

## LODI PLANNING COMMISSION

### Teleconference Meeting

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

AGENDA – Regular Meeting

Date: MAY 27, 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 May 27, 2020:** Commissioners 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](mailto: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](mailto: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 Grocery Outlet.

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](mailto: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](mailto: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 Beer and Wine ABC License for the Boxcar food court project located at 216 North Church Street. (Applicant: Christopher Bennitt; File 2019-023 U; CEQA Determination: Exempt per Section 15061(b)(3))
- b. Request for Planning Commission of the City of Lodi to approve a Use Permit to operate a child day care facility at Horizon Community Church, 415 S Garfield Street (Applicant: Horizon Community Church; File Number: PL2020-010; CEQA Determination: Exempt Per Section 15061(b)(3))

**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 2<sup>nd</sup> Floor, 221 West Pine Street, Lodi, California 95240 – Phone: (209) 333-6702.

Item 4a.



**CITY OF LODI  
PLANNING COMMISSION  
Staff Report**

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**MEETING DATE:** May 27, 2020

**APPLICATION NO:** 2020-019 U

**REQUEST:** Use Permit for proposed sale of beer and wine in a new restaurant food court at 216 N Church Street (Applicant: Christopher Bennitt; File Number: 2019-23 SP; CEQA Determination: Exempt Per Section 15061(b)(3))

**LOCATION:** 216 N Church Street  
APN: 043-023-01

**APPLICANT:** Christopher Bennitt  
4643 Quail Lakes Drive, Suite 123  
Stockton, CA 95207

**PROPERTY OWNER:** Christopher Bennitt  
4643 Quail Lakes Drive, Suite 123  
Stockton, CA 95207

**RECOMMENDATION**

Staff recommends the Planning Commission approve a conditional use permit for the sale of a hotel at 216 N Church Street, subject to the proposed conditions of approval. Staff also recommends that the Planning Commission make a finding of public convenience and necessity, to allow the applicant to process their liquor license application with the State of California.

**PROJECT/AREA DESCRIPTION**

General Plan Designation: Downtown Mixed Use  
Zoning Designation: DMU (Downtown Mixed Use)  
Property Size: 13,600 sq. ft. / 0.31 acres

**SUMMARY**

The applicant, Christopher Bennitt, is proposing to develop a multi-tenant “food court”-style development at the southeast corner of Lockeford Street and Church Street. The proposed project would include the sale of alcohol by one or more of the tenants.

Part of the proposed operations of the restaurants is the sale of alcoholic beverages for on-site consumption. Per the Lodi Zoning Code, the sale of alcohol in the DMU zone require the approval of a conditional use permit.

## BACKGROUND

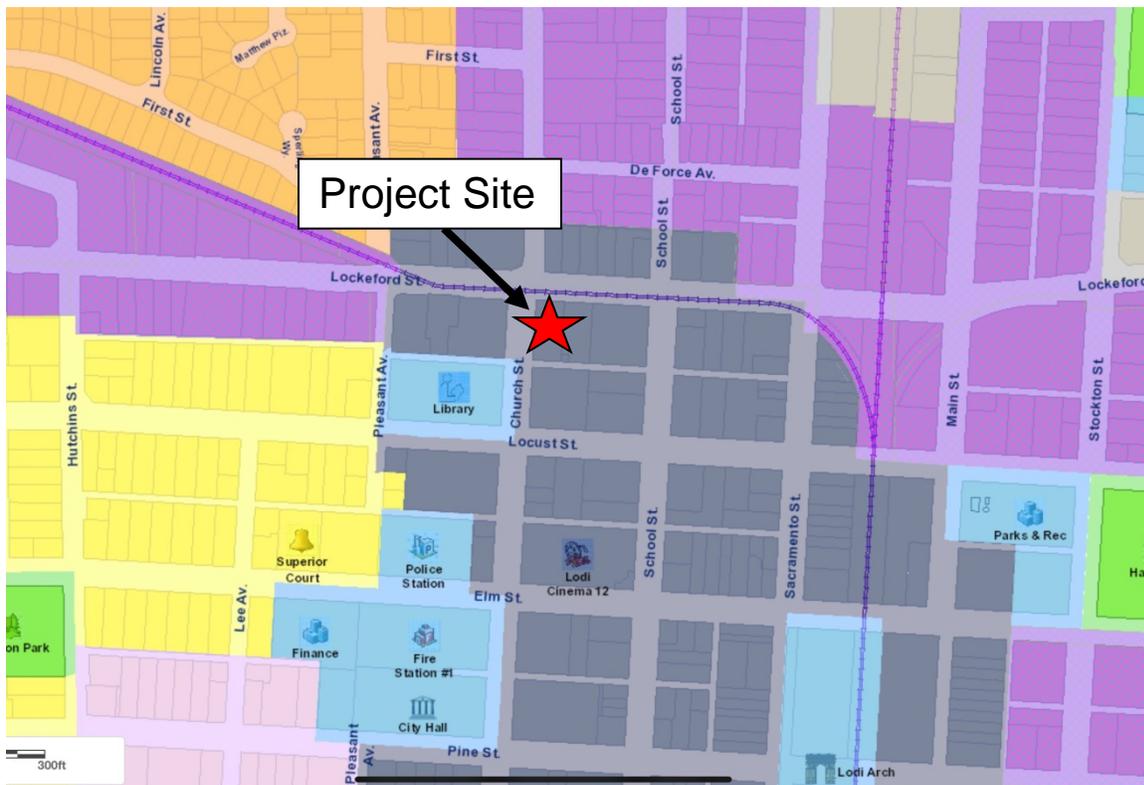
The following sections describe the site and its regulatory setting:

- General Plan and Zoning
- Downtown Development Standards and Guidelines
- Downtown Parking District
- Existing Land Uses

### General Plan and Zoning

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

Figure 1: General Plan



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

#### *Downtown Mixed Use*

*Downtown Mixed Use is intended for a variety of commercial, office, public, and medium- and high-density residential uses on infill sites in the vicinity of Lodi's downtown. This classification encompasses an expanded downtown area, across the railroad tracks and extending past Main Street. This designation seeks to enable improved connections and coherence, but does not seek to expand downtown to the Eastside neighborhood; rather, the Eastside is expected to maintain its own character.*

***Retail uses or eating and drinking establishments are required at the ground level (see Chapter 4: Community Design and Livability for specified***

sites). This category will maintain the mix, scale and character of downtown development, while providing opportunities for redevelopment of vacant, and underutilized sites. The maximum FAR for this designation is 3.0, which includes all residential and non-residential uses combined. At this intensity all parking is expected to be provided offsite; if on-site parking is provided, lower development intensities, as specified in the Zoning Ordinance, would be allowed. [Lodi General Plan Land Use Element, emphasis added]

**Figure 2: Zoning**



The Downtown Mixed Use (DMU) zoning district is described as follows:

*DMU (Downtown Mixed Use) District. The DMU zoning district is applied to the downtown area, and is intended to allow for a **broad range of commercial land uses primarily located on the ground floor**. Residential uses may also be allowed in this district. The maximum FAR is 3.00. The DMU zoning district is consistent with the downtown mixed use land use designation of the general plan. [Lodi Zoning Code, emphasis added]*

The site is in the northernmost portion of the Downtown Mixed Use area.

### **Downtown Development Standards and Guidelines**

The site is located within the area covered by the City's Downtown Development Standards and Guidelines, adopted in 1997 to "...create and establish land use policies and design guidelines..." and "... serve as the tool kit for shaping Downtown Lodi's future."

