

<p>CARNEGIE FORUM 305 WEST PINE STREET LODI, CALIFORNIA</p>	<p>AGENDA LODI PLANNING COMMISSION</p>	<p>REGULAR SESSION WEDNESDAY, SEPTEMBER 12, 2012 @ 7:00 PM</p>
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For information regarding this agenda please contact:

Kari Chadwick @ (209) 333-6711
Community Development Secretary

NOTE: All staff reports or other written documentation relating to each item of business referred to on the agenda are on file in the Office of the Community Development Department, located at 221 W. Pine Street, Lodi, and are available for public inspection. If requested, the agenda shall be made available in appropriate alternative formats to persons with a disability, as required by Section 202 of the Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12132), and the federal rules and regulations adopted in implementation thereof. To make a request for disability-related modification or accommodation contact the Community Development Department as soon as possible and at least 24 hours prior to the meeting date.

1. ROLL CALL
2. MINUTES – “August 8, 2012”
3. PUBLIC HEARINGS
 - a. Request for Planning Commission approval of an amendment to an existing Use Permit to allow a Type-47 On-Sale General Alcoholic Beverage Control License at 10 West Oak Street. (Applicant: Ruben Larrazolo. File Number: 11-U-18a)
 - b. Request for Planning Commission approval of a Use Permit to allow Lodi Christian School to operate a preschool through eighth grade private school and the site plan and architecture review (SPARC) to construct a 32,000 square-foot office/classroom building on the grounds of Temple Baptist Church located at 801 South Lower Sacramento Road. (Applicant: Steve Opp, on behalf of Temple Baptist Church. File Numbers: 12-U-12 and 12-SP-03)
 - c. Request for Planning Commission approval of a Use Permit to establish a wine production facility at 1001 and 1101 East Lodi Avenue. (Applicant: Anthony Scotto, on behalf of Scotto Family Cellars: File Number: 12-U-13)

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

4. PLANNING MATTERS/FOLLOW-UP ITEMS
5. ANNOUNCEMENTS AND CORRESPONDENCE
6. ACTIONS OF THE CITY COUNCIL
 - a. Council Summary Memo
7. DEVELOPMENT CODE UPDATE
 - a. Staff presentation on the Draft Development Code Section 3, Landscape, Parking, Sign, and Specific Land Uses Standards
8. ACTIONS OF THE SITE PLAN AND ARCHITECTURAL REVIEW COMMITTEE
9. ART IN PUBLIC PLACES
10. COMMENTS BY THE PUBLIC (NON-AGENDA ITEMS)
11. COMMENTS BY THE PLANNING COMMISSIONERS & STAFF (NON-AGENDA ITEMS)

12. REORGANIZATION

- a. Planning Commission Chair & Vice Chair
- b. Planning Commission Representatives to: SPARC and Art In Public Places

13. 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 of Appeal:

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

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

**LODI PLANNING COMMISSION
REGULAR COMMISSION MEETING
CARNEGIE FORUM, 305 WEST PINE STREET
WEDNESDAY, AUGUST 8, 2012**

1. CALL TO ORDER / ROLL CALL

The Regular Planning Commission meeting of August 8, 2012, was called to order by Chair Olson at 7:00 p.m.

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

Absent: Planning Commissioners – Kirsten (arrived at 8:08 pm)

Also Present: Community Development Director Konradt Bartlam, Associate Planner Immanuel Bereket, City Attorney Stephen Schwabauer, and Administrative Secretary Kari Chadwick

2. MINUTES

“July 11, 2012”

MOTION / VOTE:

The Planning Commission, on motion of Commissioner Kiser, Hennecke second, approved the Minutes of July 11, 2012 as written. (Commissioners Cummins and Jones abstain because they were not in attendance of the subject meeting)

3. PUBLIC HEARINGS

Chair Olson announced that Item 3c will be heard first due to the amount of interest that has been expressed for the other two items.

- a) Notice thereof having been published according to law, an affidavit of which publication is on file in the Community Development Department, Chair Olson called for the public hearing to consider the request for Planning Commission to recommend to the City Council to Approve Growth Management Allocations to Permit and Construct 12 Residential Units at 2110 Tienda Drive. (Applicant: John Giannoni; File No: 12-GM-01)

Associate Planner Bereket gave a brief PowerPoint presentation based on the staff report. Staff recommends approval of the request for the Planning Commission to recommend that the City Council approve twelve Growth Management Allocations.

Commissioner Hennecke asked how long that parcel has been zoned R-C-P. Director Bartlam stated that it has had that zoning since its annexation more than fifteen years ago.

Commissioner Heinitz asked if this parcel was already approved for nine units. Director Bartlam stated that that is correct.

Commissioner Kiser asked if these are going to be built as condominiums or apartments. Director Bartlam stated that is a good question for the applicant. The applicant has indicated that he will be submitting a tentative map and splitting the units to be sold individually.

Hearing Opened to the Public

- John Giannoni Jr., applicant, came forward to answer questions. Mr. Giannoni stated that the plan will be to build twelve townhouses that will be for owner occupied. This is

going to be a PD not a PUD. There will not be any carports involved with the site plan. The plan is to have a piazza in the middle.

- Commissioner Heinitz asked Mr. Gianonni to explain what a PD and PUD are. Mr. Gianonni stated that this plan is a PD because of the individual lots. There will not be any shared walls involved in the dwelling units. All common areas will be on the exterior.
- Commissioner Kiser asked if the units will be built with zero lot lines and how the maintenance agreements for the common areas will work. Mr. Gianonni stated that the CC&R's that will regulate the common areas have already been drafted.
- Loel Flemmer, Lodi resident, came forward to object to the density twelve allocations would cause. He does not think that the project will live up to the current standards of the neighborhood, based on what has been submitted at this time.
- Roger Barker, Lodi resident, came forward to object to the number of allocations. Mr. Barker stated that twelve units are too many for this parcel. He also feels that there are many safety issues associated with the proposed project. He feels that a second driveway would help to alleviate the safety hazards with the dead end driveway that splits the units. Anything that is built should be of equal or higher standard than what is currently in the neighborhood.
- Commissioner Hennecke stated that the Commission's focus tonight has nothing to do with what the exterior is going to look like and encouraged Mr. Barker to return to the Commission when the development plans are brought forward.
- Commissioner Kiser asked if the Fire Department has looked at this to determine if twelve units can fit on the property and allow safety equipment to access the rear units. He is concern about approving twelve units if there will be a safety issue. Mr. Bartlam stated that twelve units are not being approved with this application. Twelve allocations are being approved. The applicant will need to come back with development and SPARC plans and show that twelve units will work on the property before the building of the dwelling units can move forward to the next step. These are the plans that Fire as well as the other departments will review and then those comments will be brought before the Commission for approval.
- Mr. Barker asked why allocate twelve units if you don't know if they will fit.
- Fred Baker, Lodi resident, came forward to object to the number of allocations. Mr. Baker stated that he was in support of the original nine units that was approved for this parcel and would like to see only nine units allocated. Commissioner Heinitz asked if there was a lot line adjustment to accommodate his project next door to this parcel. Mr. Baker stated that the original plan had nine units on each side of the private driveway and they were mirror images of each other. The plan for the west parcel then changed to have only eight units, four duplexes, on four parcels.
- Suzanne Burns, Lodi resident, came forward to object to the project. Ms. Burns does not believe that this project will have a positive impact on the neighborhood.
- Brenda Akin, Lodi resident, came forward to object to the number of allocations. Safety for the seniors and children in this neighborhood are Ms Akin's major concerns. The traffic is already busy and would like to see a traffic report done and distributed to the neighborhood.

Public Portion of Hearing Closed

- Commissioner Heinitz stated that this has been looked at before with nine allocations and it was going to be a tight fit then. Now trying to fit twelve units on the same if not smaller parcel is relevant.

- Commissioner Cummins asked for the definition of Medium Density. Director Bartlam stated that the definition according to the General Plan is eight to twenty units per acre. The property as proposed with twelve units comes in at about 9.2 units per acre. Cummins stated that Tienda has always been a busy street and will not be anything but a busy street.
- Commissioner Kiser stated that this has been looked at before and doesn't want to keep adding to a problem such as traffic if it isn't necessary.
- Chair Olson asked for clarification on the allocation process being a maximum of twelve then the applicant goes back to his office and draws it and then brings it back for approval. Director Bartlam stated that that is correct. It has been six years since staff and the Commission have been through the Growth Management Allocation process. He stated that if this were an application for twelve single family lots to be allocated the Commission wouldn't see the development plan until early next year. Bartlam stated that there are a number of projects that have been given more allocations than they needed or used.
- Commissioner Hennecke stated his appreciation for the fact that someone is expressing a desire to build something. He also added that the applicant will still have to bring the actual development plan back to staff for review, then the Commission will get another look at it and if it doesn't look right at that time it can still be denied.
- Director Bartlam stated that 660 allocations exist, there is no competition for the units and he is the only application in for this year, there is no reason why he should not be able to move forward to the next level.

MOTION / VOTE:

The Planning Commission, on motion of Commissioner Jones, Hennecke second, approved the request of the Planning Commission to recommend to the City Council to Approve Growth Management Allocations to Permit and Construct 12 Residential Units at 2110 Tienda Drive subject to the conditions in the resolution. The motion carried by the following vote:

Ayes: Commissioners – Cummins, Hennecke, Jones, and Chair Olson
Noes: Commissioners – Kiser and Heinitz
Absent: Commissioners - Kirsten

The Chair called for a short break 7:53 pm

The meeting was called back to order 7:58 pm

- b) Notice thereof having been published according to law, an affidavit of which publication is on file in the Community Development Department, Chair Olson called for the public hearing to consider the request of the Planning Commission for a Use Permit and a SPARC Review to Allow Development of a Gas Station with 8-Dispenser Canopy, 3,078 Square Foot Convenience Store with sale of beer and wine (Type-20), and a drive through carwash facility on a .94-acre site located at 255 East Harney Lane. (Applicant: Peter Tobin, on behalf of Hardev Singh Gill; File Number: 12-U-06 and 12-SP-02)

Vice Chair Kirsten joined the Commission meeting (8:08pm).

Associate Planner Bereket gave a brief PowerPoint presentation based on the staff report. Staff recommends approval of the project.

Commissioners Jones, Hennecke, and Kirsten all disclosed that they spoke with the applicant prior to the meeting.

Commissioner Jones asked if this Use Permit is approved tonight does it include all of the conditions that were outlined in the staff report and in the staff presentation. Mr. Bereket stated that it does.

Hearing Opened to the Public

- Peter Tobin, applicant, came forward to answer questions.
- Chair Olson asked if this is a standard plan. Mr. Tobin stated that the general layout is a nice size allowing for a lot of buffering and the architecture is a bit more detailed than a normal standard plan for this type of project.
- Ken Dharni, owner, came forward to answer questions.
- Connie Ibarra, Lodi resident, came forward to express her concerns regarding the project. Ms. Ibarra is concerned with the extra noise over and above the noise that can already be heard from Harney Lane. She would like to know where the trash bins will be kept. How bright will the lights be and will they shine into her yard? Where will the traffic be flowing in and out of the property? She wanted to know which neighbors' staff spoke to? Ms. Ibarra would like to be able to use her back yard without smelling trash and fuel fumes.
- Commissioner Hennecke asked if Commissioners are following the proper procedure when making their disclosures. City Attorney Schwabauer stated that the Commissioners should be disclosing that the meeting took place and then any material items presented in that meeting that are pertinent to making a decision on the project. Hennecke disclosed that he was shown the design plans for the project. Schwabauer stated that if they were the same plans as presented tonight then there isn't a problem, but if they were different then you would need to disclose the differences.
- Vice Chair Kirsten disclosed that he and the applicant discussed the feed back that the applicant had been getting from the neighbors.
- Vice Chair Kirsten asked Ms. Ibarra if she has seen the site plan. Ms. Ibarra stated that she has not. Kirsten stated that one can be provided for her tonight. Mr. Bartlam pointed out on the site plan from the PowerPoint slide Ms. Ibarra's residence in relation to the project site and he added that of all the parcels adjacent to the project her residence will have the most buffering.
- Chair Olson asked if this is the final look at this project. Mr. Bartlam stated that all approvals are included with application before the Planning Commission tonight. The next step will be for the applicant to submit the plans to the Building Division for review and approval.
- Ms Ibarra would like to know the hours of operation. Mr. Bartlam stated that the store will operate 24 hours except for the car wash which will be from 7am to 7pm. Ibarra asked if there was someone local to contact if there are any problems. Chair Olson stated that that information can be gotten from the applicant. Commissioner Kiser added that the lighting and noise concerns are just two of the items that are being addressed by the Commission tonight. The impact to the surrounding neighborhood is a great concern to the Commission. Olson added that there is always recourse for bringing the item back to the Commission if there are concerns that are not being addressed by the property owner.
- Richard Karsting, Lodi resident, came forward to object to this type of project for this parcel. Mr. Karsting is concerned that his renters will not want to rent near this type of use and he will lose the home. He would like the Commission to put themselves in the

position of living near the proposed project with the car wash and vehicle vacuums. Commissioner Cummins asked for clarification on weather or not Mr. Karsting was told about the commercial development when purchasing the property. Mr. Karsting stated that he was told that the development was supposed to be a little strip mall with shops. Commissioner Hennecke stated that he has lived near this type of development and the recourse is to complain if they are not following the guidelines set out for the approval.

- Terry Tarditi, owner of the Montessori School on Stockton Street, came forward to object to the selling of alcohol within 200 feet of the school. He would like the Commission to consider not allowing the sale of alcohol and tobacco.
- Vice Chair Kirsten asked the City Attorney if he needs to recues himself from this item due to the personal nature of his association with Mr. Tarditi. Mr. Schwabauer stated that Commissioner Kirsten would only need to recues himself if there is a financial relationship between him and Mr. Tarditi.
- Terry Tarditi stated that all the paperwork has been approved for the school to re-open.
- Commissioner Kiser asked if there are any restrictions for the sale of alcohol near a school. Mr. Bartlam stated that there are no restrictions for off-sale alcohol licenses. There are restrictions for on-site consumption such as bars, nightclubs, and lounges.
- Fred Ergonis, potential owner of the Montessori School, came forward to object to the project. Has there been any consideration or mitigations regarding the school. Considerations for the residential neighborhood have been made. He does not believe that this is the right use for that location. The school will have 130 students starting Monday, August 13, 2012. This is a tobacco and beer store. There is the potential for the store to get robbed and that will put all the students and staff at the school in danger.
- Commissioner Hennecke asked if this school location has a valid use permit. Mr. Bartlam stated that a use permit was issued in about 2003. Hennecke asked if it was valid. Bartlam stated that he will need to look into it and added that staff may not have been aware that the school was closed. Hennecke asked if the school would then have trouble revalidating their use permit with the proximity to the sale of tobacco and alcohol. Mr. Bartlam stated that there are no restrictions for the proximity of the sale of tobacco and alcohol and the school. Mr. Bartlam added that back when the original application for the school came before City Staff Mr. Tarditi was cautioned that this is an industrial area.
- Commissioner Cummins asked if Mr. Ergonis was concerned with the attendance if this project is approved. Mr. Ergonis stated that he is concerned for the safety of the children that attend the school.
- Vice Chair Kirsten stated that there isn't a proximity issue. The Commission is here to apply the code within the boundaries that they are given. Mr. Ergonis stated that staff did a study for the lighting and noise and how it would impact the residential neighborhood did anyone do a study to see how this type of project would affect the school. Kirsten stated that there isn't anything in the application from a planning standpoint that would require the Commission to consider an impact on the school.
- Commissioner Kiser asked Mr. Bartlam if there is a valid use permit for the school. Mr. Bartlam stated that he would research it as soon as possible.
- Chair Olson stated that this parcel has been zoned for this type of use for some time. This is not a new zoning designation. Mr. Bartlam stated that it was a part of the original development plan when it was annexed. The eight foot wall was part of the

development because the property has always been zoned as C-1, General Commercial. In 2004 the same type of use was approved for this parcel. Olson asked what the recourses are for Mr. Ergonis if this is approved and the applicant is not operating under the guidelines of the use permit approvals. Mr. Bartlam stated that the Use Permit can be re-opened should there be any issues regarding alcohol. The issues will need to be brought to the attention of staff before they can be acted on, so if Mr. Ergonis is experiencing any issues he is encouraged to report them.

- Lowell Flemmer came forward to state that his questions have been answered.
- Peter Tobin, came forward to introduce Paulo Bollard who did the noise study. Mr. Bollard stated that staff has done their due diligence and the noise from the vacuums will not be an issue.
- Richard Karsting asked if the outdoor vacuums will also be regulated to the 7 am to 7 pm time frame. Mr. Karsting would like to know when the carwash portion of the application was brought into the discussion. It was not a part of the original approvals for this site. Mr. Bartlam stated that there are two separate types of vacuums proposed on this site. One set in the car wash facility and the other set sits along Stockton Street and they will service the inside of the vehicles. The set along Stockton Street have not had any time regulations placed on them, but the Commission is welcome to address that if they wish.
- Pete Tobin came forward to say that the applicant is willing to limit the use of the outside vacuums from 7 am to 7 pm.
- Fred Ergonis came forward to clarify if this item was being voted on tonight without the follow-up to the question of whether or not his school's Use Permit is valid. Mr. Bartlam stated that it will have no bearing on the decision. Mr. Ergonis asked if the school complains about drinking on site what is the threshold required to bring it back to the Commission for further review. Mr. Bartlam stated that condition number six of the resolution covers the items that Mr. Ergonis is concerned about; condition number seven limits the advertising and visibility of alcohol to the public right-of-way; and condition number eight allows for periodic review by staff and or the Planning Commission based on the information that has been reported to either Planning Staff or the Police Department Staff. Ergonis asked about the threshold. Bartlam stated that there isn't a threshold. Staff will investigate the reports and if the reports violate the conditions of the Use Permit it can be brought back for review.

Public Portion of Hearing Closed

- Commissioner Heinitz stated that he understands the concerns expressed but this is not a new idea. There are several convenient stores within blocks of schools all around town.
- Vice Chair Kirsten stated his support for the project.

MOTION / VOTE:

The Planning Commission, on motion of Commissioner Kiser, Heinitz second, approved the request for a Use Permit and a SPARC Review to Allow Development of a Gas Station with 8-Dispenser Canopy, 3,078 Square Foot Convenience Store with sale of beer and wine (Type-20), and a drive through carwash facility on a .94-acre site located at 255 East Harney Lane subject to the conditions in the resolution with the amendment to condition number nine to include the time limitations on the outdoor vacuums. The motion carried by the following vote:

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

- c) Notice thereof having been published according to law, an affidavit of which publication is on file in the Community Development Department, Chair Olson called for the public hearing to consider the request of the Planning Commission for a Use Permit to allow a Type 2 (Winery) Alcoholic Beverage Control license at 20 West Elm Street. (Applicant: Erin Taylor, on behalf of Riaza Wines, LLC; File Number: 12-U-11)

Item 3c was the first public hearing heard by the Commission at this meeting.

Associate Planner Bereket gave a brief PowerPoint presentation based on the staff report. Staff recommends approval of the project.

Hearing Opened to the Public

- Erin Taylor, applicants, came forward to answer any questions.

Public Portion of Hearing Closed

MOTION / VOTE:

The Planning Commission, on motion of Commissioner Kiser, Hennecke second, approved the request of the Planning Commission for a Use Permit to allow a Type 2 (Winery) Alcoholic Beverage Control license at 20 West Elm Street subject to the conditions in the resolution. The motion carried by the following vote:

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

4. PLANNING MATTERS/FOLLOW-UP ITEMS

None

5. ANNOUNCEMENTS AND CORRESPONDENCE

Director Bartlam wished our City Attorney, Steve Schwabauer a Happy Birthday.

