expenses directly and necessarily incurred by the City in the course of the defense. City may, at its election, conduct the defense, or obtain independent legal counsel in defense of any claim related to this indemnification, applicant shall pay all of the costs related thereto, including without limitation reasonable attorney fees and costs. City shall promptly notify the applicant of any Action brought and City shall cooperate with applicant in the defense of the Action. The defense and indemnification obligations required herein are undertaken in addition to, and shall not in any way be limited by any additional insurance obligations.</p>	Ongoing	Community Development Department, Planning Division	

	Conditions of Approval	Timing/ Implementation	Enforcement/ Monitoring	Verification (Date and Signature)
3.	The project applicant shall remove all existing chain link fencing surrounding the property and replace with new chain link fencing, with top cross bars and caps on all posts.	Prior to Issuance of Certificate of Occupancy	Community Development Department, Planning Division	
4.	Chain link fencing shall be installed and maintained to screen views of the outdoor vehicle storage area from the adjacent public roadways. To meet the intent of the screening requirements, as indicated within the Staff Report, Standards for Specific Uses, Outdoor Storage, Enclosure: fencing and gates directly affecting screening of on-site storage must contain fixed slat inserts to provide the solid barrier equal to that provided by a masonry wall.	Prior to Issuance of Certificate of Occupancy	Community Development Department, Planning Division	
5.	Motion-sensing security lighting shall be provided in the outdoor vehicle storage area.	Prior to Issuance of Certificate of Occupancy	Community Development Department, Planning Division, Lodi Police Department	
6.	The staff and customer area of the lot shall be striped in accordance with Chapter 17.32 (Parking and Loading) of the Development Code to provide five parking stalls, one of which must be ADA compliant.	Prior to Issuance of Certificate of Occupancy	Community Development Department, Planning Division	

Conditions of Approval		Timing/ Implementation	Enforcement/ Monitoring	Verification (Date and Signature)
7.	Impounded vehicles shall be stored only in the designated storage area, per the Site Plan attached to these conditions of approval. Impounded vehicles shall not be parked in the employee/customer parking area or on the street.	Ongoing	Community Development Department, Planning Division	
8.	No more than 30 vehicles shall be stored on-site in the designated storage area.	Ongoing	Community Development Department, Planning Division	

General Compliance Items/Requirements and Information

The following items are noted for the applicant's information. These items are generally required for all projects by City ordinances, other local agencies, and state or federal agencies.

PLEASE NOTE: This list is not comprehensive. The project is subject to all applicable standards, fees, policies, rules, and regulations for Lodi and many other agencies, including but not limited to the Central Valley Regional Water Quality Control Board, San Joaquin Valley Air Pollution Control District, and state and federal agencies.

1. No liquid shall be discharged into a public or private body of water, sewage system, watercourse, or into the ground, except in compliance with applicable regulations of the Central Valley Water Quality Control Board.
2. No visible dust, gasses, or smoke shall be emitted, except as necessary for the heating or cooling of structures, and the operation of motor vehicles on the site in compliance with the San Joaquin Air Pollution Control Board and the California Air Resources Board.
3. The operator will be required to comply with NPDES (National Pollutant Discharge Elimination System) requirements for site drainage, and the containment and disposal of liquid waste.
4. A high resolution video surveillance system, and electrified fence installed and maintained in compliance with the International Electrotechnical Commission (IEC) Standard 60335-2-76, are recommended by the Lodi Police Department as security measures.

Item 4c.



**CITY OF LODI
PLANNING COMMISSION
Staff Report**

MEETING DATE: April 22, 2020

APPLICATION NO: Use Permit Amendment: 2020-014 U

REQUEST: Request for Planning Commission approval of a Use Permit to allow a Type-47 On-Sale Beer, Wine and Spirits for El Pazcifico Restaurant at 112 and 114 W. Pine Street. (Applicant: Juan Gonzales; File 2020-018 U; CEQA Determination: Exempt per Section 15321)

LOCATION: 112 W. Pine Street
Lodi, CA 95240
APN: 043-034-04

APPLICANT: Mr. Juan Gonzales
114 W. Pine Street
Lodi, CA 95240

PROPERTY OWNER: CFY Development, Inc.
1724 10th Street, Suite 120
Sacramento, CA 95811

RECOMMENDATION

Staff recommends the Planning Commission approve the request of Mr. Juan Gonzales for a Use Permit to allow the sale of beer, wine and spirits (Alcoholic Beverage Control Type 47 license - eating place) at 112 and 114 W. Pine Street, subject to conditions in the attached resolution.

PROJECT/AREA DESCRIPTION

General Plan Designation: Downtown Mixed Use

Zoning Designation: Downtown Mixed Use

Project Size: Interior space: 4,385 sq. ft.; Outdoor seating 1,566 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	Retail/Services
East	Downtown Mixed Use	Downtown Mixed Use	Retail/Services
West	Downtown Mixed Use	Downtown Mixed Use	Retail/Services

BACKGROUND

The project applicant, Juan Gonzales, currently operates the El Pazcifico Restaurant at 114 W. Pine Street. The applicant is seeking to expand the restaurant into the adjoining tenant space at 112 W. Pine Street. El Pazcifico operates under an ABC Type 47 - beer, wine and spirits license with a City of Lodi Use Permit (2016-19 U) that was issued in 2016 to Alicia’s Restaurant, a previous tenant at 114 W. Pine Street (Attachment A).

Expansion of El Pazcifico into 112 Pine Street requires an amendment to the restaurant’s current ABC license. Additionally, the use permit that El Pazcifico operates under does not include the 112 W. Pine Street space and is not fully consistent with proposed El Pazcifico operations. The applicant has requested a use permit that will allow alcohol service by El Pazcifico at both 112 and 114 W. Pine Street.

In addition to an expanded interior service area, the applicant is proposing food and alcohol service in the courtyard located behind the restaurant (Attachment B).

The applicant’s current and proposed hours of operation of the restaurant are as follows:

Monday through Thursday: 11:00 – 9:00
Friday and Saturday: 11:00 – 10:00
Sunday: 9:00 – 8:00

Occupancy of the expanded restaurant would be 140 persons with additional outdoor seating.

The project is located in the Downtown Mixed Use zoning district, which allows on site sale of alcohol subject to approval of a use permit. The request involves the approval of a finding of public convenience and necessity (PCN) and Use Permit in an area of the Downtown that historically is over-concentrated with alcohol licenses. In order to allow modification and expansion of the ABC license, the Planning Commission must make a finding of necessity; and if the use is determined necessary, then consider whether to approve the Use Permit subject to proposed conditions of approval.

As noted, El Pazcifico current operates at 114 W. Pine Street and the requested approval would allow the restaurant to expand into the adjacent space at 112 W. Pine Street. The area of the existing restaurant and the area of the proposed expansion are as follows:

Existing Restaurant (114 W. Pine Street):
Interior space: 2,499 sq. ft.
Outdoor seating (entry): 275 sq. ft.
Total: 2,774 sq. ft.

Proposed Expansion (112 W. Pine Street):
Interior space: 1,886 sq. ft.
Outdoor seating (entry): 241 sq. ft.
Outdoor seating (courtyard): 1,050 sq. ft.
Total: 3,177 sq. ft.

Total interior and exterior space: 5,951 sq. ft.

ANALYSIS

Per Land Use Code Section 17.22.030, onsite consumption of alcohol is permitted in the Downtown Mixed Use (DMU) zoning designation, subject to a use permit. The City established the Use Permit requirement to gain local control over whether or not a license is appropriate for a particular location

and place conditions upon the use. The State Department of Alcoholic Beverage Control primarily controls license issuance, based on concentration of licenses within a particular Census Tract.



While the project site currently has Type 47 license to serve beer, wine and spirits at 114 W. Pine Street, addition of serving alcohol in the expanded space at 112 W. Pine Street triggers the requirement to amend the previously approved use permit and or issue a new use permit. In this case, staff is recommending the Planning Commission rescind the use permit that was previously issued to Alicia’s Restaurant and approve a new use permit that addresses the specific operations of El Pazcifico in the expanded restaurant area.

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 supports the finding of public convenience and necessity in this case because the primary function of the establishment is a restaurant and the service of alcohol in conjunction with food service is a typical and normal service sought by restaurant patrons. The proposed use would not involve off-site retail or wholesale distribution of alcohol. Additionally, past operations of the El Pazcifico restaurant have not resulted in negative impacts on surrounding land uses or public safety calls for service greater than other typical Downtown uses. In the past, the Planning Commission and City staff have supported restaurants that wish to acquire ABC licenses because, typically, restaurants that serve alcohol in conjunction with food sales do not create alcohol related problems.

Approval of a Use Permit is subject to review by the Planning Commission and the Commission may impose conditions designed to avoid, minimize potentially adverse effects. Staff believes that the Planning Commission can make the following required findings to approve the requested Use Permit amendment:

1. *The proposed use is allowed with a Use Permit within the applicable zoning district and complies with all applicable provisions of this Development Code.* **Comment:** The proposal involves the cessation of an existing User Permit and the approval of a new Use Permit for an existing restaurant within the Downtown Mixed Use (DMU) zoning district. The DMU zoning district allows sale of alcohol for on-site consumption subject to use permit approval

in accordance with Development Code Section 17.22.030. The intent of the DMU zoning district is to provide for a range of uses, emphasizing high quality development, and to encourage revitalization of existing buildings. Expansion of the El Pazcifico restaurant is consistent with this intent.