## Existing Land Use

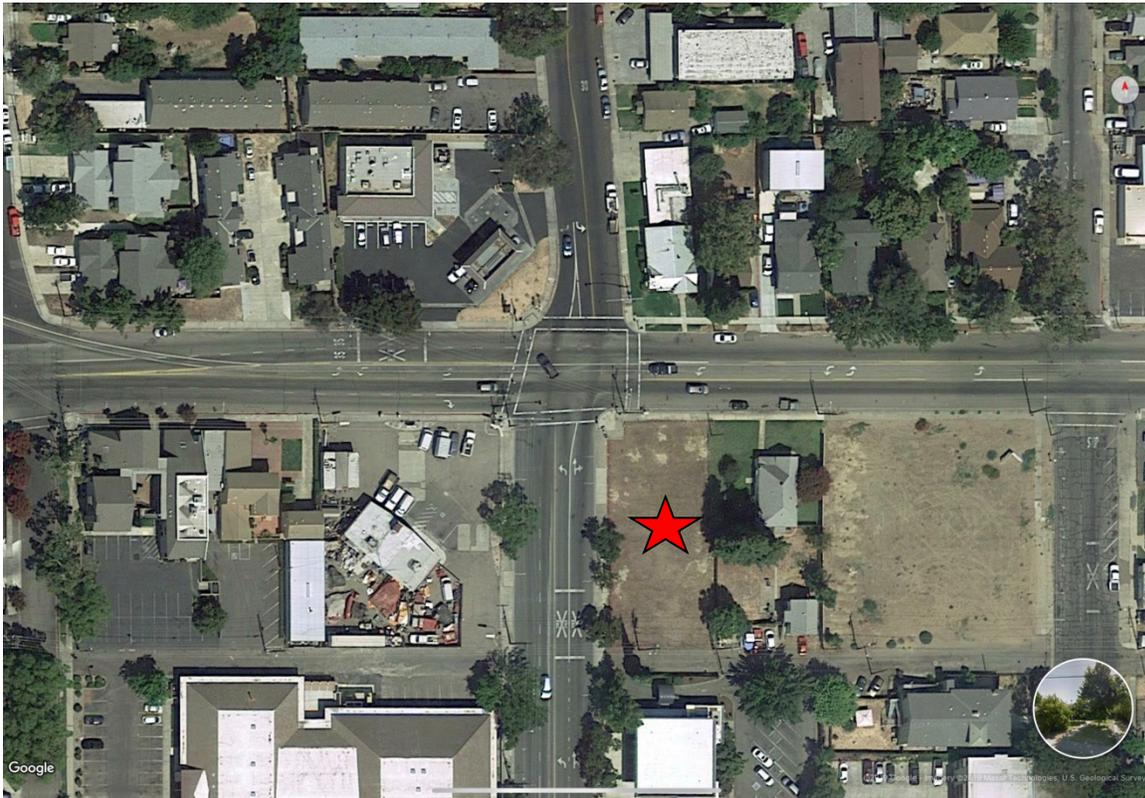
The site is currently vacant, as shown below (the home at left is on another parcel and is not part of the proposed project).

**Figure 3: Existing Site**



The area north of the site, across Lockeford Street, is a mix of commercial uses and single family homes, as shown in the aerial photo later in this report. Surrounding the site on the south side of Lockeford Street are a mix of mostly commercial uses, including several recently approved new commercial uses.

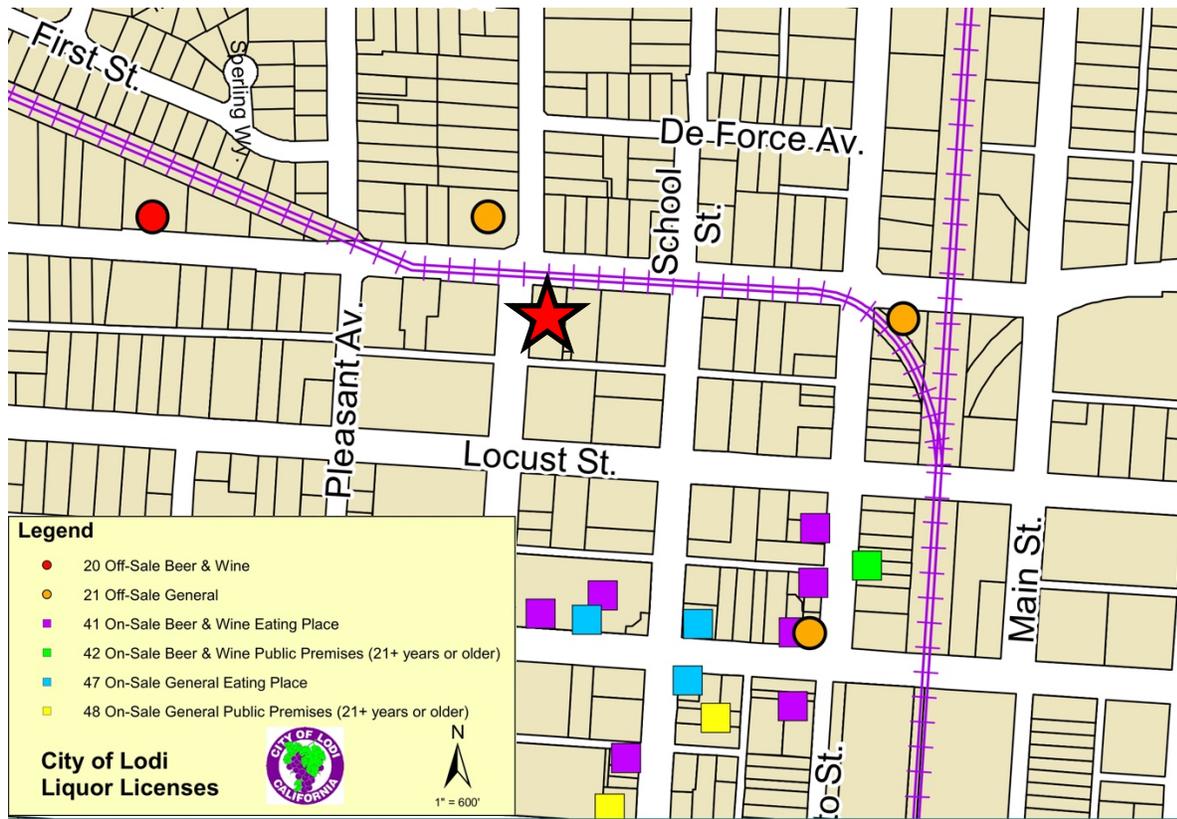
**Figure 4: Aerial Photo**



### **Existing Liquor Licenses**

Existing liquor licenses in the vicinity of the Boxcar site are shown below (based on information provided by the State of California Department of Alcoholic Beverage Control). As shown, numerous restaurants and bars serving alcohol are located in the downtown area, but none near to the proposed Boxcar location. The closest available alcohol to the Boxcar site is the gas station on the north side of Lockeford Street west of Church Street, which sells beer, wine and spirits for offsite consumption.