6. ACTIONS OF THE CITY COUNCIL

Director Bartlam stated that there has been a memo provided in the packet and staff is available to answer any questions.

7. DEVELOPMENT CODE UPDATE

- a. Staff presentation on the Draft Development Code Section 2, Commercial and Industrial Districts.

Director Bartlam gave a PowerPoint presentation based on the staff report.

Opened for Public Comment

- No comments made.

Closed to Public Comment

8. ACTIONS OF THE SITE PLAN AND ARCHITECTURAL REVIEW COMMITTEE

None

9. ART IN PUBLIC PLACES

None

10. COMMENTS BY THE PUBLIC

None

11. COMMENTS BY STAFF AND COMMISSIONERS

Director Bartlam congratulated Commissioners Kiser and Heinitz on being re-appointed to the Commission. He also added that the Supreme Court has decided not to take up the issue that was brought before them, so the Super Wal Mart project is moving forward. Kiser asked if there is a use for the old building. Bartlam stated that a tenant occupying the old building or the building being torn down is a condition for Wal Mart to occupy the new building.

Chair Olson stated that she has a concern over the way that the growth management allocations role over from year to year and she would like to have staff look at finding a way to limit the number of allocations that can be rolled over from year to year. She would like to have a discussion item brought back to the Commission in the near future.

12. ADJOURNMENT

There being no further business to come before the Planning Commission, the meeting was adjourned at 9:20 p.m.

ATTEST:

Konradt Bartlam
Planning Commission Secretary

Item 3a

**CITY OF LODI
PLANNING COMMISSION
Staff Report**

MEETING DATE: September 12, 2011

APPLICATION NO: Use Permit: 11-U-18a

REQUEST: Request for Planning Commission approval of an amendment to an existing Use Permit to allow a Type-47 On-Sale General Alcoholic Beverage Control License at 10 West Oak Street. (Applicant: Ruben Larrazolo. File Number: 11-U-18a)

LOCATION: 10 West Oak Street
APN: 043-045-05
Lodi, CA 95240

APPLICANT: Ruben Larrazolo
368 Indiana Street
Woodbridge, CA 95258

PROPERTY OWNER: Edward Atwood
36 Pembroke Ct
Moraga, CA 94556

RECOMMENDATION

Staff recommends the Planning Commission approve the request of Ruben Larrazolo to amend an existing Use Permit at 10 West Oak Street, subject to conditions in the attached resolution.

PROJECT/AREA DESCRIPTION

General Plan Designation: Downtown Mixed Use
Zoning Designation: C-M, Commercial Light Industrial
Property Size: 9,000 sq. ft. (Restaurant is approximately 2,800 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	C-M, Commercial Light Industrial	Hotel, Retail and commercial uses
South	Downtown Mixed Use	C-M, Commercial Light Industrial	Retail and commercial uses
East	Downtown Mixed Use	C-M, Commercial Light Industrial	Multi-Model Station, commercial uses
West	Downtown Mixed Use	C-2, General Commercial	US Post Office

SUMMARY

The project involves an existing restaurant called Alebrijes Mexican Bistro located at 10 West Oak Street. The applicant, Ruben Larrazolo, wishes to expand the restaurant to include one more suite and install a sit-down bar within the existing restaurant. The sit-down bar is intended to be an accessory use to a restaurant. The restaurant has been functioning without generating any law enforcement issues. Staff believes expansion of the restaurant and the addition of the sit-down bar will not result in any public health and safety issues. The project, as proposed

and with the recommended conditions of approval, would be consistent with the applicable standards, ordinances and policies.

BACKGROUND

Alebrijes Mexican Bistro has been serving the City of Lodi with authentic Mexican favorites since 2007. It was formerly located at 1301 West Lockeford St, Suite D Lodi, CA 95242. At its meeting of February 13, 2008, the Planning Commission approved the applicant's Use Permit application for a Type-41 ABC license located at 1301 West Lockeford Street. The restaurant relocated to its current location a year ago. At its meeting of October 12, 2011, the Planning Commission approved the applicant's request to up grade their current ABC license to include distilled spirits. The restaurant has not been a source of any policing problem. The project is located within Downtown District at the southwest corner of Oak Street and Sacramento Street. Prior to Alebrijes, a number of restaurants, under different ownership, occupied the site. Available City records indicate there are no outstanding code violations.

ANALYSIS

According to the applicant, Alebrijes Mexican Bistro offers lunch and dinner menu. The restaurant will open from the hours of 10:00 a.m. to 10:00 p.m. daily. The restaurant measures approximately 2,800 square feet in size and provides seating for approximately 45-50 guests. Because the restaurant is within the Downtown Parking District, it is not required to provide onsite parking. Parking is provided at the parking structure or on nearby streets. ABC requires that restaurants with alcohol license must operate and maintain the premise as a bona fide eating establishment. The applicant currently holds a Type 47 ABC license, which authorizes the sale of beer, wine and distilled spirits for onsite consumption. The license itself is not the subject of this request to amend an existing Use Permit. The amendment relates to expansion of the business to include one additional suite formerly occupied by a variety uses. The expansion would allow the applicant to create a banquet room.

Although the applicant would like to install a new bar area that will total less than 10 percent of the total restaurant floor area, this new bar area is considered an accessory use as it does not exceed 50 percent of the restaurant floor area. It would, therefore, be permitted by right and only require approval of a building permit through the City's Building & Safety Division. An Accessory use is commonly defined as a use customarily incidental, related and clearly subordinate, to a primary use on the same establishment (i.e. less than fifty percent of the floor area of the primary use, etc.) which does not alter the primary use nor serve other than the establishment where the primary use is located. However, because the new suite has never been used as a location where alcohol was served, the applicant is required to obtain a Use Permit to serve alcohol in the new area. According to the applicant's project description, the new expansion would allow him to create a banquet room.

Staff is of the opinion that the proposed expansion of the restaurant should be approved as it does not negatively affect the adjacent properties. The applicant is still required to ensure the receipts from the sale of alcoholic beverages is less than receipts from the sale of food. The proposed addition does not change the fact the primary operation of the business is a bone fide restaurant. A Use Permit enables the application of conditions to minimize potential negative impacts to the health, safety and general welfare on the community, residents, and surrounding properties. In its' analysis of the existing Use Permit, staff worked with the Police Department to compose operational conditions based upon the individual business plan and community's safety and welfare needs. Proposed operational conditions include the following:

- Sales of alcoholic beverages shall be permitted only during the hours the restaurant is open for business.

- Any changes to the interior layout of the business operation shall be subject to review and approval by the Planning Department and shall require appropriate City permits.

Standard conditions also apply to the Type 47 ABC license, namely:

- The quarterly gross sales of alcoholic beverages shall not exceed the gross sales of food during the same period. The licensee shall at all times maintain records which reflect separately the gross sale of food and the gross sale of alcoholic beverages of the licensed business.

In staff's analysis, the proposed expansion, as amended and conditioned herein, would be compatible with the existing uses within the area and not contribute to an undue concentration of the alcohol beverage establishments, as its an existing license. The amended conditions of this Use Permit have operational restrictions that would minimize potential for police service calls and potential impacts to adjacent uses. The City's Police Department had preliminarily reviewed this request to amend the existing Use Permit as well as the activities related to similar uses in the immediate vicinity and indicated that there was no reason to deny the addition of the on-site sales/consumption of alcohol as long as the owner abides by all applicable ABC regulations pertaining to sales and consumption on their premises.

Because this is an existing ABC license, and because the request relates to expansion of a business to sell alcohol in conjunction with a bone fide restaurant operation, staff does not anticipate any issues related to the alcohol license. Approval of this amendment request would not change the fact that the restaurant currently holds an ABC license and is entitled to sell alcohol in conjunction with a restaurant operation as long as it abides by applicable Federal, State and local laws. Furthermore, approval of this amendment does not affect issues related to over-concentration. This approval of the request to amend the Use Permit would allow the restaurant to serve alcohol to the proposed expansion restaurant/banquette floor area, which is entirely within the building envelop. The Planning Commission and the Planning staff have generally supported sale of wine and distilled spirits in conjunction with restaurant operation because those they have not created alcohol related problems. 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 ASSESSMENTS

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

PUBLIC HEARING NOTICE:

Legal Notice for the Use Permit was published on September 1, 2011. Twenty-nine (29) public hearing notices were sent to all property owners of record within a 300-foot radius of the subject property as required by California State Law §65091 (a) 3.

ALTERNATIVE PLANNING COMMISSION ACTIONS:

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

Respectfully Submitted,

Concur,

Immanuel Bereket
Associate Planner

Konradt Bartlam
Community Development Director

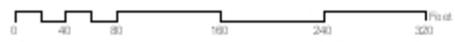
ATTACHMENTS:

- A. Site Vicinity Map
- B. Site Aerial Map
- C. Site Plan and Floor Plan
- D. Menu
- E. Draft Resolution



Vicinity Map
 10 West Oak Street
 APN: 043-045-05
 Lodi, CA 95240

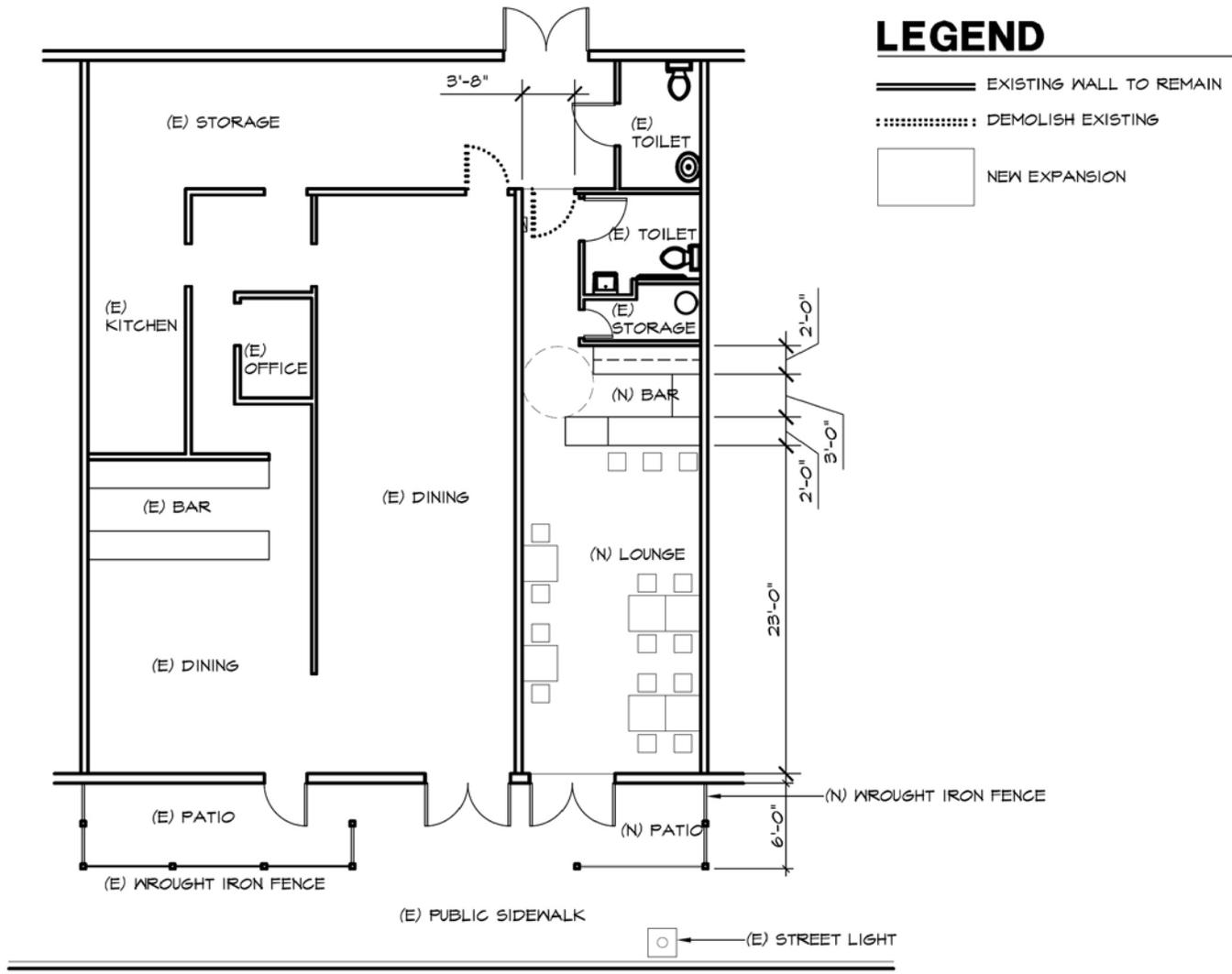
-  Downtown Parking District
-  Project Site



Aerial Map
10 West Oak Street
APN: 043-045-05
Lodi, CA 95240

 Project Site





Wine & Tapas (Alebríjes Expansion)
 10 - 14 W. Oak St.
 Lodi, Ca. 95240

10 - 14 WEST OAK STREET

gerardo espinosa
 209.810.0824

08.20.12



**Antojitos
Starters
Guacamole**

Made fresh at your table and serve with our home made chip. Tell us how spicy you want it
\$6.50

Shrimp Ceviche

*Tiger shrimp, marinated in lime juice, onion, cilantro, tomato sauce, olive oil and hot sauce .
Serve with jicama and avocado.*
\$9.99

Mini Sopitos Surtidos

Sope (masa boat) assortment, with beans, topped with chicken, beef or pork, cheese, sour cream and guacamole . \$6.50

Burritas

Grilled Chicken, veggies and jack cheese wrapped in a crispy flour tortilla, topped with sauce. \$ 6.50

Nachos

Homemade chips with nacho cheese beans , guacamole, sour cream and our Salsa picada. \$6.99

Grilled Meat Nachos

Choice of grilled chicken, steak or carnitas on top of chips, refried beans, nacho cheese, topped with guacamole, salsa and sour cream. \$8.99

Sopas y Ensaladas

Soup and Salads

Ensalada Mixta

Mixed greens , tomatos and our smoky chipotle balsamic dressing. \$6.99

Cazuelas

Taco Salad (Lg/Sm)

*Crispy flour shell filled with your choice of chicken, ground beef or pork, rice, refried beans, fresh lettuce, cabbage, cheese, sour cream, guacamole and salsa. Grilled meats
Small 6.49 Large 7.49 Shrimp add \$1.00*

Tortilla soup

A robust pasilla chile and spice puree with tortilla strip, avocado chicken and cheese 5.99

Alebrijes Birritos

Our meats: Asada , Al Pastor, Carnitas, Chicken Burrito, Chile Verde, Pollo Verde, Pollo asado. \$6.49

Our vegetarian burritos : Beans .Rice cheese 3.99

Vegetarian

*Grilled onions, chile pasilla
and mushrooms with whole beans, rice and cheese. 4.99*

Special Burrito: this adds fresh lettuce, cabbage, cheese and sour cream \$.50

Super Burrito: this adds fresh lettuce, cabbage and cheese inside, topped with melted cheese, our homemade red or green sauce and sour cream \$ 1.00

Ask for your burrito to be topped with our homemade red or green sauce at no additional charge.

For parties of 6 or more a 18% gratuity may be added to the total bill

Especialidades

served with rice, refried beans and choice of flour or corn tortillas.

Mole poblano

A legendary blend of spices, chiles, nuts and chocolate made into a rich and flavorful sauce in the traditional puebla style, serve over chicken \$9.99

Camarones a la diablo or Al mojo de ajo

Whole prawns sauteed in very spicy sauce or not spicy at all, \$10.99

Gaviotas

Flour tortilla enchiladas filled with prawns (sauteed with garlic, tomatoes and onion) topped with green sauce and jack cheese, \$9.49

Tacos de Pescado

Sauteed talapia filet wrapped in corn tortillas with cabbage dressing, topped with pico de gallo salsa, 7.99

Carnitas

Pork simmered for hours with spices to create a tender succulent taste serve with arbol salsa, \$9.99

Fajitas

Choice of chicken or steak, grilled with mushrooms, onion and chile pasilla \$ 10.99

Traditional Favorites

served with rice, refried beans and a salad garnish

1 Item \$ 6.99 2 Items \$ 8.99 3 items 9.99

Enchilada

Your choice of meat (or cheese) wrapped in a corn tortilla, topped with homemade red sauce

Hard or Soft Shell Taco

Your choice of meat

Sopito

Sope (masa boat) assortment, with beans, topped with chicken, beef or pork, cheese, sour cream and guacamole

Chile Relleno

An Anaheim pepper stuffed with jack cheese, dipped in an egg batter, topped with homemade sauce

Chicken Flautas

Sides

Rice and Beans.....sm \$1.25 lg \$2.50	Sour Cream	\$1.00
Cheese	Guacamole	\$1.75

For parties of 6 or more a 18% gratuity may be added to the total bill

RESOLUTION NO. P.C. 12-

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LODI FOR THE APPROVING THE REQUEST OF RUBEN LARRAZOLO, ON BEHALF OF ALEBRIJES MEXICAN BISTRO, TO AMEND AN EXISTING USE PERMIT (11-U-18) TO ALLOW EXPANSION OF THE RESTAURANT AT 10 WEST OAK 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 17.72.070; and
- WHEREAS,** the project proponent is Ruben Larrazolo, on behalf of Alebrijes Mexican Bistro, 368 Indiana Street, Woodbridge, CA 95258; and
- WHEREAS,** the project is located at 10 West Oak Street, Lodi, CA 95240 (APN: 043-045-05); and
- WHEREAS,** the property has a General Plan designation of Downtown Mixed Use and is zoned C-M, Commercial-Light Industrial; and
- WHEREAS,** the requested Use Permit to allow the selling of beer, wine and distilled spirits for on-site consumption within a restaurant is an enforcement action in accordance with the City of Lodi Zoning Ordinance; and
- WHEREAS,** Census Tract 42.04 in which the proposed restaurant is to be located is over concentrated of licenses allowing on premise consumption of alcoholic beverages; and
- WHEREAS,** the Planning Commission does not need to make a finding of necessity and/or public convenience in order to approve the requested Use Permit amendment because the ABC License Type 47 already exists; and
- WHEREAS,** the State Department of Alcoholic Beverage Control has training available that clearly communicates State law concerning the sale of alcoholic beverages.
- WHEREAS,** all legal prerequisites to the adoption of this Resolution have occurred; and

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

1. The project was found to be Categorically Exempt according to the California Environmental Quality Act, Article 19 §15321, Class 21 (a) (2). The project is classified as an “Enforcement action by regulatory agencies” because it is the “adoption of an administrative decision or order enforcing or revoking the lease, permit, license, certificate, or entitlement for use or enforcing the general rule, standard, or objective.” No significant environmental impacts are anticipated and no mitigation measures have been required.
2. The sale of alcoholic beverages for on-premise consumption as part of a restaurant is a permitted use in the C-M Zoning District. The site is suitable and adequate for the proposed use because establishment of a restaurant on this site would not create negative impacts on businesses, residents and instructional uses in the vicinity.
3. The on-sale of beer, wine and distilled spirits, in accordance with a Type 47 Alcoholic 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 C-M 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. 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.