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 sale of alcohol. The proposed sale of beer, wine and spirits in conjunction with a restaurant operation is a type of business allowed by the General Plan. The sale of alcoholic beverages as part of a restaurant is required by the State Department of Alcoholic Beverage Control to be secondary to food sales. Sale of alcohol in conjunction with a restaurant is a common way to increase sales and is therefore, consistent, with the General Plan goals for a vibrant and economically successful Downtown.
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 expansion of the El Pazcifico operation would be compatible with existing and future land uses in the immediate vicinity of the restaurant. The sale of alcohol in a restaurant is consistent with other commercial uses. The sale of alcoholic beverages for on-premise consumption is a normal part of business operations for a restaurant and provides a convenience for customers of the business. The proposed use is located in the heart of the downtown area and is surrounded by other complementary uses that cater to the local and tourist trade.
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. Restaurants, bars, tasting rooms and other commercial uses with sale of alcohol operate in this area. The proposed use, as conditioned, will not have an adverse effect upon the use, enjoyment or valuation of property in the neighborhood because the proposed use will be located within an existing building with no additions to the footprint of the building. The characteristics of the expanded El Pazcifico restaurant and its service of alcohol for on-site consumption are customary for this type of business. In accordance with ABC requirements, receipts from alcohol sales shall not be in excess of food sales receipts. No complaints have been received against the operation of El Pazcifico restaurant and its operations within its current location. Lastly, sale of alcoholic beverages as part of a restaurant is a convenience that does not typically create alcohol related problems.
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 involves the expansion of restaurant uses within an existing building and involves less than 2,500 square feet. This is classified as "Conversion of Small Structures" and is categorically exempt from review under CEQA Section 15303(c). 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 §15303, Class 3 (c). The project involves the expansion of restaurant uses within an existing building and involves less than 2,500 square feet. This is classified as “Conversion of Small Structures” and is categorically exempt from review under CEQA Section 15303(c). No significant environmental impacts are anticipated and no mitigation measures are required.

PUBLIC HEARING NOTICE:

Legal Notice for the Use Permit was published in the Lodi News Sentinel on Saturday, April 11, 2020. Forty-three (43) 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 15303; determining there is a public necessity and convenience served by the proposed use; rescinding Use Permit 2016-19 U issued to the former Alicia’s Restaurant located at 114 W. Pine Street; and approving Use Permit 2020-014 U to allow the sale of beer, wine and spirits at the El Pazcifico restaurant located at 112 and 114 W. Pine Street, subject to the findings and conditions of approval contained in the draft Resolution.”

ALTERNATIVE PLANNING COMMISSION ACTIONS:

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

Respectfully Submitted,

Concur,

Paul Junker
Contract City Planner

John Della Monica
Community Development Director

ATTACHMENTS:

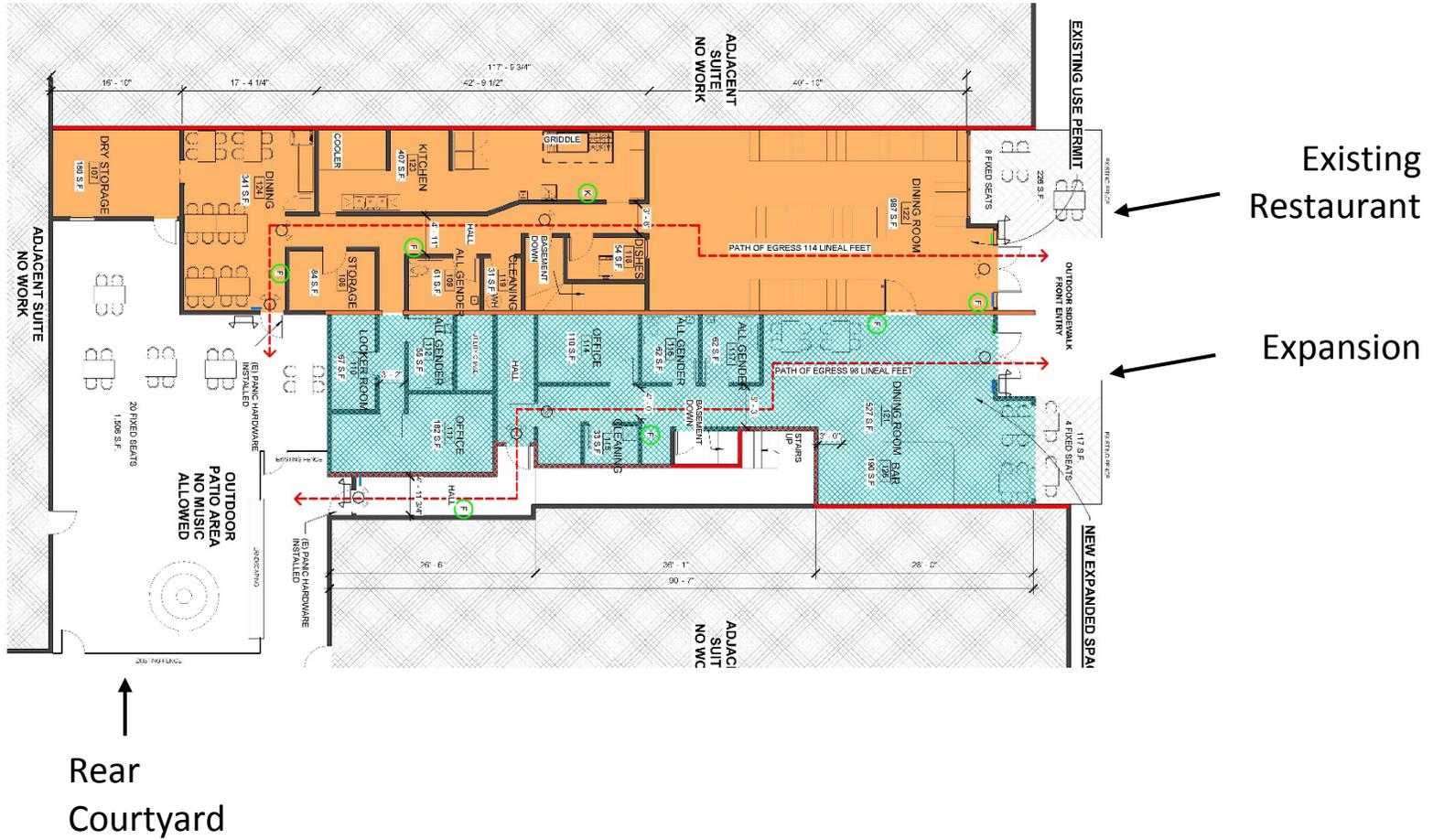
- A. Vicinity / Aerial Map
- B. El Pazcifico Floor Plan
- C. Draft Resolution

Vicinity Map



112 W. Pine Street, El Paso

El Pazzifico Floor Plan



112 and 114 West Pine Street

RESOLUTION NO. P.C. 20-__

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LODI APPROVING THE REQUEST OF JUAN GONZALEZ FOR A USE PERMIT FOR A TYPE 47 ABC LICENSE TO ALLOW SALE OF BEER, WINE AND SPIRITS AT 112 AND 114 W. PINE STREET

- WHEREAS**, the Planning Commission of the City of Lodi has heretofore held a duly noticed public hearing, as required by law, on the requested Use Permit, in accordance with the Lodi Municipal Code, Section 17.74; and
- WHEREAS**, the project proponent is Juan Gonzalez, 114 W. Pine Street, Lodi, CA 95240; and
- WHEREAS**, the project parcel is owned by CFY Development, Inc., 1724 10th Street, Suite 120, Sacramento, CA 95811; and
- WHEREAS**, the project is located at 112 and 114 W. Pine Street, Lodi, CA 95240 (APN: 043-034-04); and
- WHEREAS**, the property has a General Plan designation of Downtown Mixed Use and is zoned Downtown Mixed Use (DMU); and
- WHEREAS**, Census Tract 42.04 in which the proposed restaurant/bar is to be located is over concentrated of licenses allowing on premise consumption of alcoholic beverages; and
- WHEREAS**, because Census Tract 42.04 has an over-concentration of On-sale licenses, the Planning Commission must make a finding of public convenience and necessity in order to permit the issuance of an additional Alcohol Beverage Control license in this tract; and
- WHEREAS**, the project proponent currently El Pazcifico restaurant at 114 W. Pine Street and currently holds ABC Type 47 license (on-site beer, wine and spirits), and now is seeking expand his use and ABC license to include 112 W. Pine Street; 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 expanding the existing El Pazcifico restaurant to include 112 W. Pine Street 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 Section 15303 (c), Class 3. The project involves the expansion of restaurant uses within an existing building and involves less than 2,500 square feet. This is classified as "Conversion of Small Structures" and is categorically exempt from review under CEQA Section 15303(c). No significant environmental impacts are anticipated and no mitigation measures are required.
2. The sale of alcoholic beverages for on-premise consumption as part of a restaurant is a permitted use in the DMU Zoning District. The site is suitable and adequate for the proposed use because establishment of a restaurant/bar on this site would not create negative impacts on businesses in the vicinity.

3. Expansion of the service area for on-site sale of beer, wine and distilled spirits, in accordance with a Type 47 Alcohol Beverage Control License and with the conditions attached herein, would be consistent and in harmony with the Downtown Mixed Use General Plan Land Use Designation and DMU Zoning District.
4. The proposed use is consistent with the General Plan because commercial uses such as the one proposed are permitted in accordance with Land Use Policy subject to a discretionary review.
5. The proposed use would not have a substantial adverse economic effect on nearby uses because operation of a restaurant in accordance with applicable laws and under the conditions of this Use Permit is anticipated to be an economic benefit to the community.
6. Approval of the requested use permit will not affect the harmony of scale, bulk, coverage and density of the proposed project and its surrounding uses as El Pazcifico restaurant has operated in its current location since XXXX, the proposed expansion area would be located in an existing building and no exterior improvements are proposed under this request.
7. The availability of public facilities and utilities is adequate to serve the proposed use, in that El Pazcifico is currently operating and the expansion area has operated as various commercial uses in the past and no impacts to public facilities and services, including sewer, water, electricity, phone, etc., are anticipated as a result of the requested approvals.
8. Steps will be taken by the Applicant/Operator to reduce the number of incidents resulting from the over-consumption of alcohol including the proper training and monitoring of employees serving alcohol; the careful screening of IDs of customers to avoid sales to under-aged individuals; limiting the number of drinks sold to individual customers to avoid over-consumption; providing properly trained on-site security to monitor customer behavior both in and outside of the establishment; and working with the Lodi Police Dept. to resolve any problems that may arise.
9. The proposed use can be compatible with the surrounding use and neighborhood if the business is conducted properly and if the Applicant/Operator works with neighboring businesses and residents to resolve any problems that may occur.
10. The proposed use would not be detrimental to the general welfare of persons residing and working in the immediate vicinity, the neighborhood or the community at large because the sale of alcohol with a restaurant operation is not associated with detrimental impacts to the community.
11. The sale of alcoholic beverages at this location meets the intent of the DMU Zoning District and provides a public convenience or necessity for customers of the business.