**Figure #: Existing Liquor Licenses Near Boxcar**

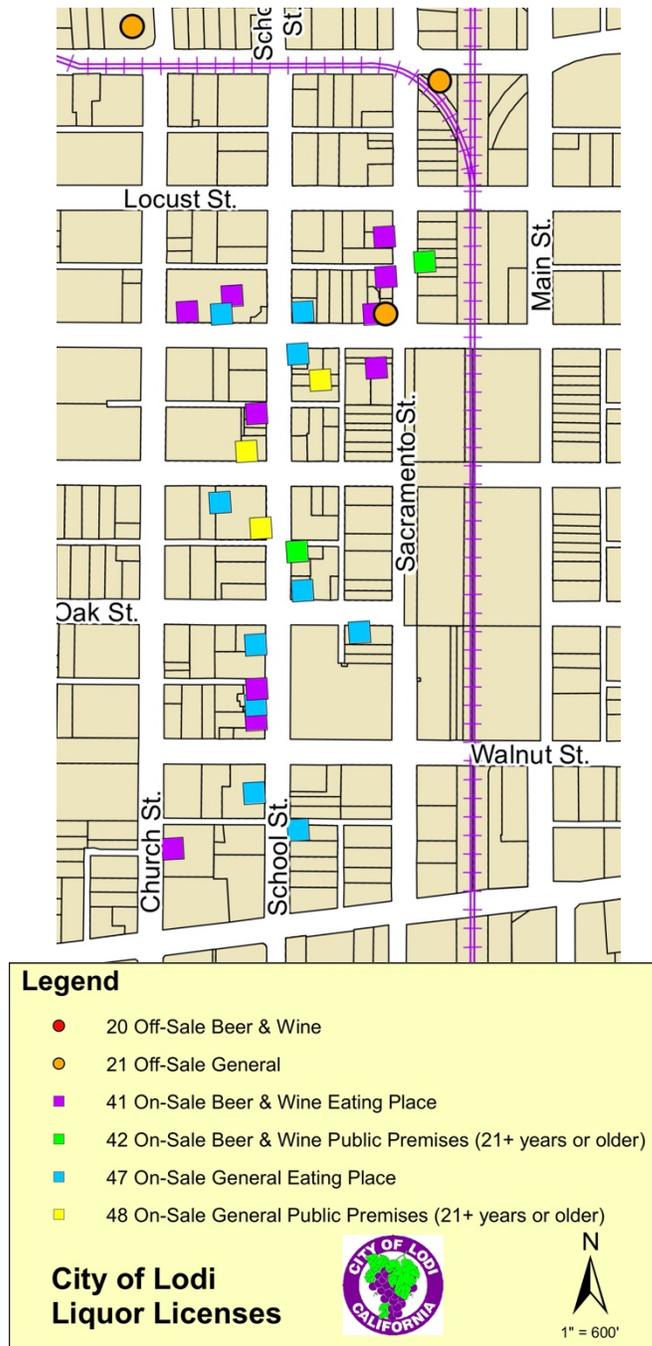


The proposed Boxcar food court is located in the downtown area, which is known as a destination with numerous food- and wine-related uses, including a number of bars and restaurants. According to information from the State of California Department of Alcoholic Beverage Control (ABC), the area bounded by Church Street, Lockeford Street, the railroad tracks and Lodi Avenue has a total of 27 existing liquor licenses, broken down as follows:

- 20 Restaurants
- 5 Bars
- 2 Stores selling alcohol for offsite consumption

This area and existing license locations are shown below.

**Figure #: Existing Liquor Licenses in Downtown**



**PROPOSED PROJECT**

The applicant is proposing to sell beer and wine for on-site and off-site consumption. Beverages would be served at designated beverage-only locations and/or at locations selling food. Patrons would be able to purchase beverages with a meal or without.

A list of potential tenants, provided by the applicant, is shown below.

**Table A: Potential Tenant Mix**

Size	Tenant Type	Hours
240 SF	Coffee	7am – 9pm
240 SF	Desserts	5pm – 9pm
320 SF	Wine	11am – 10 pm
320 SF	Beer	11am – 10pm
350 SF	Tacos/Food	11am – 9 pm
350 SF	Pizza/Food	11am – 9pm
350 SF	Desserts	5pm – 9pm
350 SF	Deli	11am – 7pm
350 SF	Mediterranean/Food	11am – 7pm
350 SF	Poke/Food	11am – 7pm
160 SF	Bicycle Shop	10am – 5pm
160 SF	Merchandise	10am – 5pm

Food and beverages would be consumed in the areas shown below. Note: the first floor area includes kitchen and storage areas.

According to the applicant, alcohol may be sold for on-site consumption or packaged for off-site consumption. The following are included in the applicant's potential alcohol sales:

- Alcohol will be available for purchase both at designated locations (see the list of potential tenants) or at locations selling food as well as alcohol.
- Patrons would be able to purchase packaged beer and wine for off-site consumption.
- One licenseholder may be licensed to sell alcohol at the Boxcar location or by multiple licenseholders. (Note that this may have impacts on where alcohol from any given sales location can be consumed. ABC may require that the area for alcohol consumption be divided into different areas for beverages from different vendors or a shared area may be allowed.)
- Sale of alcohol would be limited to the hours of 11 am to 10 pm.
- Meal or food purchase would not be required to purchase alcoholic beverages.

**Figure #: Areas Proposed for Alcohol Consumption**



## **ANALYSIS**

The area near the proposed Boxcar location is a mix of residential and commercial/service uses. As noted earlier in this report, the project site is near a number of existing alcohol outlets, both for off-site and on-site consumption.

While the City has noted issues with some of the locations in the downtown where alcohol is served for on-site consumption, these have been generally limited to “bars” where meals are not served. Restaurants (a category that would include the proposed Boxcar project) have generally operated without issues.

The following findings are based on the project, its location, and the City’s history of issues at existing alcohol outlets in the downtown area.

## **FINDINGS**

The Lodi Municipal Code (Section 17.40.040 F) requires that the Planning Commission make the following findings in order to approve a Use Permit:

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

- The proposed use is consistent with the general plan and any applicable specific plan.
- 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.
- The location, size, design, and operating characteristics of the proposed use would be compatible with the existing and future land uses in the vicinity.
- The project has been reviewed in compliance with the California Environmental Quality Act (CEQA) and the Lodi Environmental Review Guidelines.

Staff's analysis of these required findings is provided below.

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 DMU (Downtown Mixed Use). Alcoholic beverage sales is a use that is permitted within the DMU 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 Downtown Mixed use land use district of the General Plan, which allows for, "... variety of commercial, office, public, and medium- and high-density residential uses." The sale of beverages is included in this "variety" of uses. 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 to existing restaurants in the downtown area. Based on the City's experience with similar dining establishments, the proposed sale of alcohol will be compatible with surrounding land uses. The sale of alcohol 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.

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 site is in the downtown area, and near other retail and service uses (south of Lockeford Street) and near existing residential neighborhoods (north of Lockeford). All of these uses are compatible with the sale of alcoholic beverages in properly managed restaurants.

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 CEQA Section 15061 (b) (3). This is the “common sense” exemption, which applies to projects where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment.

## **CONDITIONS OF APPROVAL**

Staff recommends that the sale of alcohol at this location should be limited as follows:

- Allowing the sale of beer and wine only
- Limiting the area in which alcohol can be consumed
- Limiting the hours in which alcohol can be sold

These recommendations are included in the proposed conditions of approval attached to this report.

## **PUBLIC CONVENIENCE AND NECESSITY**

Based on staff’s analysis, a finding public need and necessity can be made. Offering these beverages at this location would be a convenience to guests, providing a new and unique location in Lodi at which to purchase alcohol with a variety of food choices. This would assist the City in its goals of encouraging tourism and restaurant businesses.

## **ENVIRONMENTAL REVIEW**

The project is Categorical Exempt according to the California Environmental Quality Act, Section 15061 (b) (3). This is the “common sense” exemption, which applies to projects as follows:

*“The activity is covered by the common sense exemption that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA.”[CEQA 15061(b)(3)]*

No significant environmental impacts are anticipated, and no mitigation measures are required.

## **CONDITIONS OF APPROVAL**

Staff’s recommended conditions of approval for the proposed project are included in the attachments to this report.