7. The sale and consumption of alcohol can sometimes result in customer behavior problems that can require police intervention.
8. Steps can 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 can meet the intent of the C-M Zoning District and can provide 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. 11-U-18a is hereby approved, subject to the following conditions:

1. The applicant/operator and/or successors in interest and management shall defend, indemnify, and hold the City, its agents, officers, and employees harmless of any claim, action, or proceeding to attack, set aside, void, or annul this Use Permit, so long as the City promptly notifies the developer of any claim, action, or proceedings, and the City cooperates fully in defense of the action or proceedings.
2. 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.
3. The Applicant/Operator 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.
4. The Applicant/Operator shall operate and abide by the requirements and conditions of the State of California Department of Alcoholic Beverage Control License Type 47. The Type 47 License shall be limited to on-site sale and consumption of beer, wine and distilled spirits during the hours that the restaurant is open for business or as otherwise modified by the Community Development Director.
5. The City reserves the right to periodically review the area for potential problems. If problems (on-site or within the immediate area) including, but not limited to, public drunkenness, the illegal sale or use of narcotics, drugs or alcohol, disturbing the peace and disorderly conduct result from the proposed land use, the Use Permit may be subject to review and revocation by the City of Lodi after a public hearing and following the procedures outlined in the City of Lodi Municipal Code. Additional reviews may be prescribed by the Community Development Director, the Police Department and/or Planning Commission as needed during and after the first two years of probationary period. Further, starting from the effective date the business commences the sale of beer, wine and distilled spirits, this Use Permit shall be subject to a one

year, and two year review by Community Development Director. If the Director determines it necessary, the Director shall forward the review to the Planning Commission to review the business's operation for compliance with the conditions of the Use Permit, and in response to any complaints thereafter.

6. The Lodi Police Department may, at any time, request that the Planning Commission conduct a hearing on the Use Permit for the purpose of amending or adding new conditions to the Use Permit or to consider revocation of the Use Permit if the Use Permit becomes a serious policing problem.
7. The Use Permit amendment shall require the Applicant/Operator and/or successors in interest and management to secure all applicable permits and licenses from the State of California, Department of Alcohol Beverage Control.
8. Any changes to the interior layout of the business operation shall be subject to review and approval by the Planning Department and shall require appropriate City permits.
9. No person who is in a state of intoxication shall be permitted within the restaurant nor shall an intoxicated patron already in the establishment be served additional alcoholic beverages. It is the responsibility of the business owner/operator to ensure no patron in state of intoxication is allowed into the building.
10. The exterior of all the premises shall be maintained in a neat and clean manner, and maintained free of graffiti at all times.
11. The applicant shall obtain a Tenant Improvement (TI) permit from the Community Development Department, Building Division.
12. Approval of this Use Permit shall be subject to revocation procedures contained in Section 17.72 LMC in the event any of the terms of this approval are violated or if the sale of beer, wine and distilled spirits is conducted or carried out in a manner so as to adversely affect the health, welfare or safety of persons residing or working in the neighborhood.
13. 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.
14. No variance from any City of Lodi adopted code, policy or specification is granted or implied by this approval.

Dated: September 12, 2012

I certify that Resolution No. 12- was passed and adopted by the Planning Commission of the City of Lodi at a regular meeting held on September 12, 2012 by the following vote:

AYES: Commissioners:

NOES: Commissioners:

ABSENT: Commissioners:

ATTEST _____
Secretary, Planning Commission

Item 3b.

**CITY OF LODI
PLANNING COMMISSION
Staff Report**

MEETING DATE: September 12, 2012

APPLICATION NO: Use Permit: 12-U-12
SPARC: 12-SP-03

REQUEST: Request for Planning Commission approval of a Use Permit to allow Lodi Christian School to operate a preschool through eighth grade private school and the site plan and architecture review (SPARC) to construct a 32,000 square-foot office/classroom building on the grounds of Temple Baptist Church located at 801 South Lower Sacramento Road. (Applicant: Steve Opp, on behalf of Temple Baptist Church. File Numbers: 12-U-12 and 12-SP-03).

LOCATION: 801 South Lower Sacramento Road
APN: 027-400-12
Lodi, CA 95242

APPLICANT: Steve Opp, on behalf of Temple Baptist Church
801 South Lower Sacramento Road
Lodi, CA 95242

PROPERTY OWNER: Temple Baptist Church of Lodi
801 South Lower Sacramento Road
Lodi, CA 95242

RECOMMENDATION

Staff recommends that the Planning Commission approve the request of Steve Opp, on behalf of Temple Baptist Church, for a Use permit to allow a private school to operate on the grounds of the Temple Baptist Church and SPARC review to construct a 32,000 square-foot office/classroom building for school use, subject to the conditions on the attached Resolution.

PROJECT/AREA DESCRIPTION

General Plan Designation: LDR, Low Density Residential
Zoning Designation: Planned Development 16
Property Size: 26.17 acres

	ADJACENT ZONING DESIGNATIONS AND LAND USES		
	GENERAL PLAN	ZONING CLASSIFICATION	EXISTING LAND USE
North	Commercial	C-S - Commercial Shopping R-1 - Single Family Residence RCP - Residential Commercial Professional	Mixture of vacant land and commercial uses
South	Commercial	San Joaquin County	Agricultural land
East	Low Density Residential Office	Planned Development 42	Mixture of office and professional uses
West	Public	R-1, Single Family Residence R-2, Single Family Residence RCP, Residential Commercial Professional	Vacant land

SUMMARY

The proposed project involves a request of Temple Baptist Church to allow a preschool through eighth grade private school and site plan and architecture review of an associated 32,000 square-foot classroom and office building proposed on the grounds of the Temple Baptist Church located at 801 S. Lower Sacramento Road. There are two different approvals necessary for this project. First, a Use Permit review and approval is required to operate a private school. The second element of the process involves a SPARC review and approval for the proposed 32,000 square-foot office and classroom buildings. SPARC involves the physical elements of the project for all of the proposed 32,000 square-foot office/classroom structure, including the site plan, architecture, landscape and hardscape elements. As proposed, Lodi Christian School would occupy the building and would be operated separately from the church and Jim Elliot High School, but will utilize church buildings, outdoor facilities and parking. Staff typically combines Use Permit and SPARC reviews to streamline the entitlement process.

BACKGROUND

The Temple Baptist Church's site is generally located on Lower Sacramento Road, north of Vine Street and south of future Tokay Street. The site consists of a single measuring parcel 26.17 acres in size. The existing developments on the site include buildings for worship/sanctuary, education and administration, multi-purpose room and youth center; a private high school (Jim Elliot High School) and associated classrooms; playground areas, and surface parking areas. Jim Elliot High School includes a main administration/library/classroom building complex and four mobile classrooms.

The Temple Baptist Church has undergone discretionary review on numerous occasions over the past years. The original church development occurred through Use Permit No. U-80-17, allowing the initial construction of the church, and parish center. Use Permit U-94-18 was approved by the Planning Commission in October 1994 and allowed for the surface parking lot expansion and additional church buildings. On June 24, 1998, the Planning Commission approved Use Permit No. U-98-06, which allowed for the installation of four mobile classrooms and approval of joint use parking between the church and the private school. At its meeting of July 12, 2006, the Planning Commission approved Use Permit 06-U-09, which allowed Jim Elliot High School to expand enrollment up to 400 students and install 4,000 sq. ft. of modular classroom to accommodate the expansion. Then SPARC approved the site plan and placement of the modular classroom buildings.

ANALYSIS

The applicant, Mr. Steve Opp, on behalf of Temple Baptist Church, requests approval of a Use Permit to allow Lodi Christian School to operate a weekday school for children ages preschool through Jr. High on the Temple Baptist Church grounds. A Use Permit is required for private school uses in all Zoning Districts. The applicant proposes to operate a private school use with up to 225 students (kindergarten through 8th grade). The applicant also proposed an associated 32,000 square-foot building. The school will also operate a child daycare center/preschool, with up to 30 children, at the site. Child daycare centers this size located on an existing school site or as incident to an on-site church/religious assembly use involving no building additions or site modifications are a permitted use subject to a Use Permit. The proposed private school and child daycare center would include a total projected enrollment of up to 255 students (225 K-8 students and 30 children in the child daycare center).

The school proposes to hold Kindergarten classes from 7:00 a.m. to 6:00 p.m. Monday - Friday, from August through May and summer preschool/daycare hours would be from 9:00 a.m. to 3:00 p.m. Monday - Friday, from June - July. Elementary and middle school classes would be held from 8:00 a.m. to 2:45 p.m. Monday - Friday, August through May. All school activities and all programs would occur between the hours 7:00 a.m. to 6:00 p.m. Monday - Friday. Lodi Christian School is an existing incorporated non-profit organization currently operating a weekday school program at a different location in San Joaquin County. The school anticipates to employ 8 part time employees (employed for school year) and 16 full time staff (4 year-round, 12 school year).

Conditional uses are those uses which, by their nature, require special consideration so that they may be located properly with respect to the objectives of the Municipal Code and with respect to their effects on surrounding properties. In order to achieve these purposes, the Planning Commission is empowered to approve, conditionally approve, or deny applications for new or modified use permits. The key issue analyzed is compatibility with onsite and nearby land uses, with emphasis on 1) parking; 2) onsite and off-site circulation; and 3) consistency with General Plan and Zoning regulations.

Parking

Section 17.60.100 (B)(4) of the LMC requires schools and colleges, including public and private elementary and Jr. high schools, kindergartens and nursery schools to provide one space for each employee, including teachers and administrators, and adequate bus loading facilities. The proposal includes a total of up to 225 kindergarten through 8th grade (K-8) students plus an additional 30 children in the child daycare center/preschool. There will be a total of 24 staff members. The Zoning Ordinance requires one parking space for each teacher and staff person for the K-8 school component of the project. This results in a requirement of 24 spaces for the school. Although the daycare use is allowed by right, adequate parking must still be provided. Jim Elliot High School has a total of 16 employees and approximately 400 students (9-12 grades). Based on the formula in the Zoning Ordinance the proposed school and the existing high school would require a minimum of 40 parking stalls and adequate onsite pick-up and drop-off area.

A total of 450 on-site parking spaces are available at the church complex. As proposed, there will be 24 new faculty members for the private school with those students attending the proposed private school being in Kindergarten through 8th grade. By applying section 17.60.100 (B)(4) of the LMC, one space for each of the 24 faculty members expected to work at the school when the facility is completely built-out would be required. Therefore, the minimum number of parking spaces required for the proposed school, when applying 17.60.100 (B)(4), would be 24 since the children attending the school will be below grade 10. Given the church complex provides over 450 standard parking stalls, parking demands generated by the proposed school would be met. Further, staff notes that the parking requirement for the church services is not addressed in this analysis since services occur during weekday evenings and weekends, when the preschool and proposed private school are not in operation.

The parking demand for daycare uses tend to be for short-term periods, usually for about 5 to 10 minutes per car. Additionally, daycare uses, unlike schools, do not have rigid start/ending operating times for their programs. Most children for the daycare center will arrive and be picked-up within a 2-hour window of time in the morning and late afternoon. The most significant peak parking demand is expected to occur between 8:30 a.m. and 9:00 a.m. whereby potentially 30 children are dropped off at the facility. Based on the review of the overall characteristics and parking demand information provided by the applicant, staff is confident that the existing number of parking spaces is adequate for this proposal.

Traffic and Circulation

As mentioned previously, the Temple Baptist Church's site has been the subject of numerous entitlement applications through the years. The proposed single-story 32,000 square-foot structure occupies an area previously approved as part of the overall master plan. The 2010 General Plan traffic study completed in June of 2009 did evaluate the site in its entirety as part of the total project trips for the purpose of evaluating the overall impact of the project. The result of the study showed that the full built out the site could be accommodated with the existing street networks.

General Plan and Zoning

The subject property has a General Plan Land Use designation of Low Density Residential (LDR); which allows for religious facilities and educational uses. The proposed application is an educational facility that is ancillary to the church and, therefore, is consistent with the General Plan land use

designation. The proposal would provide an educational facility for children in Kindergarten through 8th grade; which is consistent with the following General Plan Goal and Policy:

- GM-G5: Support efforts to provide superior public and private educational opportunities for all segments of the populations.
- GM-P21: Locate additional schools to fill any existing gaps in capacity and meet the needs of existing and new residents.

The project site is zoned Planned Development 16 (PD-16). A private school associated with the church is considered an ancillary use; therefore, if the Use Permit is approved, the proposed private school would be consistent with the zoning designation.

Design Review

The proposed site plan has been analyzed for compliance with the Zoning Code and the Design Guidelines. The site plan meets all development standards for development in the Planned Development 16 (PD-16) district. The proposed new building is a well articulated structure with multiple varied sloped and roof lines. The elevations show a variety of materials with contrasting earth tone colors and windows adorning each elevation. The design of the building is atypical for the area and would match the existing building styles in the area. The building colors and materials are consistent with the colors and materials of the existing buildings on site.

Two driveway access points are provided along Vine Street and one off of Tokay Street, which is partially developed and will be extended west when future development occur. Circulation is provided throughout the site which can accommodate emergency vehicles. Pedestrian walkways are provided throughout the project. A pedestrian area is provided on the west side of the building between the proposed building and the existing parish hall. Covered drop-off area is provided in front of the building, which with cars entering from Today Street on to the site moving in a clockwise direction and existing on to Tokay Street. This type of arrangement works and provides sufficient queuing onsite.

A landscape plan has been proposed. Landscaping would be installed all along the edges of the proposed building. Landscape species would consist of mostly ornamental trees such as Crape Myrtle, Chinese Pistache, Coast Redwood and a variety of shrubs and ground cover species. The building plan has been designed to incorporate all the trees into the landscaping. The project has been conditioned to satisfy the State's requirements regarding water efficient irrigation system.

The project has been analyzed according to the policies and goals of the Lodi General Plan, City Zoning Code, and Citywide Design Guidelines. The project design as well as the attached conditions of approval ensures that the project will be compatible with the surrounding land uses. Staff recommends that the Planning Commission adopt the attached resolution approving Use Permit No. 12-U-12 and SPARC No. 12-SP-03 based on the findings of fact and subject to the conditions of approval listed in the attached resolution.

ENVIRONMENTAL ASSESSMENTS

The project was found to be categorically exempt according to the California Environmental Quality Act, Article 19 15321 Class 21 (a) (2). The project is classified as an "Enforcement Action by Regulatory Agencies" because it is the "adoption of an administrative decision or order enforcing...the lease, permit, license, certificate, or entitlement for use or enforcing the general rule, standard, or objective." The project was also found to be categorically exempt according to the California Environmental Quality Act, Article 19 15332 Class 32 (a) (b) (c) (d) and (e). The project is classified as in-fill development meeting the conditions described therein. No significant impacts are anticipated and no mitigation measures have been required. No significant impacts are anticipated and no mitigation measures have been required.

PUBLIC HEARING NOTICE:

Legal Notice for the Use Permit was published on Saturday, September, 1 2012. Sixty-Eight (68) public hearing notices were sent to all property owners of record within a 300-foot radius of the project site as required by California State Law §65091 (a) 3. Public notice also was mailed to interested parties who had expressed their interest of the project.

ALTERNATIVE PLANNING COMMISSION ACTIONS:

- Approve with additional/different conditions
- Deny the Use Permit and SPARC request
- Continue the request

Respectfully Submitted,

Concur,

Immanuel Bereket
Associate Planner

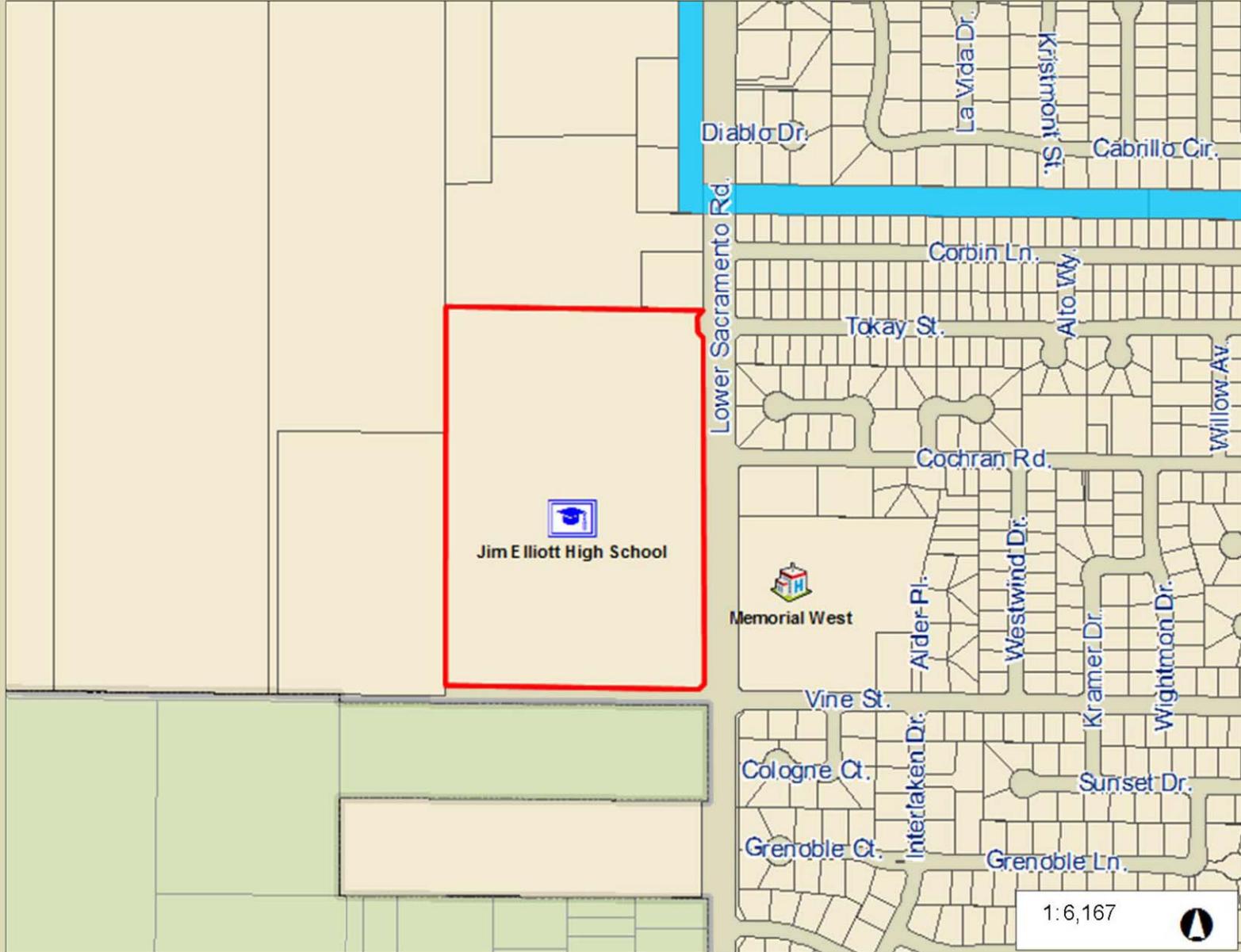
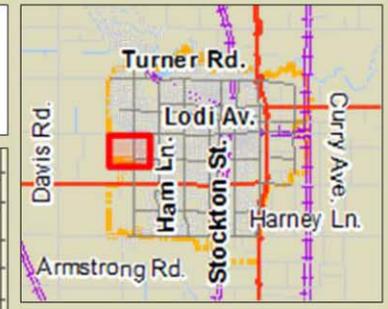
Konradt Bartlam
Community Development Director

ATTACHMENTS

- A. Vicinity Map
- B. Aerial Map
- C. Project Description
- B. Onsite Circulation Plan: Drop-Off Area Diagram
- C. Site Plan, Floor Plan, Landscape Plan, Elevations
- D. Draft Resolution