NOW, THEREFORE, BE IT DETERMINED AND RESOLVED by the Planning Commission of the City of Lodi that Use Permit Application No. 2020-014 U is hereby approved, subject to the following conditions:

Community Development-Planning

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

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

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

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

8. No person who is in a state of intoxication shall be permitted within the business nor shall an intoxicated patron be sold additional alcoholic beverages. It is the responsibility of the business owner/operator to ensure no patron in state of intoxication is allowed into the premise.
9. Prior to commencement of the use, or commencement of any subsequent operators and/or successors in interest, the applicant/operator shall prepare and submit a practical program for controlling litter, spills, and stains resulting from the use on the site to the Community Development Department for review and approval. The program shall include a detailed time frame for the policing and cleanup of the public sidewalk and right-of-way in front of the subject property as well as the adjacent public right-of-way (25 feet north and south of the subject property, and 25 feet down the alley) not just in front of the subject tenant space and the rear courtyard and associated walkways. Failure to comply with that program shall be considered a violation of the Use Permit and shall be subject to administrative remedy in accordance with Chapter 17.72 and Chapter 17.88 of the City of Lodi Municipal Code.
10. The subject property and its immediate surrounding shall be maintained neat and clean at all times. The subject property and its immediate surrounding shall be maintained free from debris and graffiti at all times. The property owner shall remove any debris or graffiti within 24-hours upon notification by the City. Litter on the site and any litter scattered on nearby property, streets, and sidewalks shall be removed daily. If necessary, the applicant shall steam clean the project site and its immediate surrounding premises as often as needed.
11. In the event of graffiti or other extraneous markings occurring, the applicant/operator and/or successors in interest and management shall remove or cover said markings, drawings, or signage within 24 hours of such occurrence, weather permitting. Paint utilized in covering such markings shall be of a color that matches, as closely as possible, the color of the adjacent surfaces.
12. 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.
13. The applicant/project proponent and/or property owner and/or developer and/or successors in interest and management shall be responsible for the control of noise generated by the subject facility including, but not limited to, noise generated by patrons and employees. All noise generated by the proposed use shall comply with the provisions of Chapter 9.24 and other applicable noise control requirements.
14. The applicant shall obtain Operational Permits from the Lodi Fire Department, Fire Prevention Bureau. The Operational Permits shall be obtained prior to commencement of sale of alcohol. The Fire Department may be contacted at 25 East Pine Street, Lodi, CA 95240-2127. Phone Number (209) 333-6739.
15. Any changes to the existing building, which are regulated by the current codes, shall require a building permit. All plan submittals shall be based on the City of Lodi Building Regulations and currently adopted 2013 California Building code. Please review our policy handouts for specific submittal procedures.
16. The applicant shall obtain all required permits and licenses from the California Department of Alcoholic Beverage Control and the San Joaquin County Health Department prior to commencement of the use and maintain said permits at all times while the use is operating. Copies of all permits and licenses shall be submitted to the Community Development Department prior to commencement of the use.

17. 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.
18. No variance from any City of Lodi adopted code, policy or specification is granted or implied by this approval.

I certify that Resolution No. 20-___ was passed and adopted by the Planning Commission of the City of Lodi at a regular meeting held on April 22, 2020 by the following vote:

AYES: Commissioners:

NOES: Commissioners:

ABSENT: Commissioners:

ATTEST _____

Secretary, Planning Commission

DRAFT

Item 4d



CITY OF LODI
PLANNING COMMISSION
Staff Report

MEETING DATE: April 22, 2020

APPLICATION NO: Zoning Code: 2020-001 Z

REQUEST: Request for the Planning Commission of the City of Lodi to recommend that the City Council amend Title 17 – Development Code, of the Lodi Municipal Code, by repealing and reenacting the following Lodi Municipal Code Sections: 17.18.020 - Purposes of Residential Zoning Districts (clarification of minimum allowed development density); 17.20.030 - Commercial Zoning District Land Uses and Permit Requirements (allow Residential Care Facility subject to Use Permit approval); 17.20.040 – Commercial District General Development Standards (reduce minimum lot size to 8,000 square feet); and, 17.22.030 - Mixed Use Zoning Districts Land Uses and Permit Requirements (recognize existing single family homes as legal uses). CEQA Status: Exempt, Section 15061(b)(3) – General Rule Exemption.

LOCATION: Residential (RLD, RMD and RHD) Zoning Districts, Office (O) Zoning District, Community Commercial (CC) Zoning District and Mixed Use Corridor (MCO) Zoning District

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

RECOMMENDATION:
Staff recommends that the Planning Commission adopt Resolution (attached hereto) recommending that the Lodi City Council repeal and reenact LMC Section 17.18.020 - Purposes of Residential Zoning Districts to clarify minimum allowed development density, 17.20.030 - Commercial Zoning District Land Uses and Permit Requirements to allow Residential Care Facility in the Office (O) District subject to Use Permit approval, 17.20.040 – Commercial District General Development Standards to reduce minimum lot size from 2 acres to 8,000 square feet); and, 17.22.030 - Mixed Use Zoning Districts Land Uses and Permit Requirements to recognize existing single family homes as legal uses, as provided in the attached amended ordinances.

BACKGROUND / ANALYSIS:
Title 17 – Development Code of the Lodi Municipal Code (LMC) establishes land use regulations and development standards. The proposed revisions to various sections of the

Development Code are intended to either clarify ambiguous language or to allow uses that are consistent with existing development in the affected zoning districts.

Section 17.18.020 - Purposes of Residential Zoning Districts

The proposed amendment would clarify density regulations in the zoning code. Currently, the provisions of Section 17.18.020 state the “maximum allowable density ranges from...” for the Residential Medium Density and Residential High Density districts. Staff proposes to strike the word “maximum” to more clearly state that allowed density in these districts are ranges with minimum and maximum densities.

Section 17.20.030 - Commercial Zoning District Land Uses and Permit Requirements

The proposed amendment would add Residential Care Facilities as a conditionally allowed use in the Office zoning district. The City has a limited amount of Office zoned land, with the substantial majority located in an area generally north of Vine Street along Ham Lane. Existing uses within this Office zoned area includes a variety of medical offices, medical labs and Lodi Memorial Hospital is located immediately south of this Office district. The Residential Care Facility would be compatible with and supported by the collection of healthcare related uses in the Commercial zoning district.

The General Plan Office designation describes the purpose of the Office designation as:

“This classification describes administrative, financial, business, professional, and medical offices, including Lodi Memorial Hospital. Support commercial uses are also permitted, subject to limitations described in the Zoning Ordinance. The maximum FAR for this designation is 0.6.”

With regard to General Plan consistency, Residential Care Facilities would be considered a support commercial use given the concentration of healthcare related uses in and around the lands designated Office in the General Plan.

Allowing Residential Care Facilities as a conditionally allowed use in the Office zoning district would be compatible with existing uses and consistent with the General Plan’s stated purpose for Office designated lands. No specific use is allowed through this action and any future Residential Care Facility in the Office district would be subject to a discretionary review, including review under the California Environmental Quality Act (CEQA).

Section 17.20.040 – Commercial District General Development Standards

The proposed amendment would reduce the minimum lot size in Community Commercial (CC) district from 2 acres to 8,000 square feet. Within the CC district located at the intersection of Kettleman Lane and Lower Sacramento Road, 30 of the existing 40 parcels are less than two acres in size. Centers in this area have been configured to create small pad commercial development and the City has received requests to create new lots of less than two acres in size in this area. The proposed amendment would allow the continued development of businesses within largely built-out shopping centers in a manner consistent with the form and character of the shopping centers. The distribution of parcels less than two-acres in size within the CC district is depicted on Attachment 3 of this report.

Section 17.22.030 - Mixed Use Zoning Districts Land Uses and Permit

The proposed amendment would grant flexibility for the use of existing single-family homes in the Mixed Use Corridor (MCO) district. Under Section 17.22.030, single family homes are considered legal non-conforming uses. Owners of such homes may request a use permit and, if granted, the home is recognized as a legal use. The MCO district contains a total of 2,225 parcels, of which 316 are occupied by single family homes that are currently used as

residences. The non-conforming status of these homes can place restrictions on homeowners seeking to improve, rebuild or expand their existing homes.

The proposed amendment would recognize the residential use of single-family dwellings built before January 1, 2020 as a legal use and would allow the transition between residential and commercial uses within these existing residential structures. The distribution of residential properties in the MCO district is depicted on Attachment 4 of this report.

ENVIRONMENTAL ASSESSMENT:

The project was reviewed and found to be exempt from review under the California Environmental Quality Act (CEQA). Key factors in the CEQA evaluation included:

- Amendments to Section 17.18.020 would clarify allowed densities in residential districts, but do not modify those densities.
- Amendments to Section 17.20.030 would allow Residential Care Facilities in the Office zoning district subject to a discretionary conditional use permit. No such facility would be allowed by the amendment and future projects would be subject to review under CEQA.
- Amendments to Section 17.20.040 would allow the creation of commercial lots less than two-acres in size in the Community Commercial (CC) district. Within this district 75 percent of the existing parcels are less than 2-acres in size and this amendment will not change the allowed density or intensity of uses in the CC district.
- Amendments to Section 17.22.030 would recognize existing single-family homes in the Mixed Use Corridor (MCO) district as legal uses. This change would not allow the construction of new single-family homes in the MCO district.

Based upon the circumstances specific to the proposed amendments, it can be seen with certainty that there is no possibility the proposed amendments to Title 17 – Development Code of the Lodi Municipal Code may have a significant effect on the environment. Therefore, subject to Section 15061(b)(3) of the CEQA Guidelines, the activity is not subject to CEQA.