## **PUBLIC HEARING NOTICE**

Legal Notice for this item was published in the Lodi News Sentinel on Saturday, May 16, 2020. Twenty-seven (27) 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 conditional use permit for the sale of beer and wine for on-site consumption, 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 Commission find that the proposed sale of beer and wine at 216 North Church Street is exempt from CEQA per Section 15061(b)(3) and that the Commission 1) approve a conditional use permit to allow the sale of beer and wine for on-site and off-site consumption at this location, subject to conditions of approval, and 2) make a finding of public convenience and necessity."

## **ALTERNATIVE PLANNING COMMISSION ACTIONS**

- Approve the request with attached or alternate conditions
- Deny the project
- Continue the item to a future Planning Commission meeting

Respectfully Submitted,

Eric Norris  
Contract Planner

John R. Della Monica Jr.  
Community Development Director

## **ATTACHMENTS:**

- A. Detailed Plans
- B. Conditions of Approval

## RESOLUTION NO. 20-

### A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LODI, CALIFORNIA, APPROVING A USE PERMIT FOR THE SALE OF BEER AND WINE FOR ON-SITE AND OFF-SITE CONSUMPTION AT A FOOD COURT, LOCATED AT 216 NORTH CHURCH STREET (ASSESSOR'S PARCEL NUMBER 043-023-01)

**WHEREAS**, in October 2019, pursuant to the requirements of the City of Lodi Municipal Code, an application for Use Permit 2019-23 was duly submitted to the Community Development Department; and

**WHEREAS**, the project proponent is Christopher Bennett, 4643 Quail Lakes Drive, Suite 123, Stockton, CA 95207; and

**WHEREAS**, the project parcel is owned by Christopher Bennett, 4643 Quail Lakes Drive, Suite 123, Stockton, CA 95207; and

**WHEREAS**, the project is located at 213 N Church Street, Lodi (APN: 043-023-01); 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 Downtown Mixed Use General Plan land use district and the DMU zoning designation and is exempt from environmental review pursuant to Section 15332 of the CEQA Guidelines; and

**WHEREAS**, on Saturday, May 16, 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 PL2020-010, 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 May 27 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 clearly will not result in environmental impacts and is therefore exempt from CEQA per Section 15061 (B)(3), which exempts projects where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment.

Evidence: The proposed project consists of the sale of alcohol at a food court. This activity would clearly not create significant noise, traffic, or other environmental impacts.

## **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 DMU (Downtown Mixed Use). Alcoholic beverage sales is a use that is permitted within the DMU 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 Downtown Mixed use land use district of the General Plan, which allows for, "... variety of commercial, office, public, and medium- and high-density residential uses." The sale of beverages is included in this "variety" of uses. 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 would occur within an existing building. Sufficient space is available for the use both on the site and for the pickup and dropoff of children as the center 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.

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 site is in the downtown area, and near other retail and service uses (south of Lockeford Street) and near existing residential neighborhoods (north of Lockeford). All of these uses are compatible with the sale of alcoholic beverages in properly managed restaurants.

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

Evidence: The project is found to be categorically exempt from CEQA review under CEQA Section 15061 (b) (3). This is the "common sense" exemption, which applies to projects where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment. The sale of alcoholic beverages is an activity would clearly not create significant noise, traffic, or other environmental impacts.

## **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 2019-23, subject to the conditions of approval attached hereto as Exhibit A.

**Dated: May 27, 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 May 27, 2020 by the following vote:

AYES: Commissioners:

NOES: Commissioners:

ABSENT: Commissioners:

**ATTEST**

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

DRAFT

**CONDITIONS OF APPROVAL**

**Planning Application Number and Description: Project No. 2019-023U** – Conditional Use Permit for the sale of beer and wine for on-site or off-site consumption with and without meal purchase at a food court facility at 216 North Church Street.

**Assessor's Parcel Number:** 043-023-01

**Planning Commission Review Date:** May 27, 2020

Conditions of Approval	Timing/ Implementation	Enforcement/ Monitoring	Verification (Date and Signature)
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**General Conditions/Requirements**

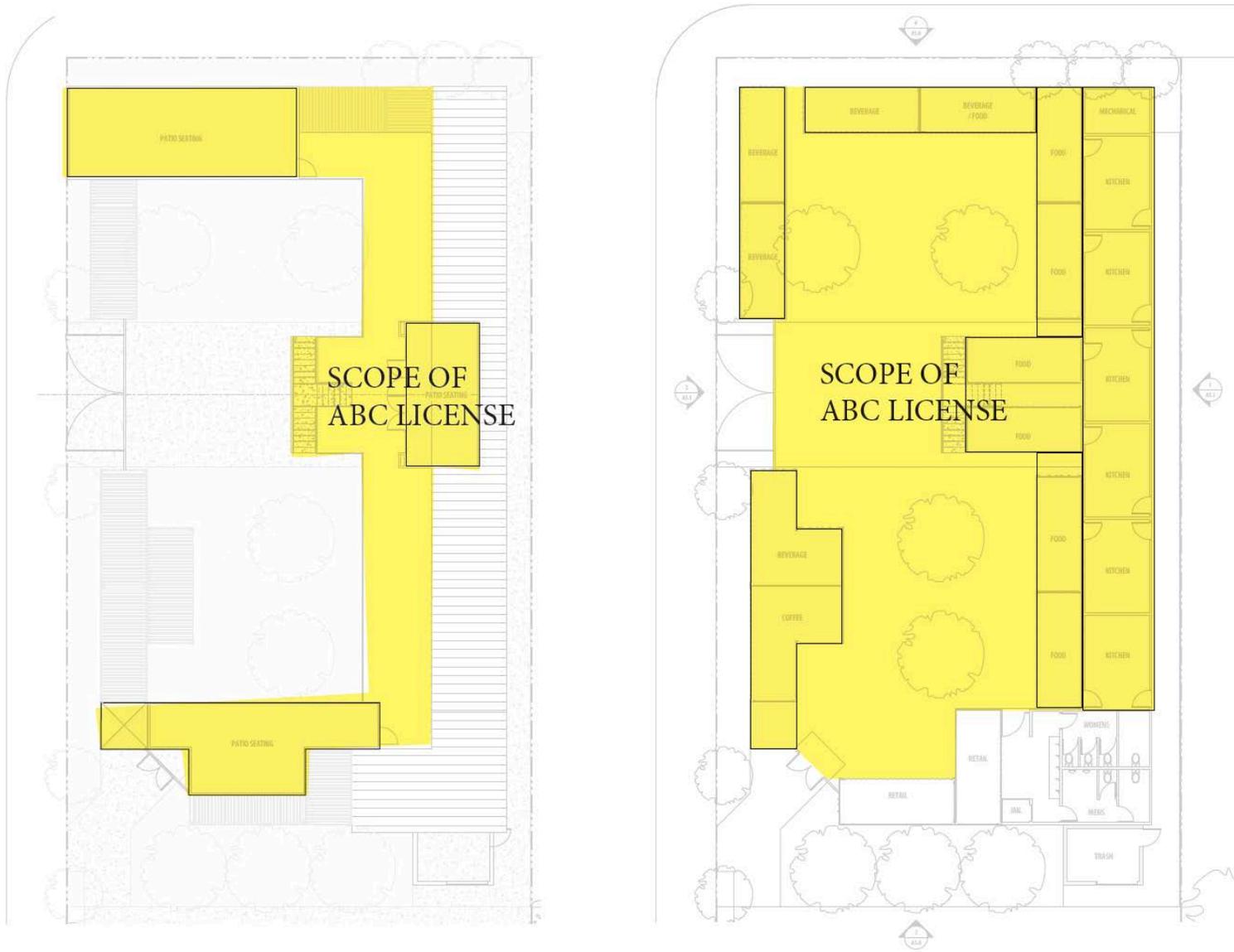
<p>1. The applicant shall review and sign below verifying the "Acceptance of the Conditions of Approval" and return the signed page to the Lodi Planning Department. Project approval is not final until a signed copy of these conditions is filed with the City.</p> <hr/> <p>Applicant Signature _____ Date _____</p> <hr/> <p>Print Name _____</p>	<p align="center">Must be completed to finalize approval</p>	<p align="center">Planning Department</p>	
<p>2. The applicant shall indemnify, protect, defend, and hold harmless the City, and/or any of its officials, officers, employees, agents, departments, agencies, and instrumentalities thereof, from any and all claims, 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, officers, employees, agents, departments, agencies, and instrumentalities thereof, that challenge, attack, or seek to modify, set aside, void, or annul any</p>	<p align="center">Ongoing</p>	<p align="center">Planning Department</p>	