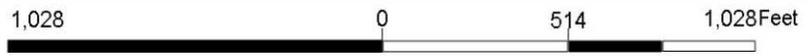
Vicinity Map



Legend

 Project Site

1:6,167 



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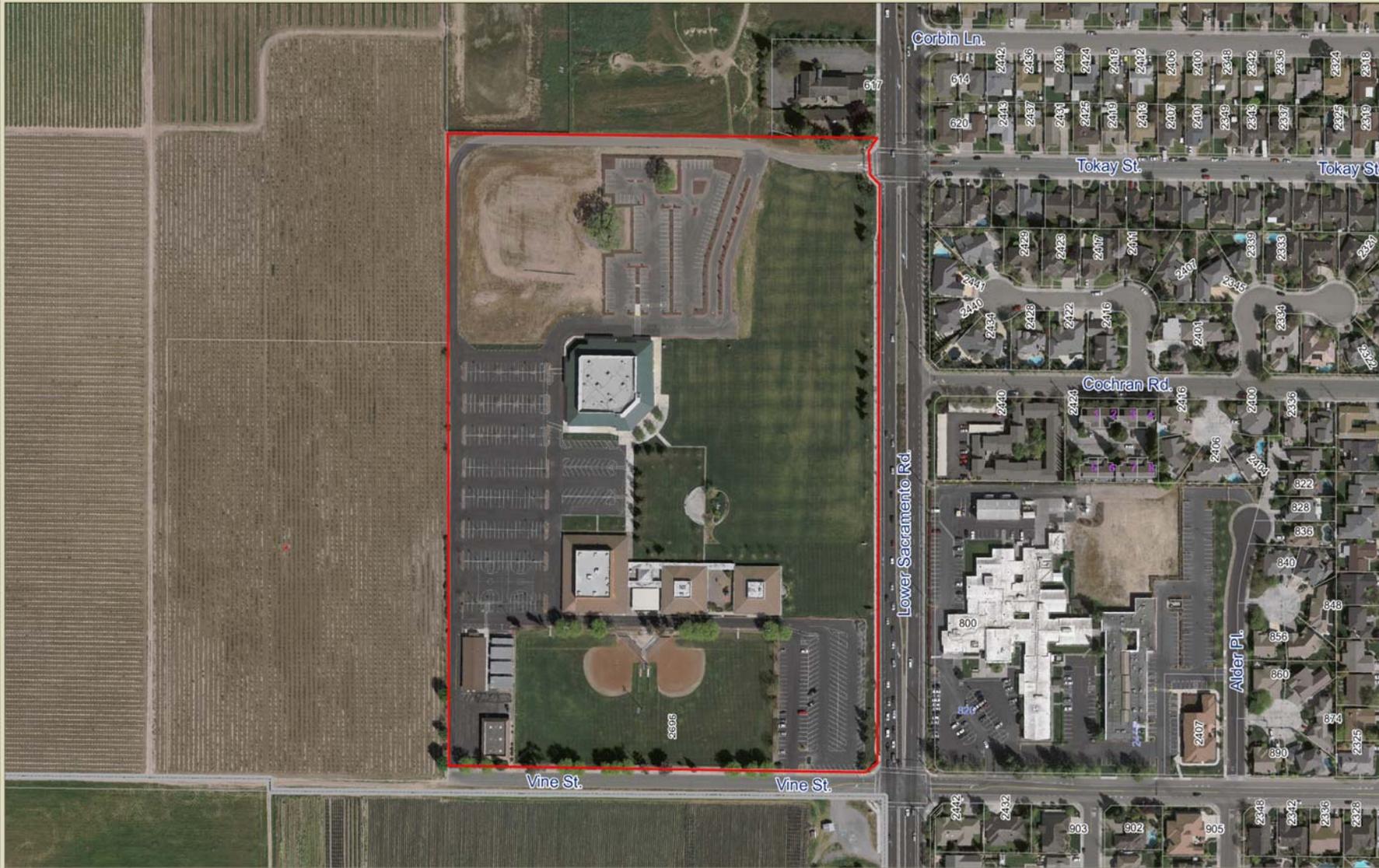
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THIS MAP IS NOT TO BE USED FOR NAVIGATION

Notes
For Reference Only.



My Map



Legend
□ Project Site

Map Scale
1:2,400

Notes

400 0 200 400Feet

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© City of Lodi Geographic Information Systems

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THIS MAP IS NOT TO BE USED FOR NAVIGATION



Use Permit Program Description

Project: Temple Baptist Church – Lodi Christian School
Christian Education Building

Weekday School Program Description:

In addition to the use of the proposed Christian Education Building by the church for Children's Ministry programs, the building will be used by a weekday school (Lodi Christian School) providing private education for children ages preschool through Jr. High. Lodi Christian School is an existing incorporated non-profit organization currently operating a weekday school program at a different location in Lodi. It is anticipated that the school will relocate to the campus of Temple Baptist Church under a long-term lease agreement with the church once the Christian Education Building has been constructed.

Lodi Christian School is a separate entity from Jim Elliot High School which currently operates and will continue to operate on the campus of Temple Baptist Church. The proposed Christian Education building will be used only by Lodi Christian School and the church. The high school will continue to operate within the existing buildings it currently occupies.

Current Enrollment & Staff (2011-12 School Year)

Preschool: licensed for 30; current headcount: 34 (24 full-time equivalents)

K-8th Grade: 154 listed by grade level below –

Kindergarten:	17
1 st Grade:	25
2 nd Grade:	18
3 rd Grade:	14
4 th Grade:	12
5 th Grade:	16
6 th Grade:	21
7 th Grade:	11
8 th Grade:	20

Part-time staff: 7 (employed for school year)

Full-time staff: 15 total (4 year-round, 11 school year)

Maximum Enrollment & Staff

Preschool: 30

K-8th: 225 (25 per grade level)

Part-time staff: 8 (employed for school year)

Full-time staff: 16 total (4 year-round, 12 school year)

Hours of Operation

Preschool Sessions: 7am to 6pm M-F, August through May

Preschool Summer Hours: 9AM to 3PM, June-July

Instructional Day: 8am to 2:45pm M-F, August through May

School activities (all programs): 7AM-6PM M-F, August through May



WMB ARCHITECTS

5757 Pacific Avenue Suite 226
Stockton CA 95207
209.944-9110

Use Permit Program Description

Drop-off / Pick-up Functions

All Lodi Christian School traffic will enter the site from Tokay and Lower Sacramento Rd. so that it is segregated from Jim Elliot H.S. traffic which uses Vine St.

Parents of preschoolers will park in the existing north parking lot and walk the children into the building through the northwest entrance. Parents will also park and pick children up from their classroom at the end of the session.

Elementary and Jr. High students will be dropped off and picked up at the new sidewalk that runs along the north side of the proposed Christian Education Building. See Site Traffic Diagram for vehicular traffic flow.

The existing vehicular gate at Tokay and Lower Sacramento Rd. will be open weekdays from 6:30AM to 6:30PM for Lodi Christian School and Sundays 6:30AM to 1:00PM for church traffic.



**WMB
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Melanie View
Principal Architects

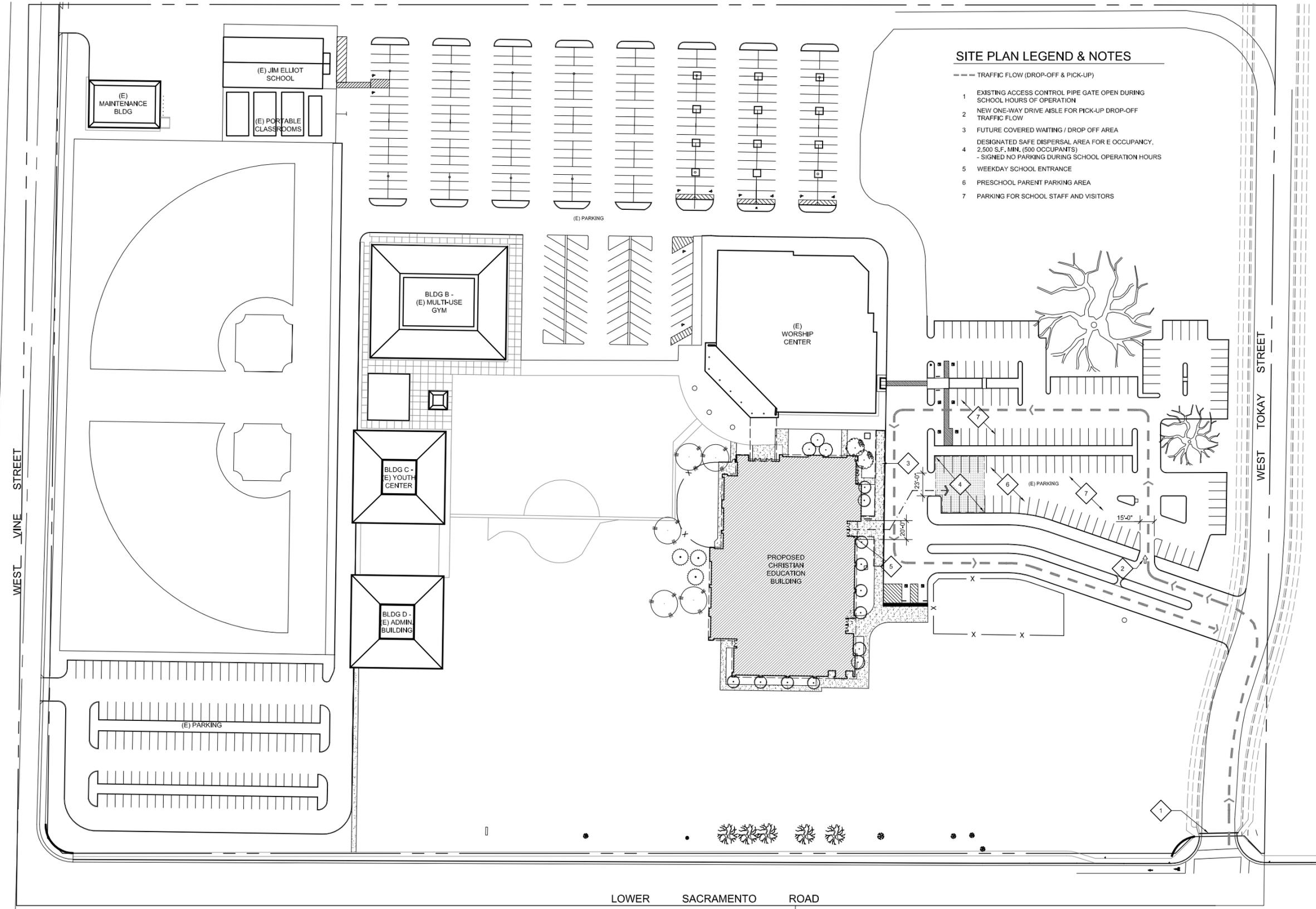
Temple Baptist Church
Christian Education
Building
801 South Lower Sacramento Road
Lodi, California

SITE PLAN

07.23.12 | SPARC

WMB PROJECT:
12-39

A1.1



TRAFFIC FLOW DIAGRAM SITE PLAN
SCALE: NTS

TEMPLE BAPTIST CHURCH CHRISTIAN EDUCATION BUILDING

801 South Lower Sacramento Road Lodi, California



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TITLE SHEET

07.23.12 SPARC

WMB PROJECT:
12-39

LIST OF SHEETS

- 1 TITLE SHEET | SITE CONTEXT PLAN
- 2 SITE PLAN | PRELIMINARY LANDSCAPE PLAN
- 3 FLOOR PLAN
- 4 BUILDING ELEVATIONS
- 5 PERSPECTIVE VIEWS

LIST OF CONSULTANTS

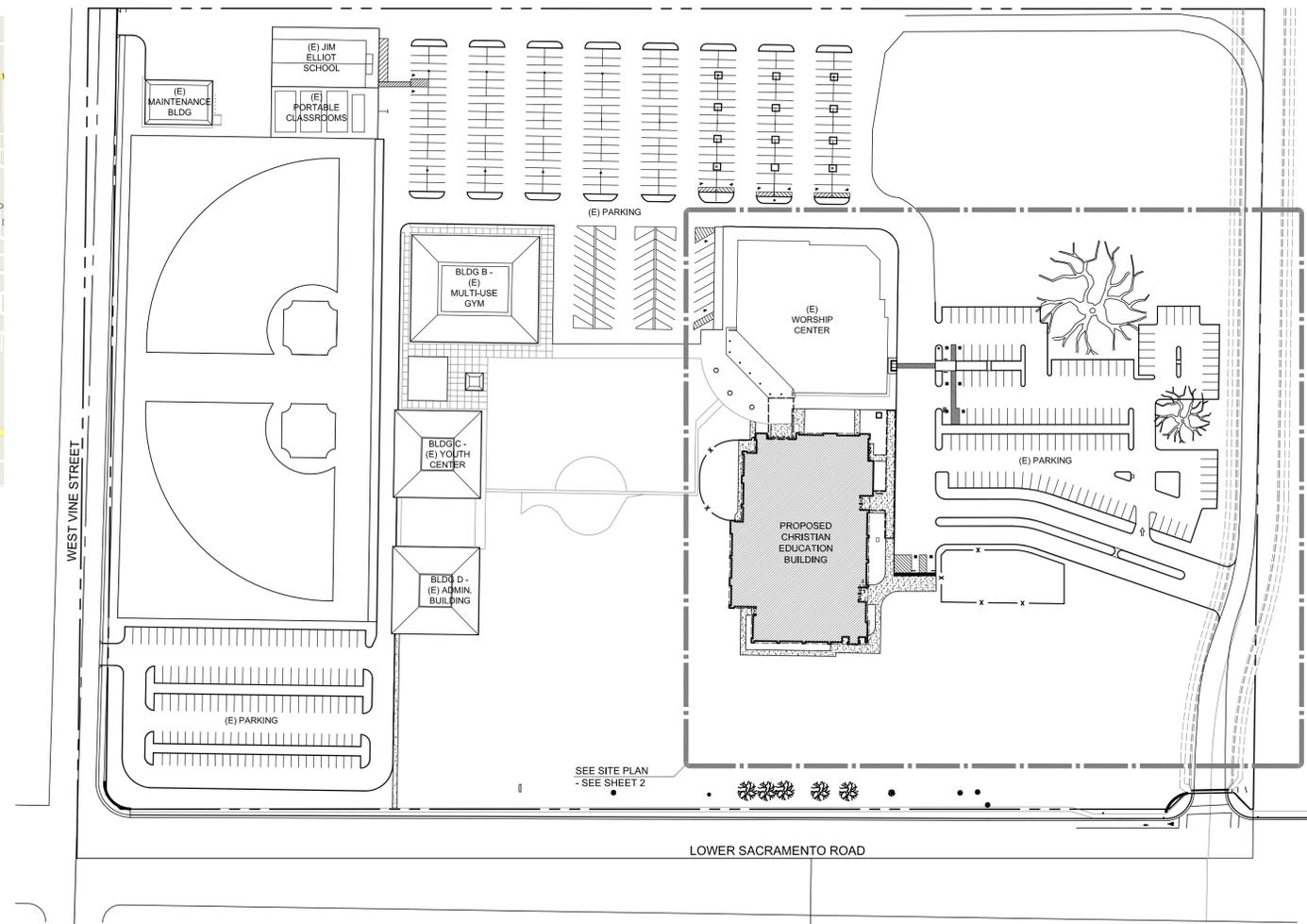
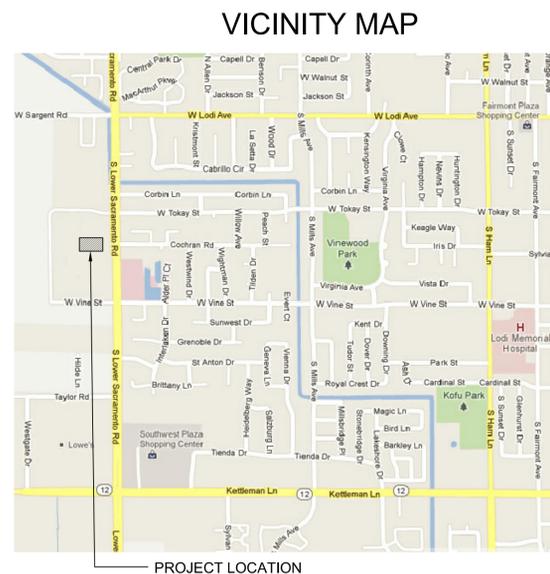
ARCHITECTURAL WMB ARCHITECTS
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STOCKTON, CA 95202
(209) 944-9110
FAX (209) 944-5711
EMAIL: dd@wmbarchitects.com
CONTACT: DOUG DAVIS

CIVIL BAUMBACH & PIAZZA, INC.
323 WEST ELM STREET
LODI, CA 95240
(209) 368-6618
CONTACT: JOSH ELSON

LANDSCAPE PENNINO DESIGN GROUP
1450 SPRINGHAVEN WAY
LODI, CA 95242
(209) 368-9456
CONTACT: VALERIE PENNINO

OWNER INFORMATION

OWNER TEMPLE BAPTIST CHURCH
801 SOUTH SACRAMENTO ROAD
LODI, CA 95242
(209)369-1948
CONTACT: STEVE OPP, EXECUTIVE PASTOR



LOCATION SITE PLAN
SCALE : NTS



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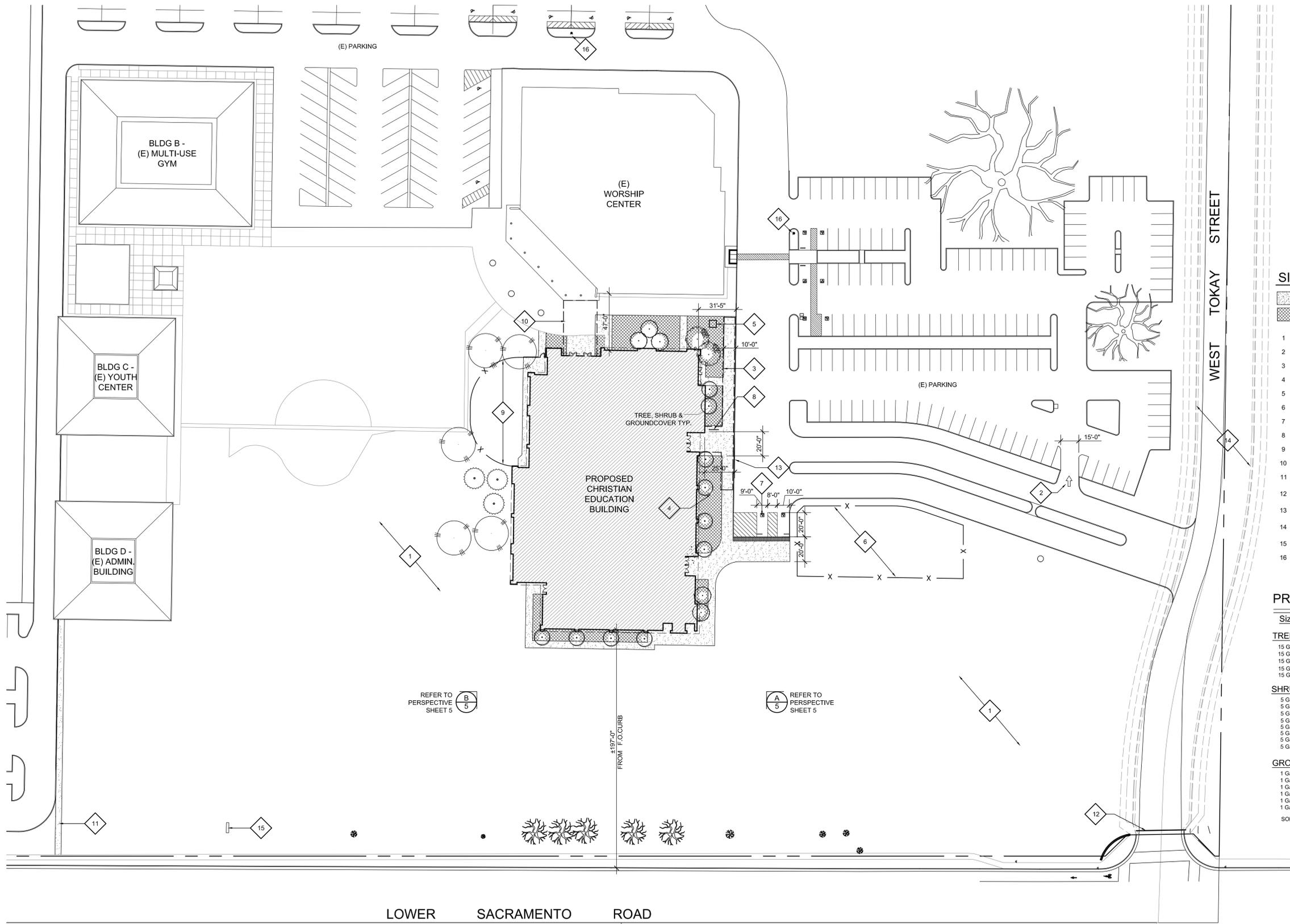
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SITE PLAN