PUBLIC HEARING NOTICE:

Legal Notice pertaining to Development Code revisions was published in the Lodi News Sentinel on April 11, 2020.

Note: Newspaper notice must be one-eighth page as this action affects more than 1,000 property owners and individual notices will not be mailed.

RECOMMENDED MOTIONS:

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

“I move that the Planning Commission adopt a Resolution recommending that the Lodi City Council determine the proposed zoning code amendments are not subject to CEQA. I further move to recommend that the City Council amend Title 17 – Development Code, of the Lodi Municipal Code, by repealing and reenacting the following Lodi Municipal Code Sections: 17.18.020 - Purposes of Residential Zoning Districts; 17.20.030 - Commercial Zoning District Land Uses and Permit Requirements; 17.20.040 – Commercial District General Development Standards; and, 17.22.030 - Mixed Use Zoning Districts Land Uses and Permit Requirements.”

ALTERNATIVE PLANNING COMMISSION ACTIONS:

- Approve the request as provided in the attached resolution and amended ordinances
- Deny the request
- Continue the request

Respectfully Submitted,

Concur,

John P. Fukasawa
Deputy City Attorney

John Della Monica
Community Development Director

ATTACHMENTS:

1. Draft Planning Commission Resolution
2. Ordinance Repealing and Reenacting LMC Sections 17.18.020, 17.20.030, 17.20.040 and 17.22.030
3. Map of parcels less than 2-acres in size in the Community Commercial (CC) Zoning District
4. Maps of single-family homes in the Corridor Mixed Use (MCO) Zoning District

RESOLUTION NO. P.C. NO. 20-__

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LODI RECOMMENDING THAT THE LODI CITY COUNCIL AMEND TITLE 17 – DEVELOPMENT CODE, OF THE LODI MUNICIPAL CODE, BY REPEALING AND REENACTING THE FOLLOWING LODI MUNICIPAL CODE SECTIONS:

17.18.020 - PURPOSES OF RESIDENTIAL ZONING DISTRICTS (CLARIFICATION OF MINIMUM ALLOWED DEVELOPMENT DENSITY); 17.20.030 - COMMERCIAL ZONING DISTRICT LAND USES AND PERMIT REQUIREMENTS (ALLOW RESIDENTIAL CARE FACILITY SUBJECT TO USE PERMIT APPROVAL); 17.20.040 – COMMERCIAL DISTRICT GENERAL DEVELOPMENT STANDARDS (REDUCE MINIMUM LOT SIZE TO 8,000 SQUARE FEET); AND, 17.22.030 - MIXED USE ZONING DISTRICTS LAND USES AND PERMIT REQUIREMENTS (RECOGNIZE EXISTING SINGLE FAMILY HOMES AS LEGAL USES). CEQA STATUS: EXEMPT, SECTION 15061(B)(3) – GENERAL RULE EXEMPTION.

WHEREAS, the Planning Commission of the City of Lodi has heretofore held a duly noticed public hearing, as required by law, on the requested determination, in accordance with the California Government Code Section 65402.(a); and

WHEREAS, the project proponent is City of Lodi, 221 West Pine Street, Lodi, CA 95240; and

WHEREAS, the City of Lodi adopted various sections of Title 17 – Development Code of the Lodi Municipal Code (LMC) in February 2013, which regulate various aspects of land use and land development within the City; and

WHEREAS, Section 17.18.020 of the LMC as currently adopted is not clear on the allowed range of density of residential development in the Medium Density Residential and High Density Residential districts, and

WHEREAS, Section 17.20.030 of the LMC as currently adopted does not allow Residential Care Facility uses in the Office (O) District, and Residential Care Facility is both a compatible use and an historic use in the O district, and

WHEREAS, Section 17.20.040 of the LMC as currently adopted establishes a minimum lot size of 2 acres in the Community Commercial (CC) district that is inconsistent with the majority of existing parcels in the CC district and is inconsistent with current commercial development trends, and

WHEREAS, Section 17.22.030 of the LMC as currently adopted establishes the Mixed Use Corridor (MCO) district, the creation of which resulted in the designation of 316 existing single family homes as legal non-conforming uses, thereby adversely affecting home owners in the MCO district, and

WHEREAS, the Planning Commission recommends that the Lodi City Council repeal and reenact sections of the Lodi Municipal Code noted herein to better serve the interests of members of the community; and

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

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

- 1. Based upon the circumstances specific to the proposed amendments, it can be seen with certainty that there is no possibility the proposed amendments to Title 17 – Development Code of the Lodi Municipal Code (Title 17 – LMC) may have a significant effect on the

environment. Therefore, subject to Section 15061(b)(3) of the CEQA Guidelines, the activity is not subject to CEQA.

- 2. Proposed modifications to Title 17 - LMC will resolve inconsistencies between currently adopted regulations and historic uses and development patterns within the City increase the number of allowable temporary signs in residential, commercial, and industrial zoning districts and increase the allowable square footage of such signs in commercial and industrial zoning districts.
- 3. Proposed modifications to Title 17 – LMC will be consistent with State law.
- 4. Proposed modifications to Title 17 - LMC will be subject to the provisions of other laws or ordinances and will not be detrimental to the health, safety or general welfare of persons residing or working in the City or be detrimental or injurious to the health, safety, peace or general welfare of the City.

NOW, THEREFORE, BE IT DETERMINED AND RESOLVED by the Planning Commission of the City of Lodi that P.C. Resolution No. 20-__ is hereby adopted and the proposed amendments to Title 17 - LMC attached hereto in Exhibit A (Ordinance Repealing and Reenacting portions of Chapter 17.18, 17.20 and 17.22 of the Lodi Municipal Code), is made a part of this Resolution by reference, are hereby recommended for approval and adoption by the Lodi City Council.

Dated: April 22, 2020

=====

I certify that P.C. Resolution No. 20-__ was passed and adopted by the Planning Commission of the City of Lodi at a regular meeting held on April 22, 2020 by the following vote:

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

ATTEST:

Secretary, Planning Commission

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LODI REPEALING AND REENACTING LODI MUNICIPAL CODE SECTIONS 17.18.020 – PURPOSES OF RESIDENTIAL ZONING DISTRICT, 17.20.030 – COMMERCIAL ZONING DISTRICT LAND USES AND PERMIT REQUIREMENTS, 17.20.040 – COMMERCIAL DISTRICT GENERAL DEVELOPMENT STANDARDS, AND 17.22.030 – MIXED USE ZONING DISTRICTS LAND USES AND PERMIT REQUIREMENTS IN THEIR ENTIRETY

=====

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LODI AS FOLLOWS:

SECTION 1. Lodi Municipal Code Section 17.18.020 – Purposes of Residential Zoning Districts is hereby repealed and reenacted in its entirety and shall read as follows:

17.18.020 - Purposes of Residential Zoning Districts

The residential zoning districts are intended to provide for a range of housing types and densities for all economic segments of the community while emphasizing high quality development and home ownership (General Plan, Housing Element). The purposes of the individual residential zoning districts and the manner in which they are applied are as follows.

- A. RLD (Low-Density Residential) District. The RLD zoning district is intended for areas appropriate for the development of single-family detached, two-family, and three-family homes. All interior lots are restricted to single-family homes. Corner lots can have one-, two-, or three-family homes. The maximum allowable residential density is 8.0 dwelling units per acre. The RLD zoning district is consistent with the Low-Density Residential land use designation of the General Plan.
- B. RMD (Medium Density Residential) District. The RMD zoning district is intended for areas appropriate for a mix of housing types. Typical residential land uses include single- and multi-family dwelling units, either attached or detached. The ~~maximum~~ allowable residential density ranges from 8.1 to 20 dwelling units per acre. The RMD zoning district is consistent with the Medium Density Residential land use designation of the General Plan.
- C. RHD (High Density Residential) District. The RHD zoning district is intended for areas appropriate for high density multi-family dwelling units. The ~~maximum~~ allowable residential density ranges from 15 to 35 units per acre. The RHD zoning district is consistent with the High Density Residential land use designation of the General Plan.

SECTION 2. Lodi Municipal Code Section 17.20.030 – Commercial Zoning District Land Uses and Permit Requirements is hereby repealed and reenacted in its entirety and shall read as follows:

17.20.030 – Commercial Zoning District Land Uses and Permit Requirements

Table 2-6 identifies the uses of land allowed by this Development Code in the commercial zoning districts, and the land use permit required to establish each use, in compliance with Section 17.12.030 (Allowable Land Uses and Permit Requirements).

Note: where the last column in the tables ("Specific Use Regulations") includes a section number, the regulations in the referenced section apply to the use; however, provisions in other sections of this Development Code may also apply.