<b>CONDITIONS OF APPROVAL</b>				
	<p>action of, or any permit or approval issued by, the City and/or any of its officials, officers, employees, agents, 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 the California Environmental Quality Act (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 shall promptly notify the applicant of any Action brought and City shall cooperate with applicant in the defense of the Action.</p>			
<b>Ongoing Conditions</b>				
3.	The project shall be operated in accordance with the applicant's plan of operation, attached to these conditions of approval.	Ongoing	Planning Department	
4.	The applicant shall be responsible for obtaining and maintaining all necessary license(s) from the State of California for the sale of alcohol.			
5.	The sale of alcohol is limited to beer and wine only, for on- or off-site consumption.	Ongoing	Planning Department	
6.	Alcohol may be sold for off-site consumption by a Beer Manufacturer, Small Beer Manufacturer, or Winegrower only (State of California Type 01, Type 23, or Type 02 license type). Alcohol sold for off-site consumption must be the produce of the Beer/Small Beer Manufacturer or Winegrower.			
7.	Alcohol may be served for on-site consumption without a meal.			
8.	Alcohol may be consumed only in the areas shown on the attached site plan only. This area may be designated into separate sub-areas if	Ongoing	Planning	

CONDITIONS OF APPROVAL				
	required by the State of California Department of Alcoholic Beverage Control.		Department	
9.	Alcohol shall be sold between the hours of 11 am and 10 pm only. Sales are allowed seven days a week.	Ongoing	Planning Department	
10.	If the City determines that the operation of this use results in conflicts pertaining to loitering, public safety or other impacts, 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.	Ongoing	Planning Department	
11.	Any change in operational characteristics, expansion in area or other modification to the approved operations shall require an amendment to this Use Permit or the processing of a new Use Permit.	Ongoing	Planning Department	

DRAFT

**Attachment A: Site Plan Showing Alcohol Consumption Areas**



## **Attachment B: Applicant's Plan of Operations**

Box Car tenants will need to provide proof that staff pouring alcohol can meet the following requirements:

1. How to protect yourself and your establishment from liability;
2. How alcohol affects your customers;
3. How to recognize the effects of alcohol on your customers;
4. How to prevent customers from becoming intoxicated;
5. How to intervene when you need to refuse a sale to someone;
6. How to prevent and deal with disturbances;
7. How to accurately check IDs and recognize minors;
8. How to prevent second-party sales; and
9. How to refuse a sale.

Item 4b.



**CITY OF LODI  
PLANNING COMMISSION  
Staff Report**

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**MEETING DATE:** May 27, 2020

**APPLICATION NO:** PL2020-010

**REQUEST:** Use permit to operate a child day care facility at Horizon Community Church, 415 S Garfield Street (Applicant: Horizon Community Church; File Number: PL2020-010; CEQA Determination: Exempt Per Section 15061(b)(3))

**LOCATION:** 415 S Garfield Street  
APN: 047-352-17

**APPLICANT:** Horizon Community Church  
446 Fairway Drive  
Galt, CA 95632

**PROPERTY OWNER:** Horizon Community Church  
446 Fairway Drive  
Galt, CA 95632

**RECOMMENDATION**

Staff recommends the Planning Commission approve a conditional use permit for the operation of a child day care center at 415 S Garfield Steet, subject to the proposed conditions of approval.

**PROJECT/AREA DESCRIPTION**

General Plan Designation: Medium Density Residential  
Zoning Designation: RMD (Medium Density Residential)  
Property Size: 7,000 Square Feet

**SUMMARY**

The applicant, Horizon Community Church, is proposing to operate a small day care center in an existing building on the church's property at 415 S Garfield Street. The facility would serve up to 12 children in morning sessions from 9-noon Monday-Friday. Children would be provided with a small outdoor play area on the church property.

Pickup and dropoff would occur on S Garfield Street.

Day care facilities such as the one proposed by the applicant are licensed and inspected by the State of California, which would be responsible for reviewing and approving details of the proposed operation, such as the size and configuration of indoor and outdoor spaces.

## SETTING

The following sections describe the site and its setting:

- General Plan and Zoning
- Existing Land Use
- Existing Land Use

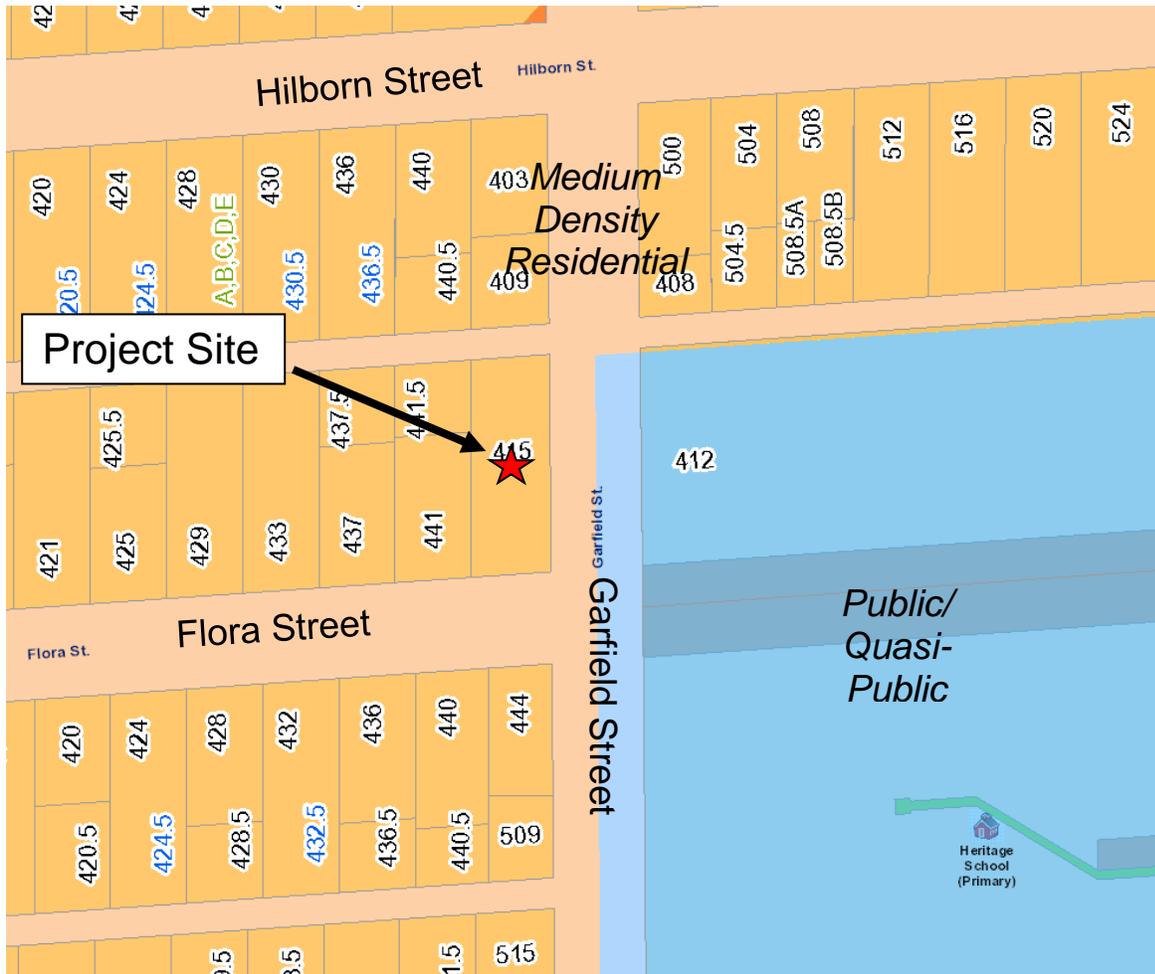
### General Plan and Zoning

The site is designated Medium Density Residential on both the General Plan Land Use Map and the Zoning Map, as shown below.

**Table A: Adjacent General Plan Zoning Designations and Land Uses**

	<b>General Plan</b>	<b>Zoning Classification</b>	<b>Existing Land Use</b>
<b>Project Site</b>	Medium Density Residential	RMD (Medium Density Residential)	Church
<b>North</b>	Medium Density Residential	RMD (Medium Density Residential)	Single family neighborhood
<b>South</b>	Medium Density Residential	RMD (Medium Density Residential)	Single family neighborhood
<b>East</b>	Public/Quasi Public	PF (Public and Community Facilities)	Elementary public school
<b>West</b>	Medium Density Residential	RMD (Medium Density Residential)	Single family neighborhood

**Figure 1: Lodi General Plan Land Use Designations**



The Medium Density Residential General Plan land use designation is described as follows:

*This classification is intended for residential developments at densities ranging from eight to 20 units per acre. This density range accommodates a variety of housing types, including detached or attached (townhomes) single-family houses, and two or three-story multifamily units. This type of housing exists in the eastern neighborhoods, along Church Street, south of Kettleman Lane.*

One of the “Planning Themes” of the Lodi General Plan addresses the desired form of the city’s neighborhoods:

***Walkable, Livable Neighborhoods.*** *The Plan envisions new neighborhoods with a variety of uses, diversity of housing types, and short blocks, organized around mixed-use centers. This pattern provides retail, housing, offices, parks, and other uses. [emphasis added]*

**Figure 2: Lodi Zoning Map**



The RMD (Medium Density Residential) zoning district is described as follows:

*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 twenty dwelling units per acre. The RMD zoning district is consistent with the medium density residential land use designation of the general plan.*

The RMD zone allows day care centers with a conditional use permit.

### **Existing Land Use**

The site is currently occupied by the Horizon Community Church. Surrounding the project site to the north, west, and south are existing single family neighborhoods. To the east is Heritage Elementary School.

An aerial photo and street views of the project site are shown below.

**Figure 3: Existing Site and Vicinity Aerial View**



**PROPOSED PROJECT**

The applicant is proposing to operate a child day care center at this location. The applicant proposes to convert the northern building on the property (see below) for use as a child day care center.

The applicant's proposed site plan is shown below. (Note that the arrows indicate the applicant's suggested circulation for pickup and dropoff of children; staff's recommended conditions of approval would prohibit stopping or parking in the alleyway.)

Figure 4: Proposed Site Plan



Figure 5: Proposed Day Care Building



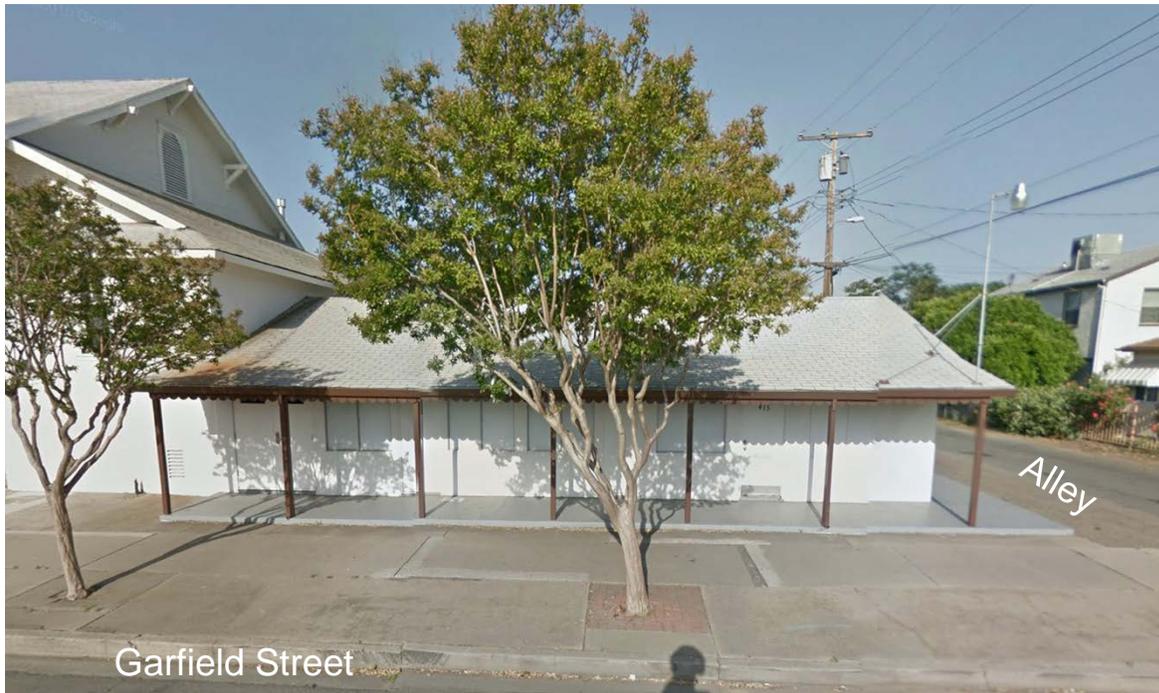
Photographs of the church and the proposed day care building are shown below.

**Figure 6: Photos of Church Facility**



Flora Street

**Church Sanctuary**



Garfield Street

Alley

**Proposed Day Care Building**

Indoor activities would occur in the northern building. Outdoor play would occur in the open space area near the northern building, shown below in its existing condition.

**Figure 7: Area Proposed for Outdoor Play**



The applicant proposes to have up to 12 children in the day care facility at any time. Children would be in two groups of 12 (Monday/Wednesday/Friday and Tuesday/Thursday) from 9 am to 12 pm.

As proposed by the applicant, parents would drop off children either on Garfield Street or in the alley adjacent to the church. (See staff’s recommended conditions of approval, which recommend prohibiting pickup/dropoff in the alley.)

**ANALYSIS**

The following analysis addresses several issues:

- Suitability per state day care interior space standards
- Suitability per state day care exterior space standards
- Pickup and dropoff circulation
- Neighborhood compatibility

## **State Day Care Requirements for Interior Space**

The State of California requires 35 square feet of interior space per child, excluding bathrooms, hallways, offices, etc. (Health and Safety Code section 101238.3). Based on an approximate size of 1,900 SF for the building proposed for the day care center and 12 children per session, the building appears to be adequately sized.<sup>1</sup>

The Planning Commission should note that responsibility for reviewing and approving indoor space and other requirements falls on the State of California. The State will also be responsible for ongoing inspections and review of the operations at the site.