SITE PLAN LEGEND & NOTES

- NEW CONCRETE PAVING
- LANDSCAPE AREA (SHRUB & GROUNDCOVER)
- 1 LAWN
- 2 NEW ONE-WAY DRIVE AISLE
- 3 FUTURE COVERED WAITING / DROP OFF AREA
- 4 EXISTING ABOVE-GRADE ELECTRICAL PRIMARY SPLICE BOX
- 5 EXISTING ABOVE-GRADE ELECTRICAL TRANSFORMER
- 6 FUTURE PLAY YARD WITH 5'-0" H METAL FENCE
- 7 NEW ACCESSIBLE PARKING STALLS (2 TYP.)
- 8 BIKE RACK
- 9 PRESCHOOL PLAY YARD WITH 4'-0" H METAL FENCE
- 10 FUTURE COVERED CONNECTION TO WORSHIP CENTER
- 11 NEW ACCESSIBLE 5'-0" WALK TO PUBLIC WAY
- 12 EXISTING ACCESS CONTROL PIPE GATE LOCATION. GATE TO BE OPEN DURING PROGRAM HOURS
- 13 (E) CURB STRIPED AS FIRE LANE ENTIRE LENGTH
- 14 FUTURE EXPANSION AT WEST TOKAY ROAD (SHOWN DASHED) - NOT INCLUDED IN CURRENT PROJECT
- 15 EXISTING MONUMENT SIGN LOCATION WITH SITE ADDRESS
- 16 EXISTING FIRE HYDRANT LOCATION

PRELIMINARY PLANT LEGEND

Size	Botanical Name	Common Name
TREES		
15 Gal.	Lagerstroemia indica	Crape Myrtle
15 Gal.	Magnolia grandiflora	Southern Magnolia
15 Gal.	Pistacia chinensis	Chinese Pistache
15 Gal.	Sequoia sempervirens	Coast Redwood
15 Gal.	Ulmus parviflora	Chinese Evergreen Elm
SHRUBS		
5 Gal.	Abelia grandiflora	Glossy Abelia
5 Gal.	Buxus japonicus	Japanese Boxwood
5 Gal.	Coleonema p. 'Sunset Gold'	Gold Breath of Heaven
5 Gal.	Euonymus j. 'Aureo-Marginata'	Gold Leafed Euonymus
5 Gal.	Loropetalum 'Razzleberry'	Chinese Fringe Flower
5 Gal.	Phoridium l. 'Bronze Baby'	New Zealand Flax
5 Gal.	Pittosporum l. 'Wheeler Dwarf'	Dwarf Tobira
5 Gal.	Raphiolepis l. 'Springtime'	India Hawthorn
GROUNDCOVERS AND ACCENTS		
1 Gal.	Dietes vegeta	Fortnight Lily
1 Gal.	Saxanila hybrid (clumping)	Clumping Gazania
1 Gal.	Hemerocallis 'Stella de Oro'	Day Lily
1 Gal.	Nandina domestica	Heavenly Bamboo
1 Gal.	Ophiopogon japonicum	Mondo Grass
1 Gal.	Trachelospermum jasminoides	Star Jasmine
SOD	90/10 Fescue/Bluegrass blend	Turf Grass

07.23.12 SPARC

SITE PLAN / LANDSCAPE PLAN

SCALE : 1" = 40'-0"

WMB PROJECT:
12-39



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FLOOR PLAN

07.23.12 SPARC

WMB PROJECT:
12-39



PROPOSED FLOOR PLAN

SCALE : 1" = 10'-0"

32,200 S.F.



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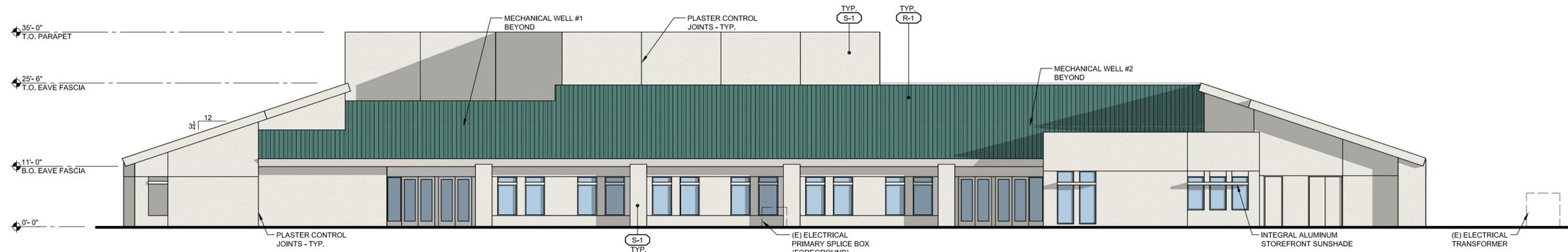
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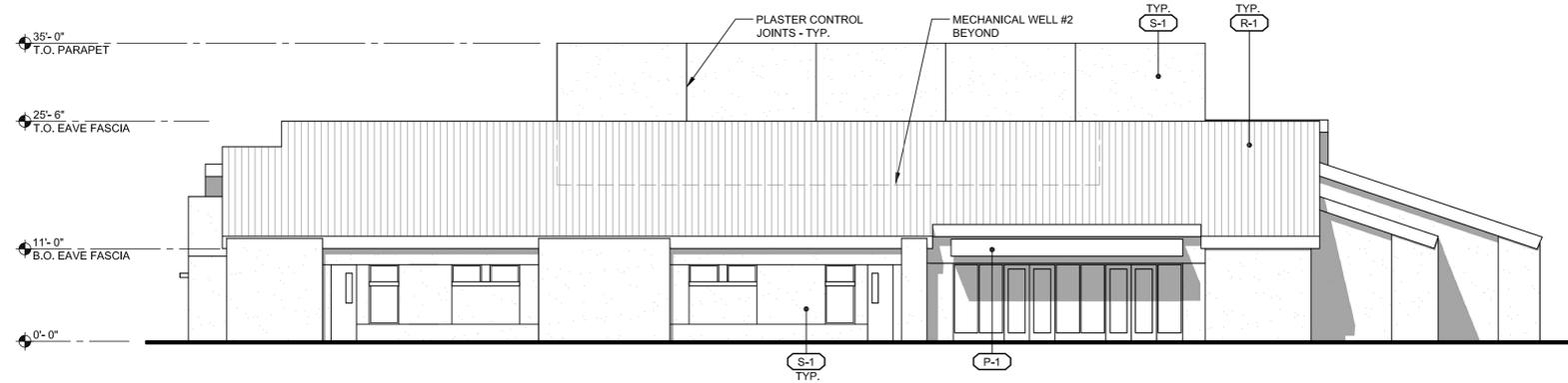
EXTERIOR ELEVATIONS

07.23.12 SPARC

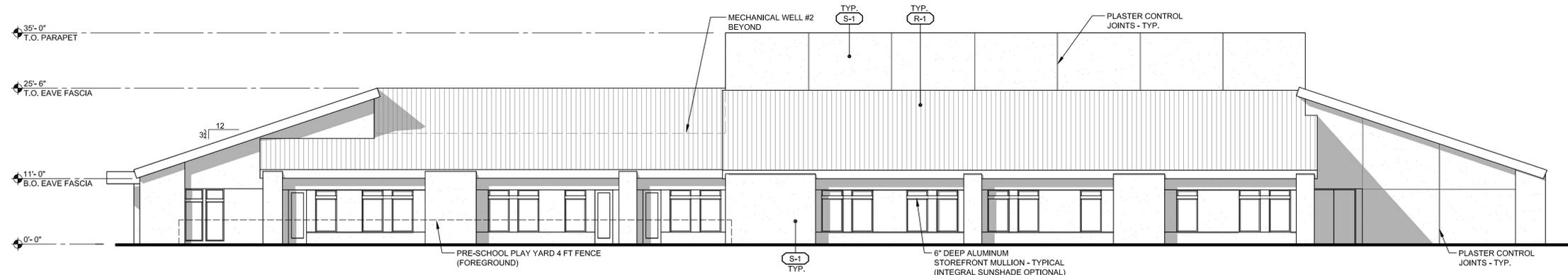
WMB PROJECT:
12-39



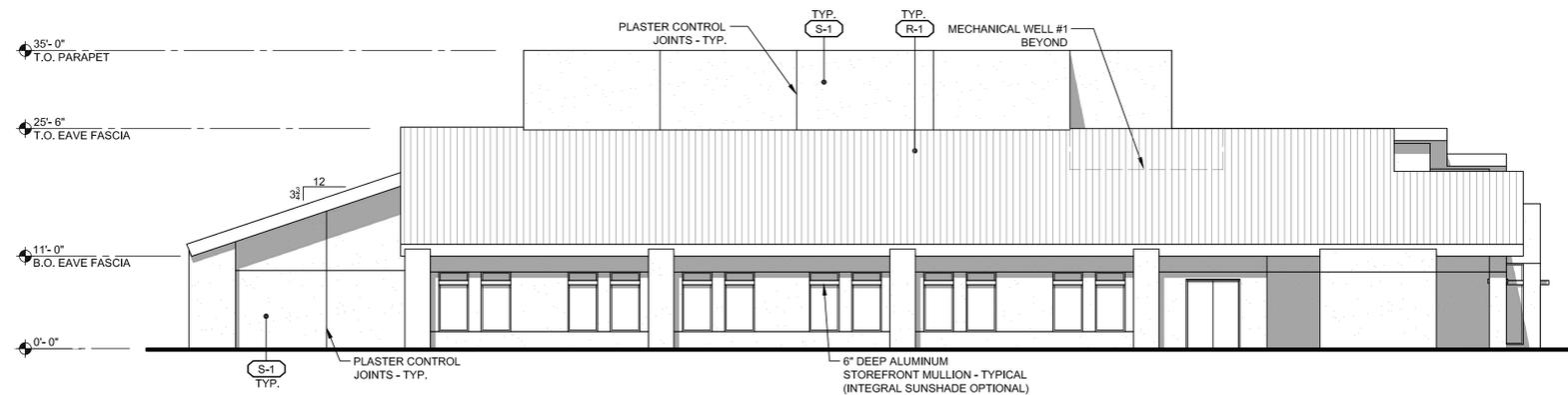
NORTH ELEVATION



WEST ELEVATION



SOUTH ELEVATION



EAST ELEVATION

EXTERIOR FINISHES LEGEND

- S-1 STUCCO SYSTEM; ACRYLIC FINISH
COLOR: TO MATCH (E) WORSHIP CENTER
- R-1 24 GA. PRE-FINISHED STANDING SEAM METAL ROOF PANELS
AEP SPAN, COLOR: COOL LEAF GREEN TO MATCH (E) WORSHIP CENTER
- P-1 PAINT TO MATCH STUCCO S-1

PROPOSED BUILDING ELEVATIONS

SCALE : 1" = 10'-0"



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EXTERIOR
BUILDING PERSPECTIVES

07.23.12 | SPARC

WMB PROJECT:
12-39



A VIEW FROM NORTHEAST
(E) WORSHIP CENTER BUILDING SHOWN BEYOND



B VIEW FROM SOUTHEAST
(E) WORSHIP CENTER BUILDING SHOWN BEYOND

RESOLUTION NO. P.C. 12 -

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LODI APPROVING THE USE PERMIT FOR THE LODI CHRISTIAN SCHOOL TO OPERATE A PRIVATE PRESCHOOL THROUGH EIGHTH GRADE SCHOOL ON THE GROUNDS OF THE TEMPLE BAPTIST CHURCH, PERMIT THE CONSTRUCTION OF AN ADDITIONAL 32,000 SQUARE FOOT BUILDING FOR SCHOOL OFFICES AND CLASSROOMS.

WHEREAS, the Planning Commission of the City of Lodi has heretofore held a duly noticed public hearing, as required by law, on the Use Permit (12-U-12) and SPARC application (12-SP-03) in accordance with the Government Code and Lodi Municipal Code Chapter 17.84, Amendments; and the Use Permit shall allow the Lodi Christian School to operate a preschool through eighth grade school on the grounds of Temple Baptist Church and the SPARC application shall permit the construction of an additional 32,000 square foot building for school offices and classrooms.

WHEREAS, applications for a Use Permit and SPARC review were filed by Temple Baptist Church in accordance with the provisions of the City of Lodi Municipal Code; and

WHEREAS, Use Permit application 12-U-12 and SPARC application 12-SP-12 were processed in the time and manner prescribed by state and local law; and

WHEREAS, the subject property is generally located at 801 S. Lower Sacramento Road, Lodi, CA, APN 027-400-12; and

WHEREAS, the property is owned by Temple Baptist Church and contains church facilities; and

WHEREAS, the property is zoned PD-16, Planned Development (Church);

WHEREAS, the project proponent is Steven Opp, on behalf of Temple Baptist Church, 801 South Lower Sacramento Road, Lodi, CA 95242; and

WHEREAS, Lodi Christian School is a private school that operates preschool, kindergarten through eighth grade school; and

WHEREAS, Lodi Christian School is requesting approval to enroll total of 255 students at various grades from preschool, kindergarten through eighth grade; and

WHEREAS, the Planning Commission conducted a public hearing on September 13, 2012 at which time interested persons had an opportunity to testify either in support or opposition;

WHEREAS, all legal prerequisites to the approval of this request have occurred.

NOW, THEREFORE, BE IT FOUND that the Planning Commission of the City of Lodi incorporates the staff report and attachments, project file, testimony presented at the time of the hearing, and written comments, on this matter, and make the following findings:

1. The required public hearing by the Planning Commission was duly advertised and held in a manner prescribed by law.
2. The project is found to be categorically exempt according to the standard exemption of CEQA Section 15332, Class 32. – In-Fill Development Projects. The project is consistent with the general plan and zoning, is less than 5-acres in size, is within the City and surrounded by development, there is no habitat value, approval of the project will not result in significant effects relating to traffic, noise, air quality, or water quality, and the project will be adequately served by all required utilities and public services. The project is exempt from further review under CEQA. No significant impacts are anticipated and no mitigation measures have been required.

3. That the requested use is necessary and/or desirable for the development of the community, and is in harmony with the various elements and objectives of the general plan in that the Temple Baptist Church has been in existence since the early 1970's and the high school (Jim Elliot High School) has existed since 1998, providing religious worship, private education, and other services to the residents of the community without any issues or formal complaints.
4. That the requested use is not detrimental to existing uses or to uses specifically permitted in the zone in which the proposed use is to be located in that the site is adequate in size and shape to accommodate the continued use of the existing church/school campus (classroom buildings) and the additional proposed use in that the proposed Lodi Christian School Preschool to Eighth grade (K-8) school use is located within the parcel and the proposed structure meets all applicable development standards of the underlying Low Density Residential General Plan designation and zoning standards specified in Planned Development 16 (PD-16).
5. That the site for the proposed use is adequate in size and shape to accommodate the yards, setbacks, walls, fences, parking, loading facilities, buffer areas, landscaping and other development features prescribed in the Lodi Municipal Code and required by the Planning Commission, in order to integrate the use with other uses in the neighborhood, in that the existing church/school campus including and the additional proposal to add Lodi Christian School (Preschool through Eighth grade) use is compatible with the existing and future uses in the neighborhood. No additional yards, setbacks, walls, fences, parking, landscaping, or other features are required to accommodate the existing and proposed school uses.
6. That adequate utility services and capacities exist to service the proposed project.
7. That the location, size, design, and operating characteristics of the private school in will not create unusual noise, traffic or other conditions or situations that may be objectionable, detrimental or incompatible with other permitted uses in the vicinity.

NOW, THEREFORE, BE IT DETERMINED, AND RESOLVED, that the Lodi Planning Commission hereby approves Use Permit Application No. 12-U-12 and 12-SP-03, subject to the following conditions:

COMMUNITY DEVELOPMENT DEPARTMENT, PLANNING DIVISION:

1. The property owner and/or developer and/or successors in interest and management shall, at their sole expense, defend, indemnify and hold harmless the City of Lodi, its agents, officers, directors and employees, from and against all claims, actions, damages, losses, or expenses of every type and description, including but not limited to payment of attorneys' fees and costs, by reason of, or arising out of, this development approval. The obligation to defend, indemnify and hold harmless shall include, but is not limited to, any action to arbitrate, attack, review, set aside, void or annul this development approval on any grounds whatsoever. The City of Lodi shall promptly notify the developer of any such claim, action, or proceeding and shall cooperate fully in the defense.
2. If any of the following conditions fail to occur, or if they are, by their terms, to be implemented and maintained over time, if any of such conditions fail to be so implemented and maintained according to their terms, the City shall have the right to revoke or modify all approvals herein granted; deny or further condition issuance of all future building permits; deny, revoke, or further condition all certificates of occupancy issued under the authority of approvals herein granted; record a notice of violation on the property title; institute and prosecute litigation to compel their compliance with said conditions or seek damages for their violation. No vested

rights are gained by Developer or a successor in interest by the City's approval of this Use Permit (12-U-12) or SPARC (12-SP-03).