TABLE 2-6 Commercial Zones – Allowed Land Uses and Permit Requirements		A	Allowed Use		
		UP	Use Permit Required		
		MUP	Minor Use Permit Required		
		—	Use Not Allowed		
LAND USE	PERMIT REQUIRED BY DISTRICT			Specific Use Regulations	
	CC	GC	O		
AGRICULTURE AND OPEN SPACE					
Production of Crops	A	A	A		
RECREATION, EDUCATION, & PUBLIC ASSEMBLY USES					
Clubs, lodges, & membership halls	—	A	UP		
Community centers	—	A	UP		
Health/fitness facilities	UP	UP	UP		
Indoor amusement/entertainment facilities	UP	UP	—		
Indoor sports facilities	UP	UP	UP		
Libraries, museums, galleries	A	A	A		
Outdoor recreation facilities	UP	UP	—		
Religious facilities	—	UP	—		
Schools - Private	—	UP	UP		
Schools - Specialized education and training	UP	A	A		
Studios - Art, dance, martial arts, music, etc.	UP	A	UP		
RESIDENTIAL USES					
Caretaker quarters	—	—	UP		
Residential shelters	—	A	—		
RETAIL TRADE					
Accessory retail uses	A	A	A		
Alcoholic beverage sales, off-site	UP	UP	—		
Alcoholic beverage sales, on-site	UP	UP	—		
Animal sales and grooming	A	A	—		
Art, antique, collectible, and gift stores	A	A	—		
Auto parts sales	A	A	—		
Auto sales and rental	—	A	—		
Building material stores	A	A	—		
Construction/heavy equipment sales and rental	—	A	—		
Convenience stores	A	A	A		
Drive-in and drive-through sales and services	UP	UP	UP		
Furniture, furnishings & appliance stores	A	A	—		
Gas stations	UP	UP	—		

TABLE 2-6 Commercial Zones – Allowed Land Uses and Permit Requirements		A	Allowed Use	
		UP	Use Permit Required	
		MUP	Minor Use Permit Required	
		—	Use Not Allowed	
LAND USE	PERMIT REQUIRED BY DISTRICT			Specific Use Regulations
	CC	GC	O	
General retail sales	A	A	—	
Grocery stores	A	A	—	
Mobile home and RV sales	—	A	—	
Night clubs, bars, and cardrooms	—	UP	—	
Plant nurseries and garden supply stores	A	A	—	
Restaurants	A	A	A	
Warehouse retail	A	A	—	
SERVICES – BUSINESS, FINANCIAL, PROFESSIONAL				
Automated teller machines (ATMs)	A	A	A	
Banks and financial services	A	A	A	
Business support services	A	A	A	
Medical - Clinics, offices, and laboratories	A	A	A	
Medical - Extended care	—	A	A	
Medical – Hospitals	—	—	A	
Offices	A	A	A	
Professional Services	A	A	A	
SERVICES				
Audio & video rental	A	A	—	
Auto repair and maintenance	—	UP	—	
Car wash	—	UP	—	
Community care facilities				
Residential care facility (6 or fewer)	—	—	—	17.36.040
Residential care facility (7 or more)	—	—	— UP	17.36.040
Small Family day care home (up to 8)	—	—	—	17.36.030
Large family day care home (9 to 14)	—	—	—	17.36.030
Day care center	UP	UP	UP	17.36.030
Hotels and motels	UP	UP	UP	
Mortuaries & funeral homes	—	A	UP	
Personal services	A	A	A	
Pharmacies	A	A	—	
Research and development	—	—	A	
Storage – indoor	—	UP	—	
Upholstering shops	—	UP	—	
Veterinary clinics, outpatient treatment only	A	A	A	
Veterinary clinics, animal hospitals, kennels	—	UP	—	

TABLE 2-6 Commercial Zones – Allowed Land Uses and Permit Requirements		A	Allowed Use		
		UP	Use Permit Required		
		MUP	Minor Use Permit Required		
		—	Use Not Allowed		
LAND USE	PERMIT REQUIRED BY DISTRICT			Specific Use Regulations	
	CC	GC	O		
INDUSTRIAL, MANUFACTURING & PROCESSING, WHOLESALING					
Recycling facilities					
Small collection facility	MUP	MUP	—	17.36.110	
Large collection facility	—	—	—	17.36.110	
TRANSPORTATION, COMMUNICATIONS & INFRASTRUCTURE USES					
Broadcast studios	UP	UP	UP		
Parking facilities/vehicle storage	—	UP	—		
Telecommunications facilities	UP	UP	—	17.36.140	
Utility Facility	UP	UP	UP		

SECTION 3. Lodi Municipal Code Section 17.20.040 – Commercial District General Development Standards is hereby repealed and reenacted in its entirety and shall read as follows:

17.20.040 – Commercial District General Development Standards

Subdivisions, new land uses and structures, and alterations to existing land uses and structures, shall be designed, constructed, and/or established in compliance with the requirements in Table 2-7, in addition to the applicable development standards (e.g., landscaping, parking and loading, etc.) in Article 3, (Site Planning and General Development Standards).

TABLE 2-7 Commercial District General Development Standards			
Development Feature	Requirement by Zoning District		
	CC	GC	O
Minimum lot size	<i>Minimum area, width and depth required for new parcels.</i>		
Area	2.0 acres 8,000 sq. ft.	8,000 sq. ft.	8,000 sq. ft.
Width	—	75 ft.	75 ft.
Depth	—	100 ft.	100 ft.
Setbacks	<i>Minimum and, where noted, maximum setbacks required. See Section 17.30.070 for exceptions to these requirements.</i>		
Front	25 ft.	10 ft.	10 ft.
Sides (each)	25 ft.	None	None
Street side	25 ft.	None ⁽¹⁾	10 ft.
Rear	25 ft.	None ⁽¹⁾	10 ft.
Floor Area Ratio (FAR)	0.60		
Height limit	2 stories, not to exceed 35 ft.		

TABLE 2-7 Commercial District General Development Standards			
Development Feature	Requirement by Zoning District		
	CC	GC	O
Landscaping	As required by Chapter 17.30 (Landscaping)		
Parking	As required by Chapter 17.32 (Parking and Loading)		
Enclosure requirement	All uses shall be conducted within a completely enclosed building unless the specific use and zone permit otherwise. Uses allowed in an applicable zone that are determined by the Director to require outdoor storage or activities (for example, vehicle sales lots, service stations, etc.) may be exempted from this requirement.		

Notes:

(1) No setback is required unless adjacent to a residential use or zone where the setback shall be 10 ft..

SECTION 4. Lodi Municipal Code Section 17.22.030 – Mixed Use Zoning Districts Land Uses and Permit Requirements is hereby repealed and reenacted in its entirety and shall read as follows:

17.22.030 – Mixed Use Zoning Districts Land Uses and Permit Requirements

Table 2-8 identifies the uses of land allowed by this Development Code in the Mixed Use zoning districts, and the land use permit required to establish each use, in compliance with Section 17.12.030 (Allowable Land Uses and Permit Requirements).

Note: where the last column in the tables ("Specific Use Regulations") includes a section number, the regulations in the referenced section apply to the use; however, provisions in other sections of this Development Code may also apply.

TABLE 2-8 Mixed Use - Allowed Uses and Permit Requirements		A	Allowed Use		
		UP	Use Permit Required		
		MUP	Minor Use Permit Required		
		—	Use Not Allowed		
LAND USE	PERMIT REQUIRED BY DISTRICT			Specific Use Regulations	
	DMU	MCE	MCO		
AGRICULTURE AND OPEN SPACE					
Production of Crops	—	—	A		
RECREATION, EDUCATION, & PUBLIC ASSEMBLY USES					
Clubs, lodges, & membership halls	UP	UP	—		
Community centers	A	A	A		
Health/fitness facilities	UP	UP	UP		
Indoor amusement/entertainment facilities	UP	UP	UP		
Indoor sports facilities	UP	UP	UP		
Libraries, museums, galleries	A	A	A		
Parks and playgrounds	—	UP	—		
Religious facilities	—	—	UP		
Schools – Private	—	UP	UP		
Schools - Specialized education and training	A	A	A		

TABLE 2-8 Mixed Use - Allowed Uses and Permit Requirements		A	Allowed Use	
		UP	Use Permit Required	
		MUP	Minor Use Permit Required	
		—	Use Not Allowed	
LAND USE	PERMIT REQUIRED BY DISTRICT			Specific Use Regulations
	DMU	MCE	MCO	
Studios - Art, dance, martial arts, music, etc.	UP	UP	UP	
Theaters and auditoriums	UP	—	—	
RESIDENTIAL USES				
Accessory uses (Residential)	A	A	A	17.36.120
Home occupations	MUP	MUP	MUP	17.36.060
Live/work projects	A	A	A	
Multi-family dwellings (3 or more units)	A	A	A	
Single family dwellings ¹	—	—	UP	
Two family dwellings (Duplex)	—	—	A	
RETAIL TRADE				
Accessory retail uses	A	A	A	
Alcoholic beverage sales, off-site	UP	UP	UP	
Alcoholic beverage sales, on-site	UP	UP	UP	
Animal sales and grooming	A	A	A	
Art, antique, collectible, and gift stores	A	A	A	
Auto parts sales	A	A	A	
Auto sales and rental	—	—	A	
Building material stores	A	A	A	
Construction/heavy equipment sales and rental	—	—	A	
Convenience stores	UP	UP	A	
Drive-in and drive-through sales and services	—	—	UP	
Furniture, furnishings & appliance stores	A	A	A	
Gas stations	—	—	UP	
General retail sales	A	A	A	
Grocery stores	A	A	A	
Mobile home and RV sales	—	—	A	
Night clubs, bars, and cardrooms	UP	UP	UP	
Plant nurseries and garden supply stores	—	—	A	
Restaurants	A	A	A	
Warehouse retail	—	—	A	

Notes:

1 - Structures in the MCO district that were permitted as single-family residential dwellings at the time of their construction and that were in existence as of January 1, 2020, are considered legal residential uses. Such structures may be converted to other uses allowed in the MCO zoning district, and converted back to single-family residential uses, after January 1, 2020.

TABLE 2-8 Mixed Use - Allowed Uses and Permit Requirements		A	Allowed Use		
		UP	Use Permit Required		
		MUP	Minor Use Permit Required		
		—	Use Not Allowed		
LAND USE	PERMIT REQUIRED BY DISTRICT			Specific Use Regulations	
	DMU	MCE	MCO		
SERVICES – BUSINESS, FINANCIAL, PROFESSIONAL					
Automated teller machines (ATMs)	A	A	A		
Banks and financial services	A	A	A		
Business support services	A	A	A		
Medical - Clinics, offices, and laboratories	A	A	A		
Medical - Extended care	—	—	A		
Medical – Hospitals	—	—	A		
Offices	A	A	A		
Professional Services	A	A	A		
SERVICES					
Audio & video rental	A	A	A		
Auto repair and maintenance	—	—	UP		
Car wash	—	—	UP		
Community care facilities					
Residential care facility (6 or fewer)	—	—	UP	17.36.040	
Day care center	UP	UP	UP	17.36.030	
Hotels and motels	UP	UP	UP		
Mortuaries & funeral homes	UP	—	A		
Personal services	A	A	A		
Pharmacies	A	A	A		
Storage – indoor	—	—	UP		
Upholstering shops	—	—	UP		
Veterinary clinics, outpatient treatment only	—	—	A		
Veterinary clinics, animal hospitals, kennels	—	—	UP		
INDUSTRIAL, MANUFACTURING & PROCESSING, WHOLESALING					
Recycling facilities					
Small collection facility	—	—	MUP	17.36.110	
TRANSPORTATION, COMMUNICATIONS & INFRASTRUCTURE USES					
Broadcast studios	UP	UP	UP		
Parking facilities/vehicle storage	—	—	UP		

SECTION 5. All ordinances and parts of ordinances in conflict herewith are repealed insofar as such conflict may exist.