## **State Day Care Requirements for Exterior Space**

The State of California requires 75 square feet of outdoor space per child to,

*“(1) Provide a shaded rest area for the children. [and] (2) Permit children to reach the outdoor activity space safely.”* [California Health and Safety Code section 101238.2]

The area available for outdoor play is approximately 240 square feet in size, which is not large enough for all of the children to play (a total of 900 square feet of outdoor area would be required:  $12 \times 75 = 900$ ). The applicant has discussed this issue with the State, and has been informed that a smaller area may be acceptable, but the number of children outside at one time would need to be limited. This will be an issue which the State of California will address during its license review process.

## **Pickup and Dropoff Circulation**

As noted earlier, the applicant's proposal includes the use of both Garfield Street and the adjacent alleyway for parents dropping off and picking up children in their car.

While staff has no issues with the use of Garfield Street for this purpose, the Public Works Department has expressed concern that the alleyway is too narrow to allow vehicles to stop and potentially block through traffic. The figure below shows the alleyway adjacent to the proposed day care facility; as shown, there is insufficient area for vehicles to stop out of the alley right of way.

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<sup>1</sup> Note: The applicant will need to apply for and receive a license from the State of California, which will perform a more detailed review of the proposed facility before issuing a license.

**Figure 8: Alleyway**



A proposed condition of approval is included to prohibit the use of the alleyway for pickup/dropoff and require the applicant to install signage informing parents that no pickup/dropoff can occur here.

Regarding Garfield Street, parking is available on both sides of the street, the speed limit (as a local street) is low, and a striped crosswalk is available at the Flora Street intersection. Staff notes that children regularly cross Garfield Street on their way to Heritage School.

### **Neighborhood Compatibility**

The area around the proposed day care location is entirely residential in character, consisting of homes, schools, and churches. Farther from the site, land uses transition to retail/commercial on Cherokee Lane and Lodi Avenue. Near the site, however, the area is generally quiet and residential.

A day care facility serving children would, in staff's opinion, be in character with adjacent uses. The day care facility would be similar in character (on a much smaller scale) to the adjacent Heritage Elementary school, a public school in the Lodi Unified School District, which has existed in the neighborhood for decades.

Pickup and dropoff is expected to have minimal impacts, due to the small number of children being dropped off (12 children) and to the fact that pickup/dropoff will take place at different times from peak to/from school activity for the adjacent elementary school.

## FINDINGS

The Lodi Municipal Code (Section 17.40.040 F) requires that the Planning Commission make the following findings in order to approve a Use Permit:

- The proposed use is allowed with a use permit within the applicable zoning district and complies with all applicable provisions of this development code.
- The proposed use is consistent with the general plan and any applicable specific plan.
- 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.
- The location, size, design, and operating characteristics of the proposed use would be compatible with the existing and future land uses in the vicinity.
- The project has been reviewed in compliance with the California Environmental Quality Act (CEQA) and the Lodi Environmental Review Guidelines.

Staff's analysis of these required findings is provided below.

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 RMD (Medium Density Residential). Day care is a use that is permitted within the RMD 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 Medium Density Residential land use district of the General Plan, which allows for, "... residential developments at densities ranging from eight to 20 units per acre. This density range accommodates a variety of housing types, including detached or attached (townhomes) single-family houses, and two or three-story multifamily units." Facilities such as small day care centers are consistent with and integral to residential neighborhoods. The facility is also consistent with the General Plan's description of "Parks, schools, and other public facilities dispersed throughout the city ..." 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 would occur within an existing building. Sufficient space is available for the use both on the site and for the pickup and dropoff of children as the center 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.

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 residential homes and an elementary public school. The proposed day care center, which serves children from the surrounding area inside the facilities of a local church, is part of the character of a typical residential neighborhood as described in the General Plan and is compatible with the surrounding neighborhood.

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 CEQA Section 15061 (b) (3). This is the “common sense” exemption, which applies to projects where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment.

## **CONDITIONS OF APPROVAL**

Staff recommends that the operations of the proposed day care center should be conditioned as follows:

- Limiting the number of children to a maximum of 12 per session, per the applicant's proposal
- Limiting the hours of operation to 9 am to noon, Monday-Friday, per the applicant's proposal
- Prohibiting the use of the alleyway for pickup/dropoff, and requiring the applicant to post signs.
- Requiring the applicant to obtain and maintain a license from the State of California, which will be responsible to approving the site and verifying compliance with state laws.

These recommendations are included in the proposed conditions of approval attached to this report.

## **ENVIRONMENTAL REVIEW**

The project is Categorical Exempt per to the California Environmental Quality Act, Section 15061 (b) (3). This is the “common sense” exemption, which applies to projects as follows:

*“The activity is covered by the common sense exemption that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA.”[CEQA 15061(b)(3)]*

No significant environmental impacts are anticipated and no mitigation measures are required.

## **CONDITIONS OF APPROVAL**

Staff's recommended conditions of approval for the proposed project are included in the attachments to this report.

## **PUBLIC HEARING NOTICE**

Legal Notice for this item was published in the Lodi News Sentinel on Saturday, May 16, 2020. Fifty-four (54) 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 conditional use permit for the operation of a day care facility, 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 Commission find that the proposed operation of a day care facility at 415 S Garfield Street is exempt from CEQA under section 15061(b)(3) and that the Commission approve a conditional use permit to allow operation of a day care center at this location, subject to conditions of approval."

## **ALTERNATIVE PLANNING COMMISSION ACTIONS**

If the Commission does not concur with staff's recommendation, the following options are available:

- Approve the request with attached or alternate conditions
- Deny the project
- Continue the item to a future Planning Commission meeting

Respectfully Submitted,

Eric Norris  
Contract Planner

John R. Della Monica Jr.  
Community Development Director

## **ATTACHMENTS:**

- A. Resolution
- B. Conditions of Approval

## RESOLUTION NO. 20-

### A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LODI, CALIFORNIA, APPROVING A USE PERMIT FOR THE OPERATION OF A CHILD DAY CARE CENTER, LOCATED AT 415 SOUTH GARFIELD STREET (ASSESSOR'S PARCEL NUMBER 047-352-17)

**WHEREAS**, in February 2020, pursuant to the requirements of the City of Lodi Municipal Code, an application for Use Permit PL2020-010 was duly submitted to the Community Development Department; and

**WHEREAS**, the project proponent is Horizon Community Church, 446 Fairway Drive, Galt, CA 95632; and

**WHEREAS**, the project parcel is owned by Horizon Community Church, 446 Fairway Drive, Galt, CA 95632; and

**WHEREAS**, the project is located at 415 S Garfield Street, Lodi (APN: 047-352-17); 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 Medium Density Residential General Plan land use district and the RMD zoning designation and is exempt from environmental review pursuant to Section 15061(b)(3) "(the "common sense" exemption) of the CEQA Guidelines; and

**WHEREAS**, on Saturday, May 16, 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 PL2020-010, 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 May 27 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 clearly will not result in environmental impacts and is therefore exempt from CEQA per Section 15061 (B)(3), which exempts projects where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment.

Evidence: The proposed project consists of the operation of a day care facility for 12 children

inside of an existing building and with occasional outdoor play time in an area on the site of the day care center. None of these activities would create significant noise, traffic, or other environmental impacts.

## **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 MDR, which allows day care centers with the issuance of a use permit. There are no specific development provisions in the Zoning Code related to this particular use.