3. The Use Permit shall be vested within six (6) months from the effective date of approval. A building permit for the tenant improvements allowed under this Use Permit shall have been obtained within six (6) months from the effective date of the Use Permit or the Use Permit shall expire; provided however that the Use Permit may be extended pursuant to the Lodi Municipal Code.
4. Developer shall comply with all applicable provisions of federal, state, and local laws and regulations in effect at the time of building permit issuance. In the event of conflict, the strictest shall apply.
5. That no additional buildings be constructed on this property unless they have been approved by the previous Temple Baptist Church Use Permits (U-94-18, U-98-06 and 06-U-09) or by this Use Permit (12-U-12) or this SPARC application (12-U-03). Any additional construction shall require future Planning Commission approval.
6. That as part of this SPARC application 12-U-03, the Temple Baptist Church shall be allowed to construct a single 32,000 square-foot administration/classroom building. Future growth of the school shall be subject to the determination that there is adequate parking for all uses on the site. This determination shall be made by the Community Development Director.
7. That an above grade trash storage area shall be located on the site. The trash storage area shall have a minimum dimension of five feet in any direction. In addition, the trash enclosure shall be not less than seven feet in height and finished to match adjacent building surfaces. Gates shall be of solid metal construction; no trash bin shall be located on site outside an approved enclosure. The trash area shall be screened from the public streets; precise location and design shall be subject to review and approval by the Community Development Director. If at anytime in the future it is determined by the Director of Community Development that the trash facility is inadequate, the owners and/or successors in interest and management shall, at their sole expense, expand the trash facility to meet trash requirements as evidenced by operations. All trash, storage of cartons, containers and other discarded items shall be screened from public view at all times. The trash enclosure shall be designed to accommodate the City's recycling program.
8. That physically handicapped parking spaces shall be provided for the private school. These stalls shall be properly labeled and dimensioned on the site plan. The number of handicapped parking spaces shall be consistent with California State handicapped provisions or other applicable laws or regulations; the precise location shall be subject to the review and approval of the Director of Community Development.
9. That all window signs, banners, pennants, A-frame signs, neon signs or other freestanding signs not otherwise permitted, flashing or blinking lights, and other similar signs shall be prohibited at all times.
10. The applicant shall submit a complete landscape plan prepared by California licensed landscape architect with complete details regarding the landscaping and irrigation of the site, its parking lot, indicating pertinent dimensions, plant locations, plant sizes, plant species, relationship to property lines and structures including entry way sign, materials to be used, existing vegetation locations, irrigation supply sources and location, etc. The said landscape plan shall be in full conformance with the State of California Water Efficient Landscape Ordinance and must include a statement of compliance.
11. Required landscaping shall be maintained in a neat, clean and healthy condition. This shall include proper pruning, mowing of lawns, weeding, removal of litter, fertilizing, replacement of plants when necessary and the regular watering of all plantings. Permanent water facilities

shall be provided for all landscaped areas. In addition, root barriers shall be provided in conjunction with trees planted within five feet of A/C and concrete paving.

12. No vehicle, including trailers, shall be parked or stored at any time at the subject site for the principal purpose of advertising or display. It shall be a prima facie violation if the advertising medium utilized on the vehicle is a sign, device, or structure separate from the vehicle; or if the sign or device is integrally affixed to the vehicle and the copy is readily changeable; or the sign, device or structure exceeds nine square feet in area and the vehicle is parked on the business premises for which the advertising relates or is in reasonable proximity thereto and the location of the advertising is reasonably calculated to direct an observer toward the business. It shall still be considered that advertising was the principal purpose of the parking, notwithstanding the fact that the vehicle is driven to and from the business premises on a daily basis. In addition, there shall be no outside storage of boats, trailers, campers or the like on the premises.
13. Developer shall comply with the City's Stormwater Regulations, latest version, and shall implement best management practices at all times. Best management practices include but are not limited to pollution treatment practices or devices, general housekeeping practices, pollution prevention and educational practices, maintenance procedures, and other management practices or devices to prevent or reduce the discharge of pollutants to stormwater, receiving water or stormwater conveyance system to the maximum extent practicable. Developer shall notify prospective owners and tenants of the above requirements.
14. All buildings shall comply with the requirements of Planned Development 16 zoning district and meet setback requirements. All buildings shall implement building elements and materials illustrated on the submitted elevation.
15. The finished building shall be consistent with the renderings submitted by the applicant and approved by the Planning Commission and as conditioned herein. Any change in the exterior design of the building initially or at any time in the future, shall be subject to review and approval by the Community Development Director.
16. The right to locate a preschool to eighth grade private school is granted expressly to Lodi Christian School and is not transferrable without Planning Commission concurrence.
17. All mechanical equipment placed on the roof such as, but not limited to, air conditioning, heating, satellite dish, ventilating ducts and exhaust, shall be fully screened from ground-level view within 150 feet of the property. All ground mounted utility and mechanical equipment shall be screened to the satisfaction of the Community Development Director; they shall be plotted on the landscaping plan.
18. That all applicable requirements and provisions of the latest adopted California Building Code, Fire Code, Lodi Municipal Code, and all other applicable City codes, ordinances, and development standards in effect at the time of building permit issuance shall be complied with. Furthermore, the cover sheet of the building construction plans shall contain all the conditions of approval stated in this resolution and shall be attached to each set of plans submitted for City approval.
19. Failure to abide by and faithfully comply with any and all conditions attached to the granting of this site plan approval, shall constitute grounds for the revocation of said approval by the City of Lodi Planning Commission.
20. By signing this resolution and accepting the terms for approval of this site plan, the applicant and landlord (Baptist Temple Church) and tenant (Lodi Christian School) shall indicate acceptance of the benefits conferred by the permit subject to the conditions imposed herein.

COMMUNITY DEVELOPMENT DEPARTMENT, BUILDING DIVISION:

21. All plan submittals shall be based on the City of Lodi Building Regulations and currently adopted 2010 California Building Code (CBC). Please review our policy handouts for specific submittal procedures.
22. All buildings housing a Group E occupancy shall front directly on a public street or an exit discharge (sidewalk) not less than 20' in width to a public street. 2010 CBC, Section 442.1
23. All project design and construction shall be in compliance with the Americans with Disabilities Act (ADA). Project compliance with ADA standards is the developer's responsibility.
 - a. All entrances and ground-floor exit doors to building and facilities shall be accessible to persons with disabilities and shall be connected by an accessible route to the public way. Further, plans must specify and show the accessible path of travel from the doors to the public way or to an area of safe dispersal in compliance with 2010 CBC.
 - b. 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 1/4" per foot side slope, and (5) where necessary to change elevation at a slope exceeding 5% (i.e., 1:20) shall have ramps complying with 2010 CBC. 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.
 - c. All gates must meet all applicable specifications for doors as per 2010 CBC, Section 1133B.1.1.1.4. The plans are to specify the bottom 10" of the gate shall have a smooth, uninterrupted surface to allow the gate to be opened by a wheelchair footrest without creating a trap or hazardous condition or provide a 10" high kick plate at the bottom of the gate. In addition, the plans shall specify and show the gates have a maximum door opening effort of 5 lbs. and are equipped with single-effort, non-grasping type hardware (i.e., lever) centered between 30" and 44" above the deck surface.
 - d. 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 1/4" per foot side slope, and (5) where necessary to change elevation at a slope exceeding 5% (i.e., 1:20) shall have ramps complying with 2007 CBC, Section 1133B.5. 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.

PUBLIC WORKS DEPARTMENT:

24. All existing and proposed public and private underground improvements (sanitary sewer, water, storm drainage) need to be shown on the site plan.
25. Domestic water service should be provided from an existing on-site water service. If a new separate service is necessary, the service will be provided from the existing on-site public water main by City crews at the owner's expense and installation of backflow device assemblies conforming to City standards will be required on all domestic water services on the Temple Baptist Church site.
26. All new development is required to perform best management practices (BMP) as required in the City Stormwater Development Standard Plans (DSP). The project must include measures to mitigate the pollutants of concern listed in the DSP.
27. Drainage from the proposed building site, including roof drainage, shall be discharged to the existing on-site storm drain system.

28. Payment of the following prior to building permit issuance unless noted otherwise:
 - a. Filing and processing fees and charges for services performed by City forces per the Public Works Fee and Service Charge Schedule.
 - b. Stormwater Compliance Inspection Fee prior to building permit issuance or commencement of construction operations, whichever occurs first.
29. Payment of the following prior to temporary occupancy or occupancy of the building unless noted otherwise:
 - a. Development Impact Mitigation Fees.
 - b. Wastewater Capacity Impact Mitigation Fee.
 - c. County Facilities Fees.
 - d. Regional Transportation Impact Fee (RTIF).

ELECTRIC UTILITY DEPARTMENT:

30. The developer shall prepare a legal description document for easement and shall submit a copy to the Electric Engineering Division.
31. The developer shall pay for all Electric Utility Department construction charges in accordance with the Electric Department's Rules and Regulations.
32. Electric drawings and load calculations are required for this project.
33. Any fees due the City of Lodi for processing this Project shall be paid to the City within thirty (30) calendar days of final action by the approval authority. Failure to pay such outstanding fees within the time specified shall invalidate any approval or conditional approval granted. No permits, site work, or other actions authorized by this action shall be processed by the City, nor permitted, authorized or commenced until all outstanding fees are paid to the City.

FIRE DEPARTMENT:

34. In lieu of providing fire access points every 150', the project shall install a new fire hydrant located closer to the proposed building. Exact location shall be determined during the permitting process by the Lodi Fire Department.
35. In lieu of providing fire access points every 150', the project shall install a knox box near the proposed building's main entrance. The exact location and specification of the knox box shall be determined during the permitting process by the Lodi Dire Department.

Dated: September 13, 2012

I certify that Resolution No. 12- was passed and adopted by the Planning Commission of the City of Lodi at a regular meeting held on September 12, 2012 by the following vote:

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

ATTEST _____
Secretary, Planning Commission

Item 3c.

**CITY OF LODI
PLANNING COMMISSION
Staff Report**

MEETING DATE: September 12, 2012

APPLICATION NO: Use Permit: 12-U-13

REQUEST: Request for Planning Commission approval of a Use Permit to establish a wine production facility at 1001 and 1101 East Lodi Avenue. (Applicant: Anthony Scotto, on behalf of Scotto Family Cellars: File Number: 12-U-13).

LOCATION: 1001 and 1101 East Lodi Avenue
APN: 049-060-28 and -29
Lodi, CA 95240

APPLICANT: Anthony Scotto, on behalf of Scotto Family Cellars
2715 West Kettleman Lane, Suite 203-314
Lodi, CA 95242

PROPERTY OWNER: Westamerica Bank
2891 Geer Road
Turlock, CA 95328

RECOMMENDATION

Staff recommends that the Planning Commission approve the request of Anthony Scotto, on behalf of Scotto Family Cellars, for a Use Permit to allow a winery production facility at 1001 and 1101 East Lodi Avenue, subject to the conditions in the attached resolution.

PROJECT AREA DESCRIPTION

General Plan Designation: Industrial
Zoning Designation: M-2, Heavy Industrial
Property Size: 1.6-acres (70,349 sq. ft.)

The adjacent zoning and land use characteristics:

	ADJACENT ZONING DESIGNATIONS AND LAND USES		
	GENERAL PLAN	ZONING CLASSIFICATION	EXISTING LAND USE
North	Industrial	M-2, Heavy Industrial	Warehouse/industrial use
South	Industrial	M-2, Heavy Industrial	Warehouse/industrial use
East	Industrial	M-2, Heavy Industrial	Warehouse/industrial use
West	Industrial	M-2, Heavy Industrial	Warehouse/industrial use

SUMMARY

The applicant requests a Use Permit to establish a winery production facility capable of producing 130,000 gallons of wine annually. This proposed project will adaptively re-use an existing commercial facility to accommodate this project. The facility will be used for the purpose of crushing and fermenting of wine. Most of the building will be converted to a production facility, incorporate a small laboratory and the existing offices will remain as offices for the winery. No new structures or additions to the footprint of the existing facility are proposed with this application. The proposed project does not include a request for tours, tasting, events, etc.

BACKGROUND

The project site contains a vacant industrial building with multiple onsite parking and unused yard space. The building was previously used by stone fabrication business that has been closed since 2009. Available City records indicate there are no pending Code violations. The Scotto Family Cellars has been making wine in Lodi since 1995. Scotto Family Cellars are in the process of purchasing the subject parcels.

ANALYSIS

The applicant proposes to utilize a vacant building located at 1101 East Lodi Avenue for wine manufacturing. The property is designated Industrial in the General Plan. The Industrial designation provides for manufacturing, service and retail uses, restaurants, service stations, motels, public and quasi-public uses and similar and compatible uses. The designation is intended primarily for industrial uses that involve onsite manufacturing of goods. The property is zoned Heavy Industrial (M-2), which permits the proposed use subject to a Use Permit (LMC §17.48.030). All the winemaking operation will be enclosed in the existing vacant building. Inside of the building will be steel storage tanks, areas for barrels, laboratory room and a small office. The production area will include a climate controlled barrel room and case storage area. The grape crushing will involve bringing the grapes into the winery by 1/2 ton vessels using pick-ups and small flatbed trucks. According to the project description provided by the applicant, the winery will produce 90,000 gallons of wine initially and ultimately produce up to 130,000 gallons of wine annually. The application has been conditioned to remove all wine related waste within 24 hours. In addition, the applicant is required to filter and manage all run off from the project site in accordance with the City's Storm Water Management Program.

The Municipal Code of the City of Lodi requires the approval of a Use Permit by the Planning Commission for wine making and sale of wine products (LMC § 17.72.040). The City established the Use Permit requirement to gain local control over whether or not a license is appropriate for a particular location. The Department of Alcoholic Beverage Control primarily controls issuance based on concentration of licenses within a particular Census Tract. The project site belongs to Census Tract 45. Census Tract 45 covers the area south of Mokelumne River, west of Guild Avenue, north of Lodi Avenue and east of Union Pacific Rail Road (U.P.R.R) Line. According to ABC, Census Tract 45 contains ten (10) existing on-sale licenses with eight (8) on-sale licenses allowed based on the ABC criteria. However, wineries, wine production facilities and associated wine tasting rooms and whole and retail sales of wine are exempt from ABC regulations related to over-concentration and the need to obtain public necessity and convenience from the Planning Commission. However, the Commission should review the application to ensure that sale of alcohol will not adversely affect surrounding residents, businesses, and institutions and to ensure that any such use operates in a manner compatible with existing and future adjacent uses. In the past, the Planning Commission and the Planning staff have generally supported wineries and wine manufacturing operations that wish to acquire an ABC on-sale license because, typically, they do not create alcohol related problems.

The discretionary Use Permit procedure enables the Planning and the city staff to impose conditions designed to avoid, minimize or mitigate potentially adverse effects of a certain use upon the community or other properties in the vicinity. Staff proposes operational conditions requiring orderly removal of wine waste within 24 hours, instillation of landscape and irrigation system, restripping the parking lots to conform to the requirements of the American With Disabilities Act (ADA), and noise and odor control mitigation measures. Staff believes that the Planning Commission can make the required findings to approve the requested Use Permit. The proposed use is appropriate for the specific location in that the site is located in a warehouse building and is surrounded by similar heavy commercial and industrial uses. The proposed use is in accord with the purpose of the M-2 zoning district and General Plan land use designation in that wine manufacturing and warehouse use is conditionally permitted uses in the M-2 district.

Staff sent copies of the application to various City departments for comments and review. Their comments and requirements have been incorporated into the attached resolution. Staff believes that the proposed Use Permit is consistent with the requirements of the Zoning Ordinance and the policies outlined in the General Plan. The project site is appropriate for the proposed use given its isolation from residential and commercial uses. In addition, one of the primary goals of Lodi's General Plan is the continued support and preservation of agriculture and the wine industry. Establishing industry specific uses such as production facilities within the city's commercial districts is a means in which the city can continue to support the industry and preserve land for agricultural uses.

Therefore, staff finds that the use of an existing building for this business will be compatible with the adjacent uses and will not negatively impact the surrounding neighborhood. In addition, the proposed project would provide additional employment opportunities and help preserve the City of Lodi's economic welfare. The proposed facility will be consistent with the goals and objectives as specified in the General Plan for Industrial businesses and help occupy an underutilized building that is in need of economic activity. As such, staff recommends that the Planning Commission approve the project, subject to the conditions outlined in the attached resolution.

ENVIRONMENTAL ASSESSMENTS

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

PUBLIC HEARING NOTICE:

Legal Notice for the Use Permit was published on August 24, 2012. Fourteen (14) public hearing notices were sent to all property owners of record within a 300-foot radius of the subject property as required by California State Law §65091 (a) 3.

ALTERNATIVE PLANNING COMMISSION ACTIONS:

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

Respectfully Submitted,

Concur,

Immanuel Bereket
Associate Planner

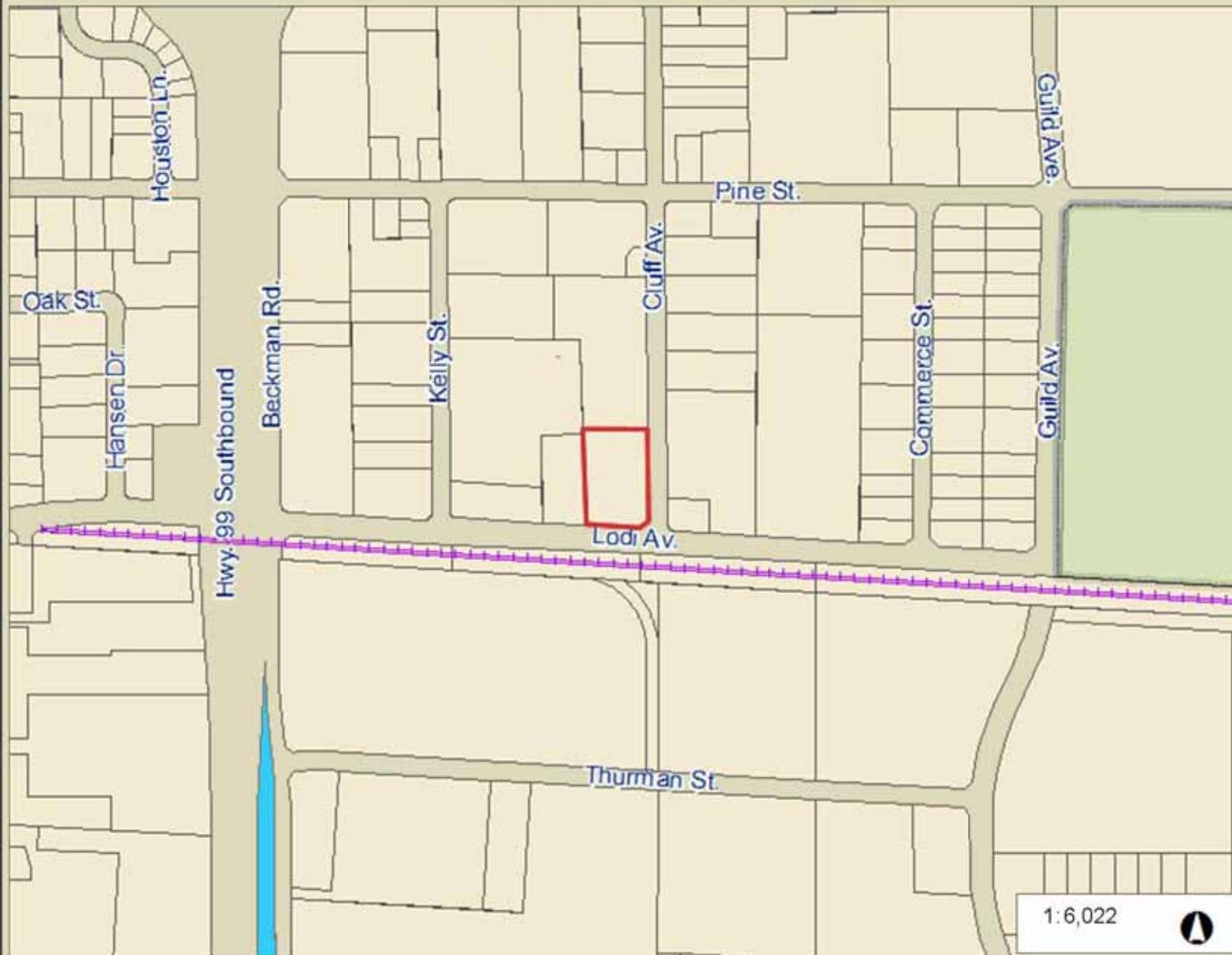
Konradt Bartlam
Community Development Director

ATTACHMENTS:

1. Vicinity Map
2. Aerial Photo
3. Proposed Site/Floor Plan
4. Draft Resolution



Vicinity Map



Legend

- Railroads
- Canal
- Street Names
- Parcels
 - PARCELS
 - PARCELS_ISLAND
 - PARCELS_OUTSIDECL
- City Limits
- Project Site

1:6,022



1,004 0 502 1,004 Feet

NAD_1983_StatePlane_California_III_FIPS_0403_Feet
© City of Lodi Geographic Information Systems

This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.