SECTION 6. No Mandatory Duty of Care. This ordinance is not intended to and shall not be construed or given effect in a manner which imposes upon the City, or any officer or employee thereof, a mandatory duty of care toward persons or property within the

City or outside of the City so as to provide a basis of civil liability for damages, except as otherwise imposed by law.

SECTION 7. Severability. If any provision of this ordinance or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application. To this end, the provisions of this ordinance are severable. The City Council hereby declares that it would have adopted this ordinance irrespective of the invalidity of any particular portion thereof.

SECTION 8. Effective Date and Publication. This Ordinance shall take effect thirty (30) days after its adoption. In lieu of publication of the full text of the Ordinance within fifteen (15) days after its passage, a summary of the Ordinance may be published at least five (5) days prior to and fifteen (15) days after adoption by the City Council, and a certified copy shall be posted in the office of the City Clerk pursuant to Government Code section 36933(c)(1).

Approved this ____ day of _____, 2020

DOUG KUEHNE
Mayor

Attest:

PAMELA M. FARRIS
Assistant City Clerk

=====
State of California
County of San Joaquin, ss.

I, Pamela M. Farris, Assistant City Clerk of the City of Lodi, do hereby certify that Ordinance No. ____ was introduced at a regular meeting of the City Council of the City of Lodi held _____, 2020, and was thereafter passed, adopted, and ordered to print at a regular meeting of said Council held _____, 2020, by the following vote:

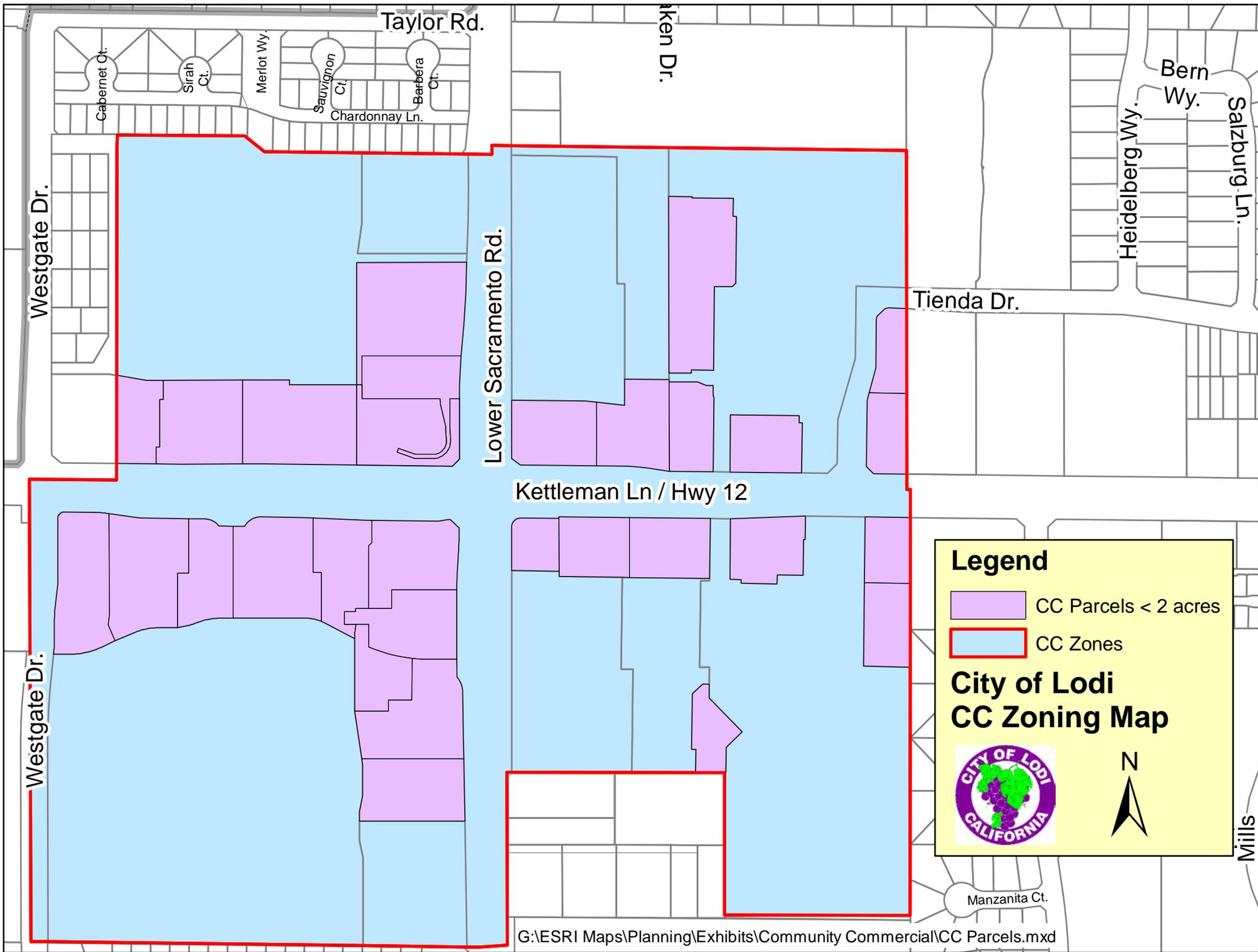
- AYES: COUNCIL MEMBERS –
- NOES: COUNCIL MEMBERS –
- ABSENT: COUNCIL MEMBERS –
- ABSTAIN: COUNCIL MEMBERS –

I further certify that Ordinance No. ____ was approved and signed by the Mayor on the date of its passage and the same has been published pursuant to law.

PAMELA M. FARRIS
Assistant City Clerk

Approved as to Form:

JANICE D. MAGDICH
City Attorney

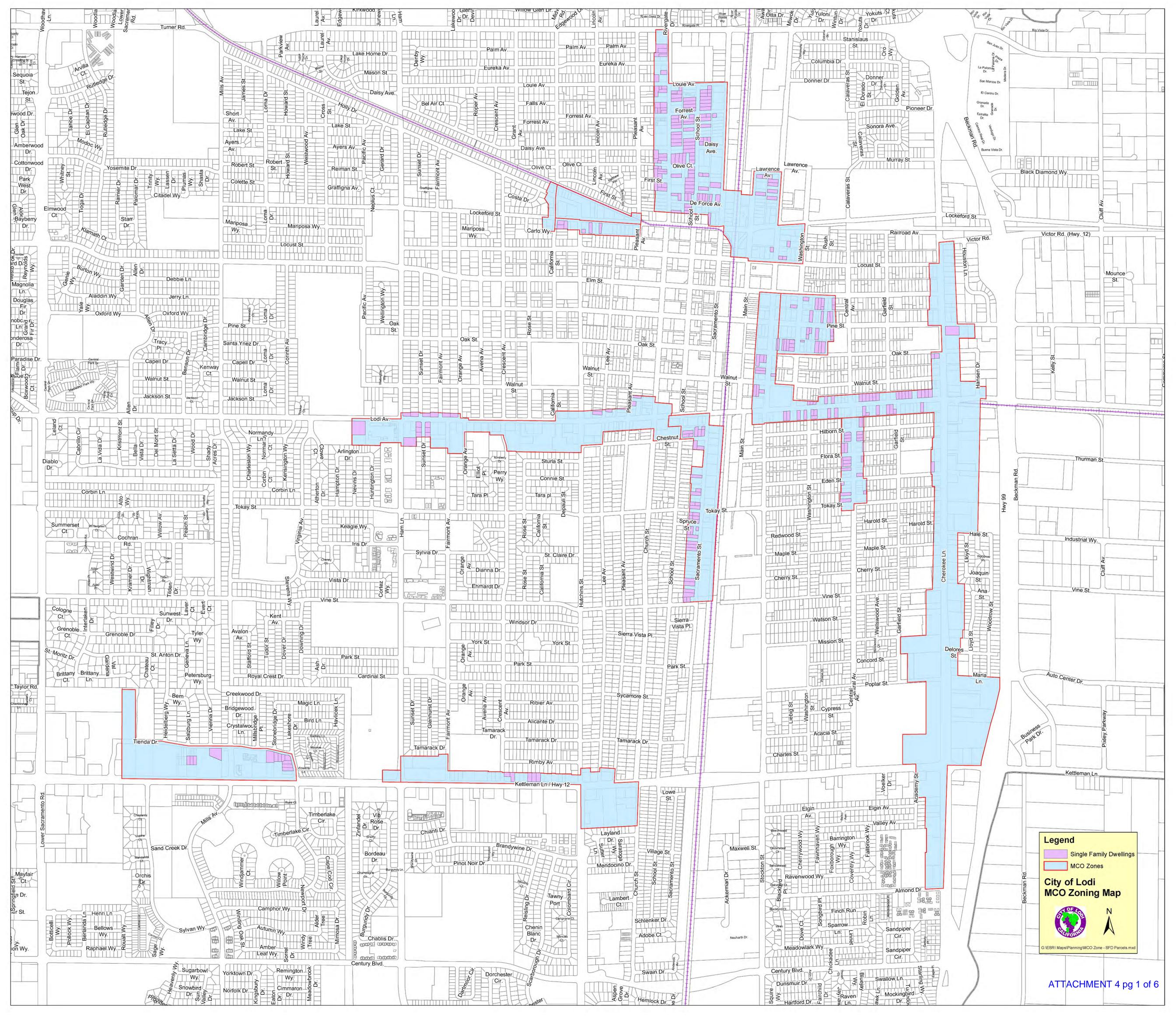


Legend

-  CC Parcels < 2 acres
-  CC Zones

City of Lodi
CC Zoning Map



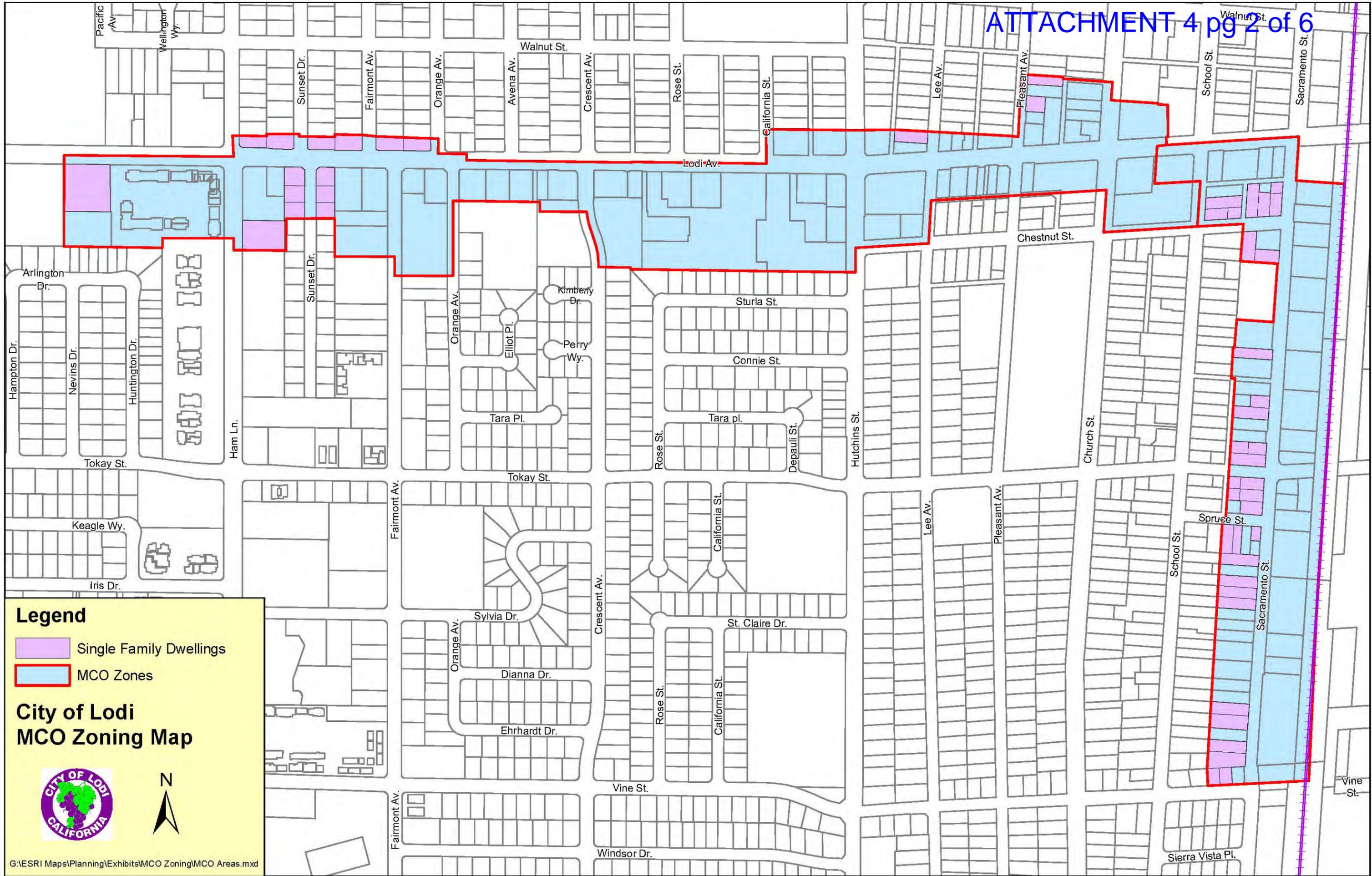
Legend

- Single Family Dwellings
- MCO Zones

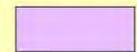
**City of Lodi
MCO Zoning Map**



© ESRI Maps/Planning/MCO Zone - SFD Parcels.mxd

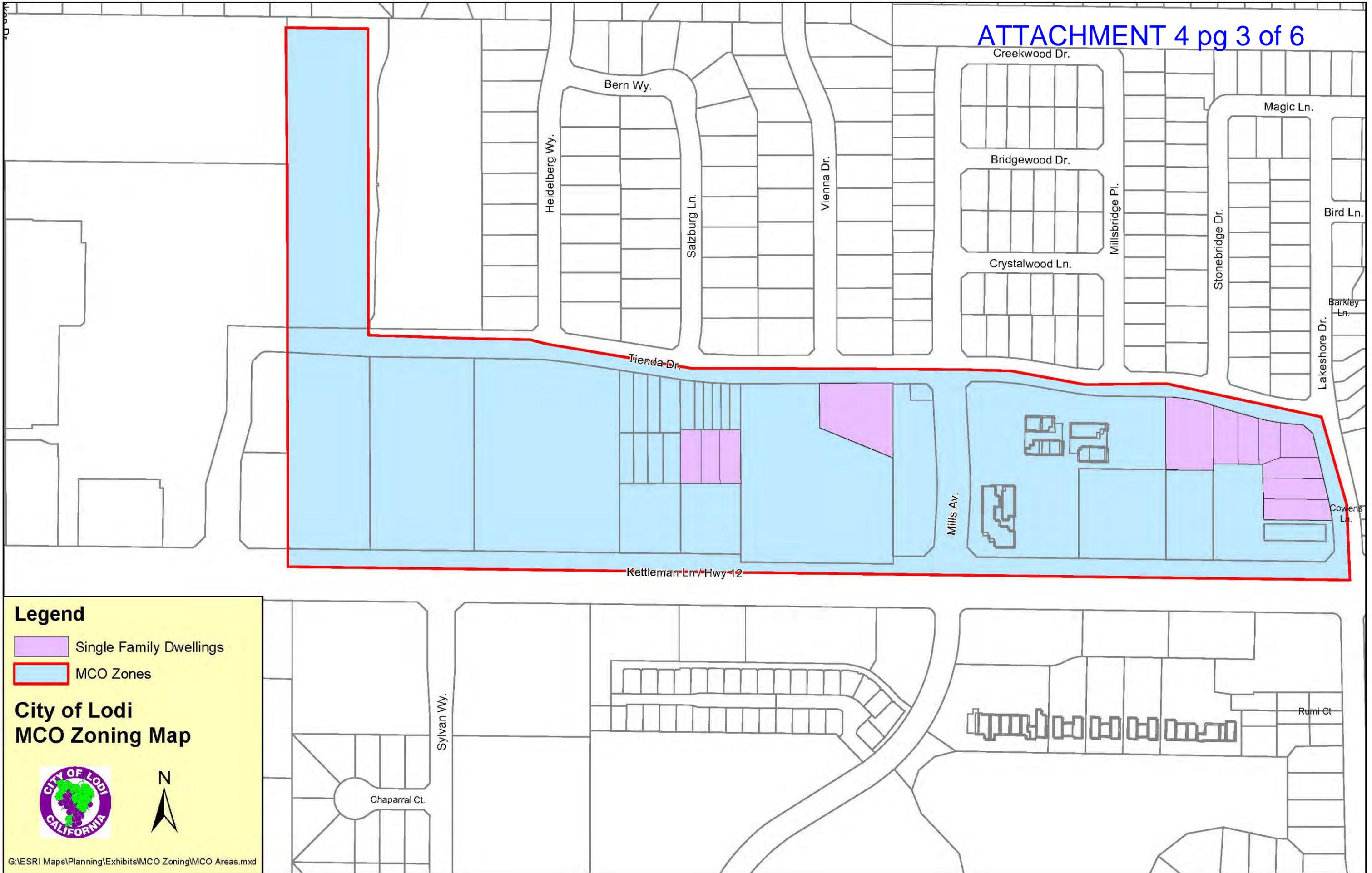


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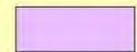
-  Single Family Dwellings
-  MCO Zones