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

Evidence: The project site is located in the Medium Density Residential land use district, which allows for a variety of housing types, including detached or attached (townhomes) single-family houses, and two or three-story multifamily units. The use type (day care) is also consistent with the character of residential neighborhoods as described in the General Plan, which includes, "... neighborhoods with a variety of uses, diversity of housing types, and short blocks, organized around mixed-use centers. [with] retail, housing, offices, parks, and other uses." 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 would occur within an existing building. Sufficient space is available for the use both on the site and for the pickup and dropoff of children as the center 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.

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 residential homes and an elementary public school. The proposed day care center, which serves children from the surrounding area inside the facilities of a local church, is part of the character of a typical residential neighborhood as described in the General Plan and is compatible with the surrounding neighborhood.

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

Evidence: The project is found to be categorically exempt from CEQA review under CEQA Section 15061 (b) (3). This is the "common sense" exemption, which applies to projects where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment.

**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 PL2020-010, subject to the conditions of approval attached hereto as Exhibit A.

**Dated: May 27, 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 May 27, 2020 by the following vote:

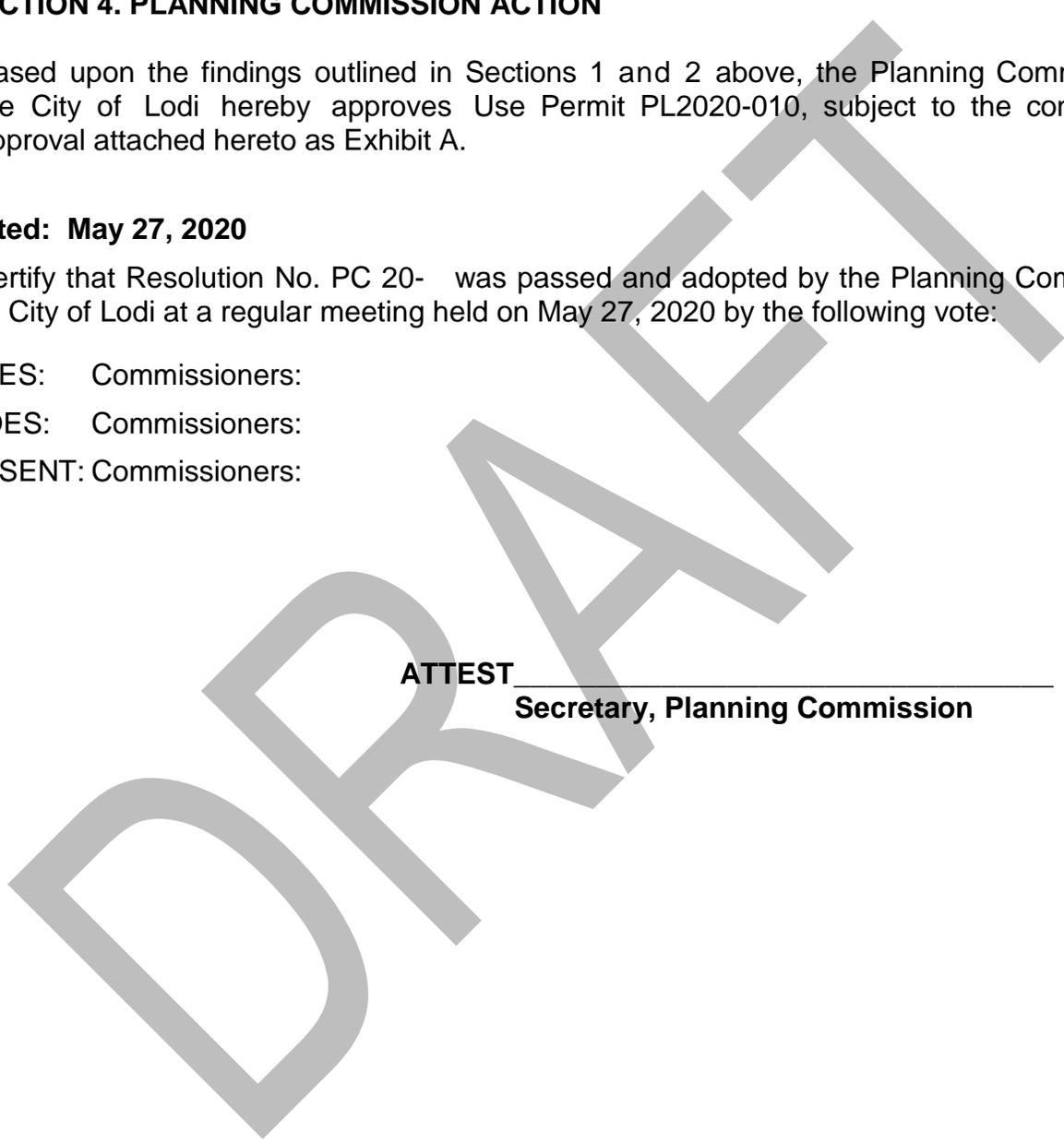
AYES: Commissioners:

NOES: Commissioners:

ABSENT: Commissioners:

**ATTEST**

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



**CONDITIONS OF APPROVAL**

**Planning Application Number and Description:** Project No. PL2020-010 – Conditional Use Permit for the operation of a child day care center at 415 S Garfield Street.

**Assessor's Parcel Number:** 047-352-17

**Planning Commission Review Date:** May 27, 2020

Conditions of Approval	Timing/ Implementation	Enforcement/ Monitoring	Verification (Date and Signature)
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**General Conditions/Requirements**

<p>1. The applicant shall review and sign below verifying the “Acceptance of the Conditions of Approval” and return the signed page to the Lodi Planning Department. Project approval is not final until a signed copy of these conditions is filed with the City.</p> <hr/> <p>Applicant Signature _____ Date _____</p> <hr/> <p>Print Name _____</p>	<p align="center">Must be completed to finalize approval</p>	<p align="center">Planning Department</p>	
<p>2. The applicant shall indemnify, protect, defend, and hold harmless the City, and/or any of its officials, officers, employees, agents, departments, agencies, and instrumentalities thereof, from any and all claims, 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, officers, employees, agents, departments, agencies, and instrumentalities thereof, that challenge, attack, or seek to modify, set aside, void, or annul any</p>	<p align="center">Ongoing</p>	<p align="center">Planning Department</p>	

<b>CONDITIONS OF APPROVAL</b>				
	<p>action of, or any permit or approval issued by, the City and/or any of its officials, officers, employees, agents, 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 the California Environmental Quality Act (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 shall promptly notify the applicant of any Action brought and City shall cooperate with applicant in the defense of the Action.</p>			
<b>Ongoing Conditions</b>				
3.	<p>If the City determines that the operation of this use results in conflicts pertaining to parking, noise, traffic, public safety or other impacts, 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.</p>	Ongoing	Planning Department	
4.	<p>The number of children shall be limited to no more than 12 (twelve) at any given time.</p>	Ongoing	Planning Department	
5.	<p>The hours during which children are in the day care center shall be limited to the hours of 9 am to noon, Monday through Friday.</p>	Ongoing	Planning Department	
6.	<p>Pickup and dropoff in the adjacent alleyway is prohibited. The operator shall install and maintain signs in the alleyway reading, "No Parking or Stopping for Day Care Center"</p>	Ongoing	Planning Department	
7.	<p>The operator of the day care center shall obtain and maintain all necessary licenses and permits from the State of California, City of Lodi, and other</p>	Ongoing	Planning	

CONDITIONS OF APPROVAL			
	responsible agencies to ensure that the facility will be operated safely and in accordance with all applicable laws and regulations.		Department

DRAFT