THIS MAP IS NOT TO BE USED FOR NAVIGATION

Notes

For Reference Only



Street View



Project Area Map

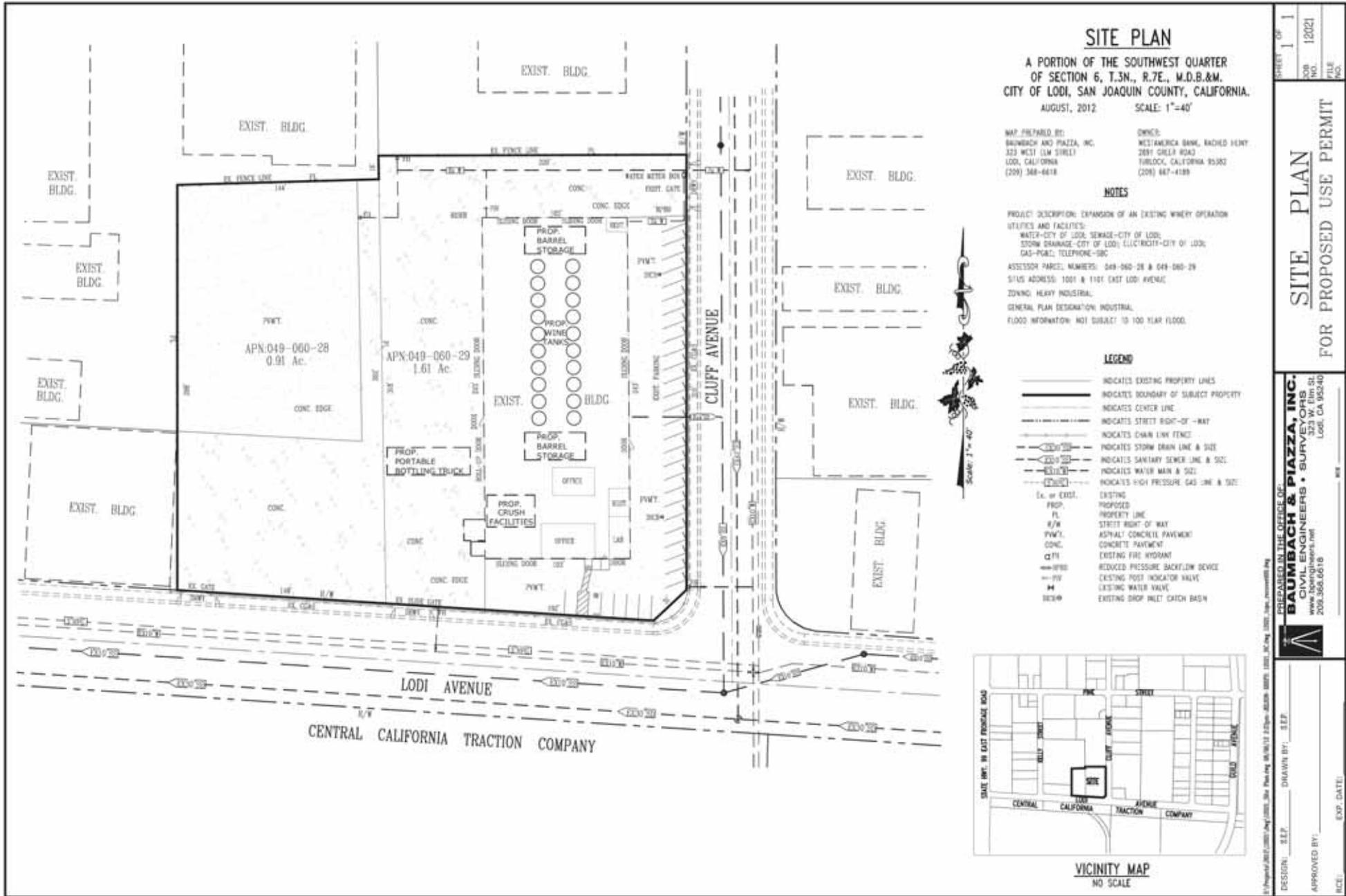
Aerial Map



Scotto Family Cellars

1101 East Lodi Avenue
APN: 049-060-29
Lodi, CA 95240





SITE PLAN

A PORTION OF THE SOUTHWEST QUARTER
OF SECTION 6, T.3N., R.7E., M.D.B.&M.
CITY OF LODI, SAN JOAQUIN COUNTY, CALIFORNIA.
AUGUST, 2012 SCALE: 1"=40'

MAP PREPARED BY:
BAUMBACH AND PIAZZA, INC.
323 WEST 13th STREET
LODI, CALIFORNIA
(209) 368-6618

OWNER:
WESTAMERICA BANK, RACHEL HEINT
2891 GILLES ROAD
TURLOCK, CALIFORNIA 95352
(209) 667-4189

NOTES

PROJECT DESCRIPTION: EXPANSION OF AN EXISTING WINEY OPERATION

UTILITIES AND FACILITIES:
WATER-CITY OF LODI, SEWAGE-CITY OF LODI,
STORM DRAINAGE-CITY OF LODI, ELECTRICITY-CITY OF LODI,
GAS-PUBLIC, TELEPHONE-ISC

ASSESSOR PARCEL NUMBERS: 049-060-28 & 049-060-29
STREET ADDRESS: 1001 & 1101 EAST LODI AVENUE

ZONING: HEAVY INDUSTRIAL
GENERAL PLAN DESIGNATION: INDUSTRIAL
FLOOD INFORMATION: NOT SUBJECT TO 100 YEAR FLOOD.

- LEGEND**
- INDICATES EXISTING PROPERTY LINES
 - - - INDICATES BOUNDARY OF SUBJECT PROPERTY
 - INDICATES CENTER LINE
 - INDICATES STREET RIGHT-OF-WAY
 - INDICATES CHAIN LINK FENCE
 - INDICATES STORM DRAIN LINE & SIZE
 - INDICATES SANITARY SEWER LINE & SIZE
 - INDICATES WATER MAIN & SIZE
 - INDICATES HIGH PRESSURE GAS LINE & SIZE
 - EXIST. INDICATES EXISTING
 - PROP. INDICATES PROPOSED
 - PL PROPOSED PROPERTY LINE
 - R/W STREET RIGHT-OF-WAY
 - P/W ASPHALT CONCRETE PAVEMENT
 - CONC. CONCRETE PAVEMENT
 - QTY EXISTING FIRE HYDRANT
 - REDUCED PRESSURE BACKFLOW DEVICE
 - EXISTING POST INDICATOR VALVE
 - EXISTING WATER VALVE
 - EXISTING DROP INLET CATCH BASIN



VICINITY MAP
NO SCALE

SHEET 1 OF 1
JOB NO. 12021
FILE NO.

SITE PLAN
FOR PROPOSED USE PERMIT

BAUMBACH & PIAZZA, INC.
CIVIL ENGINEERS • SURVEYORS
1001 EAST LODI AVENUE
LODI, CA 95340
(209) 368-6618

DESIGN: SEP DRAWN BY: SEP
APPROVED BY: _____
DATE: _____ EXP. DATE: _____

PREPARED IN THE OFFICE OF
BAUMBACH & PIAZZA, INC.
CIVIL ENGINEERS • SURVEYORS
1001 EAST LODI AVENUE
LODI, CA 95340
(209) 368-6618

RESOLUTION NO. P.C. 12-

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LODI APPROVING THE REQUEST OF ANTHONY SCOTTO, ON BEHALF OF SCOTTO FAMILY CELLARS, FOR A USE PERMIT TO ALLOW ESTABLISHMENT OF A WINE PRODUCTION FACILITY AT 1001 AND 1101 EAST LODI AVENUE.

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 17.72.070; and

WHEREAS, the project sites are located at 1001 and 1101 East Lodi Avenue, Lodi, CA 95240 (APN: 049-060-298 add -29); and

WHEREAS, the project proponent is Anthony Scotto, on behalf of Scotto Family Cellars, 2715 West Kettleman Lane, Suite 203-314, Lodi, CA 95242; and

WHEREAS, the project properties owner is Westamerica Bank, 2891 Geer Road, Turlock, CA 95328; and

WHEREAS, the properties have a General Plan designation of Industrial and are zoned M-2, heavy Industrial; and

WHEREAS, the requested Use Permit to establish a wine manufacturing facility (ABC Type 2) and Public Warehouse (ABC Type 14) at 1001 and 1101 East Lodi Avenue; and

WHEREAS, pursuant to the California Environmental Quality Act of 1970, and State Guidelines thereto; this project has been found to be categorically exempt from CEQA per Article 19 §15321, Class 21 (a) (2); and

WHEREAS, pursuant to City of Lodi Zoning Ordinance § 17.72.110, this resolution becomes effective ten (10) business days from its adoption in the absence of the filing of an appeal; and

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

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

1. The project was found to be Categorically Exempt according to the California Environmental Quality Act, Article 19 §15321, Class 21 (a) (2). The project is classified as an "Enforcement action by regulatory agencies" because it is the "adoption of an administrative decision or order enforcing or revoking the lease, permit, license, certificate, or entitlement for use or enforcing the general rule, standard, or objective." No significant environmental impacts are anticipated and no mitigation measures have been required.
2. The proposed use is in accord with the objective of the Zoning Ordinance, the purposes of the land use district, in which it is located and is appropriate to the specific location, in that wine manufacturing facilities are conditionally permitted in the M-2 (Heavy Industrial) District; and, in that the proposed project to produce wine for off-site consumption is consistent with General Plan.
3. The proposed use is not detrimental to the health, safety and general welfare of the City in that the proposed business will be conducted within an a vacant industrial building; and, in that the facility will operate under a suite of environmental health and safety measures;
4. The proposed use will not adversely affect the orderly development or the preservation of property within the City in that the proposed expansion will continue an existing industrial use that is appropriate in the current location; and, in that no physical changes to the site are necessary to accommodate the proposed business.

5. The proposed use will not create an enforcement problem in that the proposed use is primarily industrial in nature and is properly located in the M-2 zoning district and will continue to operate under a suite of environmental health and safety measures;
6. The proposed use will not create a demand for public services within the City beyond that of the ability of the City to meet in the light of taxation and spending restraints in that the use is private and does not require any additional public services.
7. The proposed use would not have a substantial adverse economic effect on nearby uses because operation of the proposed business in accordance with applicable laws, and under the conditions of this Use Permit, is anticipated to be an economic benefit to the community.
8. The conditional use is subject to and must comply with specific local conditions and additional regulations as deemed necessary by other regulatory or permit authorities. The approval does not relieve the applicant from an obligation to obtain any state or federal permits for recycling facilities

NOW, THEREFORE, BE IT DETERMINED AND RESOLVED by the Planning Commission of the City of Lodi that Use Permit Application No. 12-U-13 is hereby approved, subject to the following conditions:

1. The property owner and/or developer and/or successors in interest and management shall, at their sole expense, defend, indemnify and hold harmless the City of Lodi, its agents, officers, directors and employees, from and against all claims, actions, damages, losses, or expenses of every type and description, including but not limited to payment of attorneys' fees and costs, by reason of, or arising out of, this development approval. The obligation to defend, indemnify and hold harmless shall include, but is not limited to, any action to arbitrate, attack, review, set aside, void or annul this development approval on any grounds whatsoever. The City of Lodi shall promptly notify the developer of any such claim, action, or proceeding and shall cooperate fully in the defense.
2. The property owner and/or developer and/or successors in interest and management shall operate the project in strict compliance with the approvals granted herein, City standards, laws, and ordinances, and in compliance with all State and Federal laws, regulations, and standards. In the event of a conflict between City laws and standards and a State or Federal law, regulation, or standard, the stricter or higher standard shall control.
3. The property owner and/or developer and/or successors in interest and management shall insure that the sale of alcohol does not cause any condition that will cause or result in repeated activities that are harmful to the health, peace or safety of persons residing or working in the surrounding area. This includes, but is not limited to: disturbances of the peace, illegal drug activity, public intoxication, drinking in public, harassment of people passing by, assaults, batteries, acts of vandalism, loitering, excessive littering, illegal parking, excessive loud noises, traffic violations or traffic safety based upon last drink statistics, curfew violations, lewd conduct, or police detention and arrests.
4. If any of the following conditions fail to occur, or if they are, by their terms, to be implemented and maintained over time, if any of such conditions fail to be so implemented and maintained according to their terms, the City shall have the right to revoke or modify all approvals herein granted; deny or further condition issuance of all future building permits; deny, revoke, or further condition all certificates of occupancy issued under the authority of approvals herein granted; record a notice of violation on the property title; institute and prosecute litigation to compel their compliance with said conditions or seek damages for their violation. No vested rights are gained by Developer or a successor in interest by the City's approval of this Use Permit (12-U-13).
5. The Use Permit shall be vested within six (6) months from the effective date of approval. A building permit for the tenant improvements allowed under this Use Permit shall have been obtained within six (6) months from the effective date of the Use Permit or the Use Permit shall expire; provided however that the Use Permit may be extended pursuant to the Lodi Municipal Code.

6. The Use Permit shall not become effective until ten (10) business days after approval, providing that the action is not appealed by the City Council or any other interested party within that 10 day period.
7. Any request for an extension of the Use Permit must be justified in writing and received by the Planning Department at least thirty (30) days prior to expiration.
8. The applicant shall submit a landscaping and irrigation plan to the Community Development Department for review and approval. Specifically, the applicant shall plant large trees, minimum of 24" boxes in size, along the southern and eastern property lines in full compliance with the State of California Water Efficient Landscape Plan. All landscaping shall be installed onsite. In addition, the applicant shall stripe the parking lot per the City of Lodi Standard Plan 134.
9. All landscaped area shall be kept free from weeds and debris, maintained in a healthy growing condition and shall receive regular pruning, fertilizing, mowing, and trimming. Unhealthy, dead, or damaged plant materials shall be removed and replaced promptly.
10. The project proponent/applicant/operator and/or developer and/or successors in interest and management shall operate and abide by the requirements and conditions of the State of California Department of Alcoholic Beverage Control License Type 2 and Type 14. The Type 2 License shall not authorize on-site consumption of wine.
11. The City reserves the right to periodically review the area for potential problems. If problems (on-site or within the immediate area) including, but not limited to, public drunkenness, the illegal sale or use of narcotics, drugs or alcohol, disturbing the peace and disorderly conduct result from the proposed land use, the Use Permit may be subject to review and revocation by the City of Lodi after a public hearing and following the procedures outlined in the City of Lodi Municipal Code. Additional reviews may be prescribed by the Community Development Director, the Police Department and/or Planning Commission as needed during and after the first two years of probationary period. Further, starting from the effective date the business commences the sale of wine, this Use Permit shall be subject to a one year, and two year review by Community Development Director. If the Director determines it necessary, the Director shall forward the review to the Planning Commission to review the business's operation for compliance with the conditions of the Use Permit, and in response to any complaints thereafter.
12. Prior to the issuance of a Type-2 and Type 14 licenses, the project proponent/applicant/operator and/or developer and/or successors in interest and management shall complete Licensee Education on Alcohol and Drugs as provided by the State Department of Alcoholic Beverage Control.
13. The Lodi Police Department may, at any time, request that the Planning Commission conduct a hearing on the Use Permit for the purpose of amending or adding new conditions to the Use Permit or to consider revocation of the Use Permit if the Use Permit becomes a serious policing problem.
14. All temporary and permanent signage proposed in connection with the wine making operation shall be reviewed and approved by the Community Development Department.
15. All winery waste shall not be stored outside and shall be properly disposed of within 24 hours of crush activity.
16. All delivery truck cueing shall take place off of the public right-of-way.
17. The project proponent/applicant and/or developer and/or successors in interest and management shall maintain the project site free of litter, shopping-carts or any other undesirable materials and shall be cleaned of loose debris on a daily basis.
18. Any equipment used for the business shall comply with the Noise Ordinance. If complaints are received and verified by the City regarding noise from equipment associated with the facility, the applicant/operator and/or successors in interest and management shall mitigate and/or make any necessary modifications so noise levels comply with acceptable standards identified in the City's General Plan.

19. Noise levels shall not exceed sixty-five (65) dBA, as measured from the outside wall of the building envelop. The business hours of operation shall be from 6:00 a.m. to 6:00 p.m., Monday through Sunday, unless modified in writing and approved by the Planning Division. All business related to the facility, including removal recyclable materials shall be within these approved hours.
20. Subsequent modifications of this approval, which do not intensify the use, including but not limited to alteration of parking and circulation design, minor changes to the conditions of approval, interpretations of the conditions of approval relative to intent, necessity of, and timing, may be approved by the Community Development Director, unless the Community Development Director requires a Substantial Conformance or Revised Permit application in accordance with the Zoning Ordinance.
21. In the event the use hereby permitted under this permit is: (a) found to be in violation of the terms and conditions of this permit; (b) found to have been obtained by fraud or perjured testimony; or (c) found to be detrimental to the public health, safety or general welfare, or a public nuisance; this permit shall be subject to the revocation procedures in accordance with the City of Lodi Municipal Code.
22. At all times during the conduct of the use(s) allowed by this permit, the use(s) shall maintain and keep in effect valid licensing from appropriate local, state and/or federal agencies as required by law. Should such required licensing be denied, expire or lapse at any time in the future, this permit shall become null and void.
23. Tenant Improvement plans are required for the change of use. All plan submittals shall be based on the City of Lodi Building Regulations and currently adopted 2010 California Building code. Please review our policy handouts for specific submittal procedures.
24. Storage racks greater than 6' in height are required to be submitted under separate permit and cover. Storage racks greater than 8' in height shall be provided with structural calculations. Storage 12' or greater in height must be reviewed as high piled storage." City of Lodi Policy and Procedure B-[08]-[09]
25. The California Building Code (Title 24 Section 1134B) requires that existing buildings, when alterations are made, shall be verified for compliance with disabled access requirements. These requirements shall apply only to the specific area of alteration and shall include an accessible entrance, an accessible route to the altered area, at least one accessible restroom for each sex, telephones and drinking fountains (if existing), and when possible additional items such as parking, storage and alarms.
26. Any sign(s) shall require a building permit from the Community Development Department. Said sign(s) shall be in full compliance with the City of Lodi Sign Ordinance and any applicable master sign program for the subject site.
27. An operational permit shall be required from the Lodi Fire Department for the operation of the recycling center. 2010 CFC, Section 105.6.45. Please contact the Lodi Fire Prevention Bureau at 25 East Pine Street, Lodi - (209) 333-6735.
28. If operation of this use results in conflicts pertaining to parking, noise, traffic, or other impacts, at the discretion of the Community Development Director, this conditional use permit may be referred to the Planning Commission for subsequent review at a public hearing. If necessary, the Commission may modify or add conditions of approval to mitigate such impacts, or may revoke said conditional use permit bound upon applicable findings.
29. 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.

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

Dated: September 12, 2012

I certify that Resolution No. 12- was passed and adopted by the Planning Commission of the City of Lodi at a regular meeting held on September 12, 2012 by the following vote:

AYES: Commissioners:

NOES: Commissioners:

ABSENT: Commissioners:

ATTEST _____
Secretary, Planning Commission

Item 6a.



MEMORANDUM, City of Lodi, Community Development Department

To: City of Lodi Planning Commissioners
From: Rad Bartlam, Community Development Director
Date: Planning Commission Meeting of 09/12/2012
Subject: Past meetings of the City Council and other meetings pertinent to the Planning Commission

In an effort to inform the Planning Commissioners of past meetings of the Council and other pertinent items staff has prepared the following list of titles.