**City of Lodi
MCO Zoning Map**



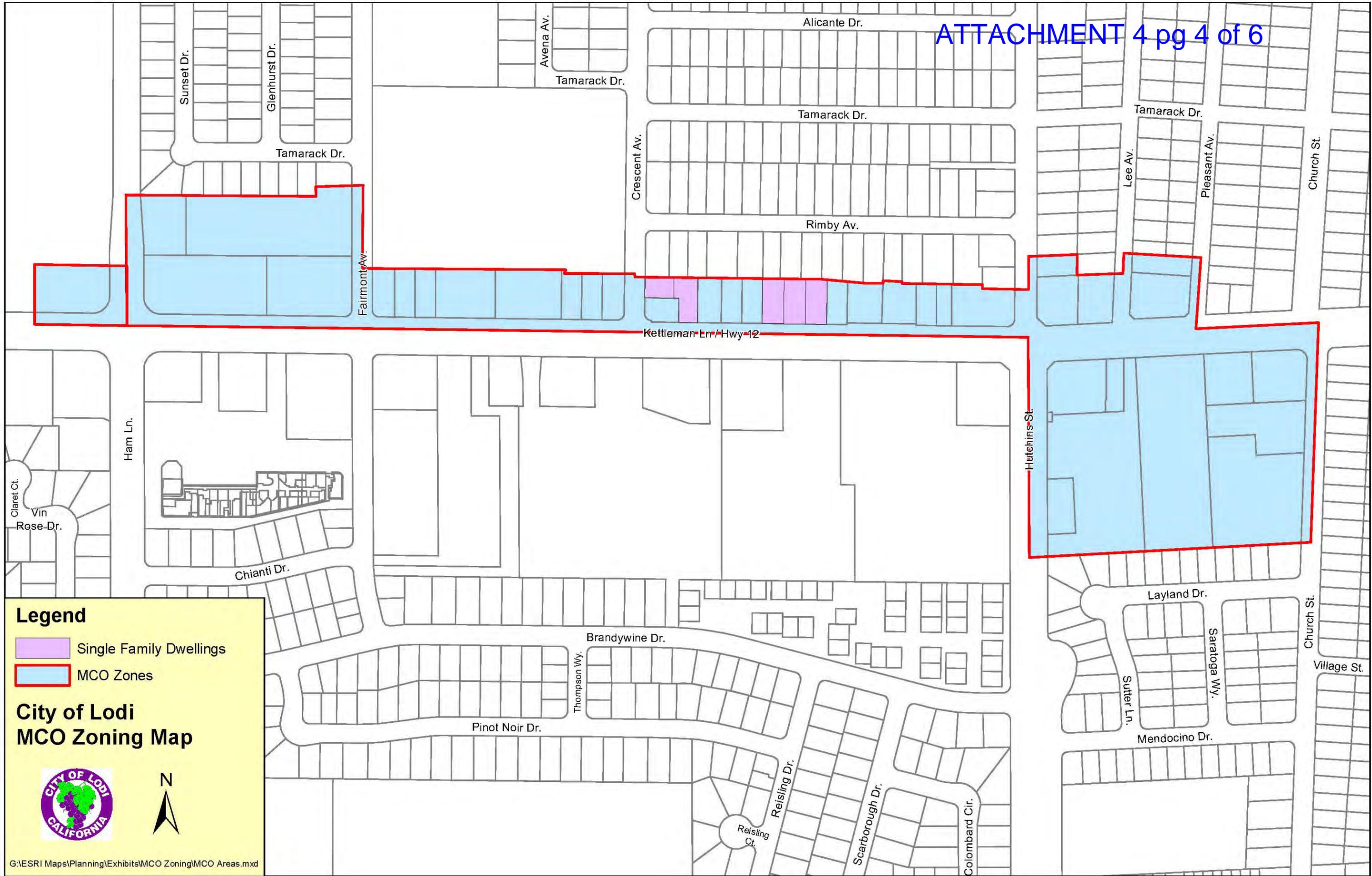


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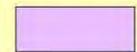
-  Single Family Dwellings
-  MCO Zones

**City of Lodi
MCO Zoning Map**



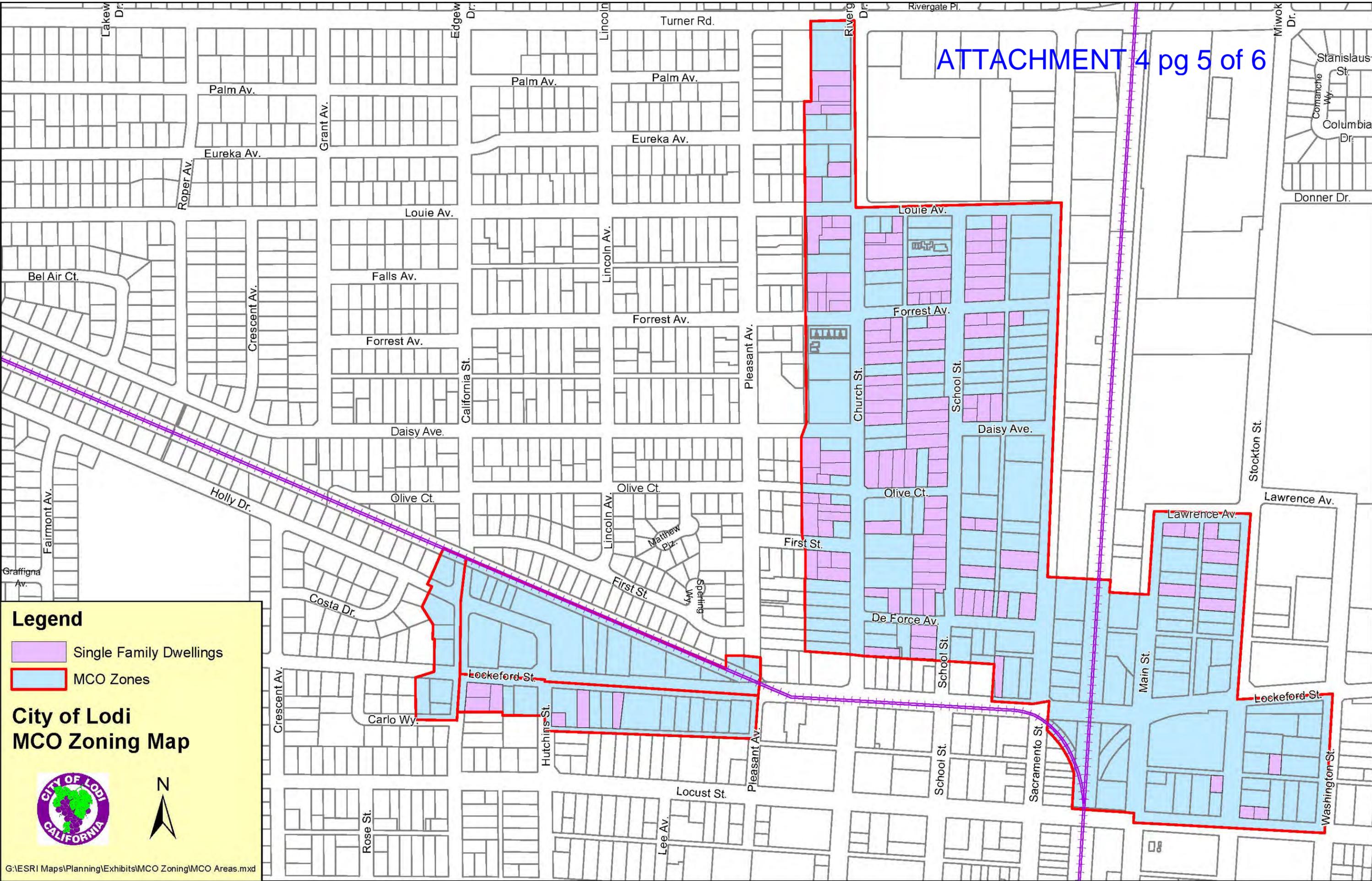


Legend

-  Single Family Dwellings
-  MCO Zones

**City of Lodi
MCO Zoning Map**



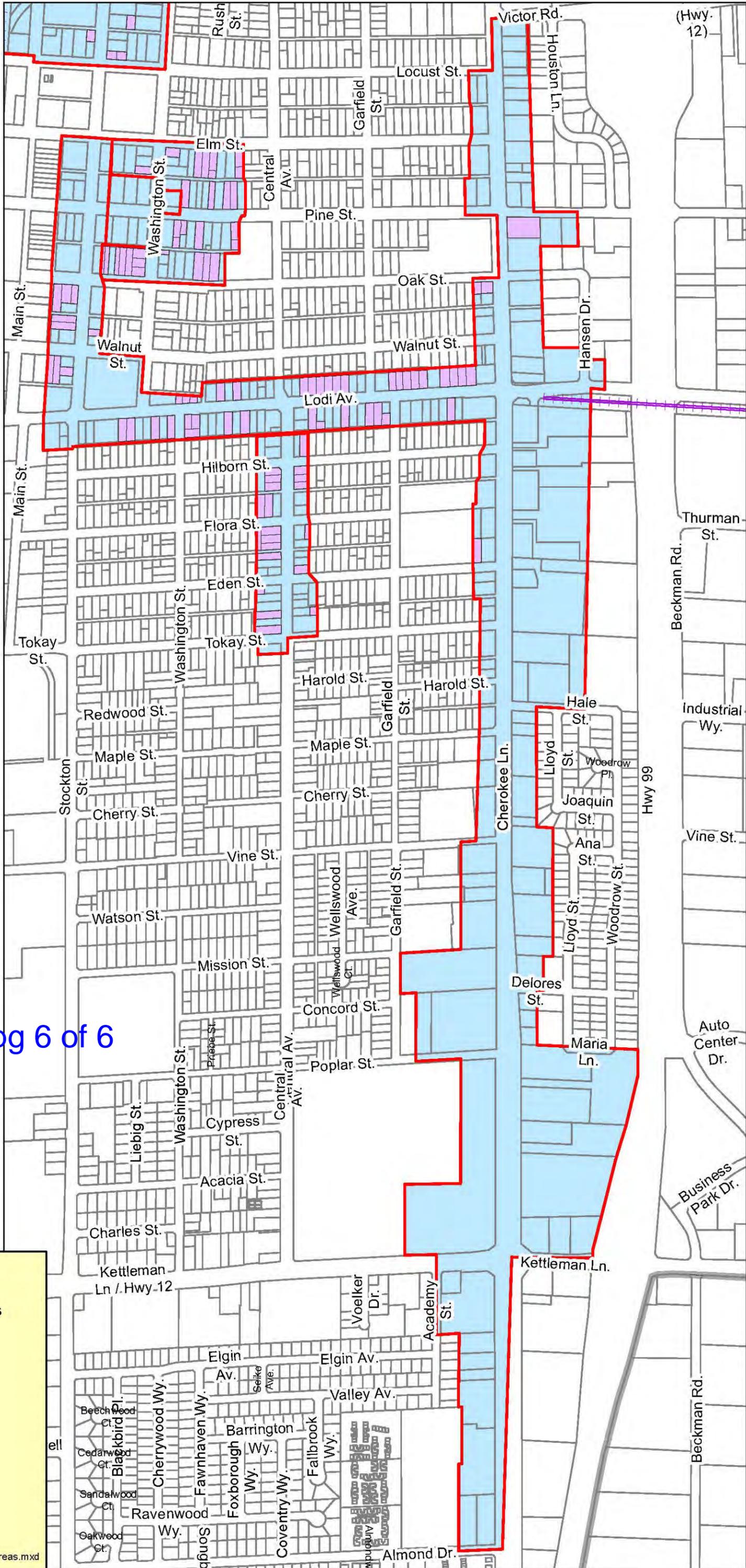


- Legend**
- Single Family Dwellings
 - MCO Zones

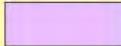
**City of Lodi
MCO Zoning Map**



ATTACHMENT 4 pg 6 of 6



Legend

-  Single Family Dwellings
-  MCO Zones

City of Lodi
MCO Zoning Map




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