If you have any questions, please feel free to contact the Planning Department or visit the City of Lodi website at: <http://www.lodi.gov/city-council/AgendaPage.html> to view Staff Reports and Minutes from the corresponding meeting date.

Date	Meeting	Title
August 1, 2012	Regular	Adopt Resolution Establishing Guidelines for a First-Time Home Buyer Program and Authorizing an Application to the State Department of Housing and Community Development for \$500,000 of HOME Funding (CD)
		Adopt Resolution Authorizing the City Manager to Submit an Application with Eden Housing Inc. to the State of California Department of Housing and Community Development for HOME Investment Partnerships Program Funding; and if Selected, the Execution of a Standard Agreement, any Amendments Thereto, and any Related Documents Necessary to Participate in the HOME Investment Partnerships Program (CD)
		Adopt Resolution Approving Art Advisory Board Recommendation for Bicycle Rack Placement and Appropriate Art in Public Places Funds (\$11,550) (PRCS)
		Designate the Overhead Grade Separation and Embankment Design as the Exclusive Alternative for the Harney Lane Grade Separation Project (PW)
August 15, 2012	Regular	Approve Plans and Specifications and Authorize Advertisement for Bids for Ham Lane and Harney Lane Traffic Signal and Lighting Project (PW)
		Public Hearing to Consider the Following Actions: (PW) a) Adopt Resolution Certifying the Negative Declaration as Adequate Environmental Documentation for the Master Plans for the Water, Wastewater, Storm Drainage, and Bicycle; and b) Adopt Resolution Approving Master Plans for Water, Wastewater, Storm Drainage, and Bicycle; Approving Impact Mitigation Fee Program Report and Schedule of Fees; and Approving Impact Mitigation Fee Program Schedule of Reduced Fees
		Public Hearing to Introduce Ordinances Regarding Termination of Southwest Gateway and Westside Project Development Agreements with Frontier Community Builders, Inc. (CM)

Item 7a.

**CITY OF LODI
PLANNING COMMISSION
Staff Report**

MEETING DATE: September 12, 2012

APPLICATION NO: Not Applicable

SUBJECT: Development Code Update

BACKGROUND:

The City is in the process of updating zoning regulations to conform to the Land Use Element of the 2010 General Plan. The existing Municipal Code has been in place since 1950, and has been amended over time to address various situations. These previous amendments have caused various sections of the Municipal Code to be modified, removed, or added, which impacts the “readability” and user-friendliness of the Code. The purpose of this report is to share information with the Commission and the public, and to provide a forum to discuss any issues or concerns related to the Landscaping, Parking and Sign standards for all zoning designations, and standards for specific land uses such as childcare centers, home occupation permits, residential density bonus, etcetera.

ANALYSIS:

Landscape:

The California Water Conservation in Landscaping Act of 2006 (AB 1881) requires each city to adopt a Model Water Efficient Landscape Ordinance developed by the California Department of Water Resources (DWR) or the city’s own local water efficient landscape ordinance that achieves the same goals or better. The Water Efficient Landscaping ordinance applies to new construction and rehabilitated landscapes with landscape areas greater than or equal to 1,000 square feet. Public agency and private development projects are subject to the ordinance.

The requirements for landscapes with 2,500 square feet or more of landscaped area include a landscape documentation package which consists of project information, a water efficient landscape worksheet, a soil management report, a landscape design plan, an irrigation design plan and a grading design plan, as part of the Design Review application. Prior to issuance of a Certificate of Occupancy, a certificate of completion and scheduling of irrigation and maintenance would be required. The worksheet includes calculation of a Maximum Applied Water Allowance and Estimated Total Water Use. The Estimated Total Water Use must be less than the Maximum Applied Water Allowance. These requirements include designation of hydrozones (areas containing plants with similar water needs) and address in detail soil, plants, water features, mulch, grading, irrigation systems, and irrigation schedules. Exceptions to the ordinance include: a) projects with landscape areas less than 1,000 square feet; b) registered historical sites; c) ecological restoration projects that do not require a permanent irrigation system; d) plant collections, as part of botanical gardens and arboretums open to the public; and e) cemeteries.

In addition to State requirements, staff has added language to address landscape requirements for all residential zoning districts. The existing zoning ordinance is silent whether or not residential front and street side yards should be landscaped and maintained. In stead, the existing ordinance stipulates that *“no person shall install or place asphalt, concrete or other similar material upon more than forty-five percent of any front or street side yard setback.”* This has lead to un-maintained and dirt front and street side yards. The Development Code addresses this issue by adding a section in the Development Code that regulate this issue.

Parking

The Development Code does not propose major changes to the number of parking spaces required for new development by land use type. The Development Code proposes to list of the number of parking spaces required by land use category consistent with the new land use categories. Staff has compared the proposed parking requirements with the parking generation rates provided by ITE (Institute of Transportation Engineers). The ITE parking rates provide the industry standard because they are derived by surveying a number of uses based on various characteristics, such as, urban and suburban

retail stores, retail parking on weekdays, Saturdays, Sundays, and the same in December. Overall the proposed standards are the same or very similar to the ITE rates.

The comparison was not done for Residential Uses. The primary change to single family residential parking requirements is to require two spaces within a garage for new construction instead of a requirement for two covered spaces, where cover could be provided by way of a carport. All of the new single family and townhouse projects approved within the past ten years have provided two covered parking spaces in enclosed garages side by side. This provision will not affect existing single family development, unless a dwelling or the parking space is completely rebuilt. The other changes to residential parking requirements are as follows:

LAND USE TYPE	EXISTING	PROPOSED
Mixed-use developments	None	Calculated by each separate use on site.
Mobile home parks	two spaces per unit, covered spaces not required	Two covered spaces for each mobile home. Tandem parking allowed in an attached carport, plus 1 guest parking space for each two units. Recreational vehicle parking shall be provided at the rate of 1 space for every 5 units.
Multi-family dwelling, condominiums and other attached dwellings	two spaces per unit, covered spaces not required,	1 covered space per one bedroom unit, 2 spaces per two bedroom unit (1 must be covered), plus 1 uncovered guest space for each 5 units.
Senior congregate care facilities	None	0.5 space for each residential unit, plus 1 space for each 4 units for guests and employees.
Senior housing projects	None	0.75 space for each unit with half the spaces covered, plus 1 guest parking space for each 10 units.

A key initiative of the Development Code as it relates to parking standards is to modernize the City's parking requirements. The existing zoning code is restrictive where it needs not be and broad where it needs to be specific. For example, Industrial/warehouse/manufacturing uses are required to provide one space for each seven hundred fifty square feet of building, or two parking spaces for every three employees in the largest shift, whichever is greater. More often than not, parking provided exceeds demand or need. To address these types of issues, the Development Code revises some requirements, provides specific details where needed, and adds new standards where appropriate.

Sign:

The City's current sign regulations, adopted in 1956, have shaped the way signage has been incorporated into the City's streetscapes. A proliferation of signage adds significantly to the visual clutter. Although signage serves a critical function in supporting economic activity, its proliferation can have significant negative impacts. When properly regulated, signs can serve as a great economic and aesthetic asset. They can be lively, colorful and exciting. In enacting the Sign Ordinance, it is the City's intent to promote attractive signage and streetscapes, facilitate way-finding and traffic safety, promote commerce, and to comprehensively address community aesthetic concerns about visual clutter and visual blight.

The Development Code does not propose major changes to the existing sign requirements. In its current form, the Sign Ordinance has been working well for the City and business community. However, it needs significant update to address the following issues:

- **Master sign program for large shopping centers:** The existing Sign Ordinance does not speak to sign programs. In the past, the City has approved sign programs through the SPARC and Planning Commission review process. The most recent example of such a sign program relates to the Reynolds Ranch development. The proposed Development Code provides clear language and direction for sign programs. For example, a new nonresidential project with four or more tenants, or a major rehabilitation work on an existing nonresidential project with four or more tenants that involves exterior remodeling, would require a sign program.

- **Programmable electric signs:** Electronic reader boards are currently allowed by the Zoning Ordinance under Section 17.63.080, which reads *“Flashing, moving or animated signs are subject to the issuance of a use permit, and no such permit shall be issued if the sign will tend to cause a traffic hazard.”* Within this section, the City has allowed electronic signs in commercial properties. Staff continuously receives inquiries for electronic signs from churches, health-care related institutions and alike. Staff proposes minimum standards to safeguard life, health, property and public welfare, and to preserve the unique character of the town by regulating the size, height, design, quality of materials, construction, location, lighting and maintenance of electronic signs.
- **Definition of allowable and prohibited signs:** The existing Sign Ordinance does not provide definitions of allowed and prohibited signs. The proposed Development Code identifies 13 different sign types which have been determined to be inconsistent with the purposes and standards of the Sign Chapter.
- **Maintenance requirements:** The proposed Development Code contains language within the sign ordinance (*Section 17.36.100*) for nonconforming or abandoned Signs. The language has been added in an effort to create a clearer framework for nonconforming and abandoned signs. This section emphasizes the importance of achieving the eventual elimination of nonconforming signs within the City. The previous development standard provided a conformance deadline but provided a number of different ways to maintain a sign's nonconforming status. The proposed Development Code clarifies the allowed continued uses of nonconforming signs and to minimize the occasions whereby they remain over the long-term. A significant portion of the proposed development standards are carried over from the previous standards; however, they are presented in a text format, rather than in a table and the mechanisms to preserve a nonconforming sign have been limited.

Standards for Specific Land Uses:

This section provides site planning and development standards for various land uses that are allowed in individual or multiple zoning districts, and for activities that require special standards to mitigate potential impacts. The regulations contained involve:

- | | |
|---------------------------------|------------------------------|
| * Child Day Care Facilities | * Home Occupations |
| * Residential Density Bonus | * Recycling Facilities |
| * Outdoor Storage | * Recreational Vehicle Parks |
| * Recycling Facilities | * Mobile Home Parks |
| * Telecommunications Facilities | * Recreational Vehicle Parks |

A focal point of this code is the introduction of residential density bonus program. State law (Government Code 6591 5) requires every city and county in California to offer density bonuses to senior housing projects and developments meeting certain affordability criteria. The State has established a "sliding scale" which awards density bonuses based on the percentage of units in a proposed development that are affordable, and the income group served. For example, a new apartment building in which 10 percent of the units are "set aside" for low income households (e.g., rented at rates deemed affordable to low income households) would be eligible for a 20 percent density bonus. If that same project set aside 20 percent of the units for low income households, the density bonus would increase to 35 percent. Under State law, cities must offer density bonuses up to at least 35 percent.

In addition, the State Density Bonus law also requires that other incentives be offered in tandem with the added density. For example, projects may be eligible for reduced setbacks, added height, expedited permitting, and similar concessions which make the project more feasible. The number of incentives depends on the depth of affordability and the number of affordable units to be built. State law also includes provisions for density bonuses if a housing development includes an onsite child care facility.

The City does not currently have an inclusionary housing requirement or housing density bonus program. The proposed Residential Density Bonus program responds to a State mandate to allow more density than would ordinarily be allowable for certain types of housing (e.g., senior housing and affordable housing). It includes requirements for Affordable Housing Agreements which specify the

terms of occupancy, limits on resale (for for-sale units), the number of years during which the unit must remain affordable, and the eligibility requirements. The purpose of adopting such a program is twofold; first, it the City hopes to encourage affordable housing by providing the incentive of increased density and such other Incentives and, second, to comply with state requirements for allowing incentives for creating affordable and senior housing projects.

The other part of this section of the Code relates to large residential and day care facilities, which are largely governed by State laws with limited local control. The State has found that it has the responsibility to ensure the health and safety of children in family homes that provide day care. It has also found that there is a shortage of regulated family day care homes in California and, with the increase in working parents, a growing need for such facilities. Local jurisdictions are required by State law (Health and Safety Code section 1597.46) to grant use permits for large family day care homes “if the large family childcare home complies with local ordinances, if any, prescribing reasonable standards, restrictions, and requirements.” The Development Code established local control via Use Permit to ensure site suitability and distance from other similar establishments. The remaining topics raised within this Chapter mirror the existing Municipal Code.

PLANNING COMMISSION ACTIONS:

This is an information item and an opportunity to discuss proposed changes to the zoning ordinance and map, and receive input from the Planning Commission and the public. Given that this is a discussion session, the Planning Commission has no cause for action. Staff will present the entire Development Code document for public hearing to the Commission on October 10, 2012.

Environmental Considerations:

No project is being proposed at this time. Staff is only presenting details about a pending zoning code change initiative. Environmental review pursuant to the California Environmental Quality Act (CEQA) will be conducted prior to the adoption and implementation of the Development Code.

Respectfully Submitted,

Concur,

Immanuel Bereket
Associate Planner

Konradt Bartlam
Community Development Director

Attachment:

1. Chapter 17.32 – Landscaping
2. Chapter 17.34 - Parking and Loading
3. Chapter 17.36 – Signs
4. Chapter 17..38 - Standards for Specific Land Uses

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CHAPTER 17.32 - LANDSCAPING

Sections:

- 17.32.010 - Purpose of Chapter
- 17.32.020 - Applicability
- 17.32.030 - Landscape Plan Approval Requirements
- 17.32.040 - Landscape Location Requirements
- 17.32.050 - Landscape Requirements for Single Family Homes
- 17.32.060 - Maintenance for Landscape Areas
- 17.32.070 - Water Efficient Landscape Requirements

17.32.010 - Purpose of Chapter

The purpose of this Chapter is to protect public health, safety, and welfare by:

- A. Preserving and enhancing the visual character of the community, and providing cooling shade;
- B. Enhancing well-designed structures and increasing compatibility between abutting land uses and public rights-of-way by providing landscape screening and buffers; and
- C. Provide for the conservation and safeguard of water resources through the efficient use of water, appropriate use of plant materials, and regular maintenance of landscaped areas.

17.32.020 - Applicability

- A. **Landscaping required.** The provisions of this Chapter apply to all new proposed development. An addition to a structure that is 25 percent or more of the floor area of the existing structure, and any change of use, shall require that the entire parcel be brought into compliance with the requirements of this Chapter. In the case of an existing use, if the amount of required landscaping cannot be accommodated because of physical constraints on the site, (e.g., structures, parking, circulation, etc.) the applicant shall provide whatever additional landscaping the site can accommodate towards meeting the landscape requirements of this Chapter.
- B. **Other requirements.** Standards for the provision of landscaping within the public right-of-way are located in **Article 5 (Subdivision Procedures)**.

17.32.030 - Landscape Plan Approval Required

- A. **Preliminary Landscape Plan.** A Preliminary Landscape Plan shall be submitted as part of an application for a land use entitlement for new development, except for single family on individual lots, or the significant expansion or redevelopment of an existing use as determined by the Director.
- B. **Final Landscape Plan.** Following approval of the land use entitlement, a Final Landscape Plan shall be submitted as part of the application for a Building Permit. Final plans shall be approved by the Director prior to the start of on-site construction or soil disturbance and prior to the issuance of a Building Permit.

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- C. **Content.** Preliminary Landscape Plans and Final Landscape Plans shall contain information as specified in the instructions for preparing landscape plans provided by the Department.
- D. **Review and approval.** After initial application, the Director shall review each Preliminary Landscape Plan and Final Landscape Plan to verify its compliance with the provisions of this Chapter. The Director may approve the submittal in compliance with this Chapter, or may disapprove or require changes to a submittal if it is not in compliance.
- E. **Statement of surety.** When required by the Director, a statement of surety in the form of cash, performance bond, letter of credit, or certificate of deposit, in an amount equal to 150 percent of the total value of all plant materials, irrigation, installation, and maintenance shall be posted with the City for a two-year period. The Director may require statements of surety for phased development projects, a legitimate delay in landscape installation due to seasonal requirements (including adverse weather conditions) and similar circumstances where it may not be advisable or desirable to install all of a project's landscaping before occupancy of the site.
- F. **Minor changes to approved plans.** Landscape plan approval may include the Director authorizing minor changes from the requirements of this Chapter.

17.32.040 - Landscape Location Requirements

Landscaping shall be provided in the locations specified below except for single-family uses.

- A. **Setbacks.** All setback and open space areas required by this Zoning Ordinance, and easements for utilities, and drainage courses shall be landscaped, except where it is determined by the Director that landscaping is not necessary to fulfill the purposes of this Chapter.
- B. **Unused areas.** All areas of a project site not intended for a specific use, including pad sites in shopping centers held for future development, shall be landscaped unless it is determined by the Director that landscaping is not necessary to fulfill the purposes of this Chapter.
- C. **Parking areas.** Parking areas shall be landscaped in compliance with the following requirements.
 - 1. **Landscape materials.** Landscaping materials shall be provided throughout the parking lot area using a combination of trees, shrubs, and ground cover.
 - 2. **Curbing.** Areas containing plant materials shall be bordered by a concrete curb at least six inches high and six inches wide. Alternative barrier design to protect landscaped areas from damage by vehicles may be approved by the Director.
 - 3. **Location of landscaping.** Parking lot landscaping shall be located so that pedestrians are not required to cross landscaped areas to reach building entrances from parked cars. This should be achieved through proper orientation of the landscaped fingers and islands.
 - 4. **Bumper overhang areas.** To increase the parking lot landscaped area, a maximum of 2 feet of the parking stall depth may be landscaped with low-growth, hearty materials in lieu of paving, allowing a 2-foot bumper overhang while maintaining the required parking dimensions.

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5. Perimeter parking lot landscaping.

- a. Adjacent to streets.** Parking areas for nonresidential uses adjoining a public street shall be designed to provide a landscaped planting strip between the street right-of-way and parking area equal in depth to the setback required by the zoning district or 10 feet, whichever is greater. Required parking areas for residential uses shall not be located within the required setback areas.

The landscaping shall be designed and maintained to screen cars from view from the street and shall be a height of between 30 and 42 inches. Screening materials may include a combination of plant materials, earth berms, solid masonry walls, raised planters, or other screening devices to meet the intent of this requirement. Shade trees shall be provided at a minimum rate of one for every 30 linear feet of landscaped area.

- b. Adjacent to side or rear property lines.** Parking areas for nonresidential uses shall provide a perimeter landscaped strip at least five feet wide (inside dimension) where the facility adjoins a side or rear property line. The perimeter landscaped strip may include a required yard or buffer area. Trees shall be provided at the rate of one for each 30 linear feet of landscaped area.
- c. Adjacent to structures.** When parking areas are located adjacent to nonresidential structures, a minimum five-foot wide landscape strip shall be provided adjacent to the structure.
- d. Adjacent to residential use.** Parking areas for nonresidential uses adjoining residential uses shall provide a landscaped buffer yard with a minimum 10-foot width between the parking area and the common property line bordering the residential use. A solid masonry wall or fence and landscape buffer shall be provided along the property line to address land use compatibility issues such as nuisance noise and light or glare. Trees shall be provided at the rate of one for each 30 linear feet of landscaped area.

6. Interior parking lot landscaping.

- a. Minimum area of landscaping.** A minimum of five percent of the total off-street parking area shall be landscaped with trees, shrubs, and ground cover. The perimeter landscaping required by Subsection H.5 of this section shall not be considered part of the required parking lot landscaping.
- b. Planter dimensions.** Planters with trees shall have a minimum interior dimension of five feet. All ends of parking lanes shall be separated from drive aisles by landscaped islands or other means approved by the Director.
- c. Larger projects.** Parking lots with more than 150 spaces shall provide a concentration of landscape elements at primary entrances, including specimen trees, flowering plants, and enhanced paving.

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17.32.050 - Residential Front and Street Side Yard Landscape Requirements

The following landscape requirements apply to all residential properties:

- A. Hardscape.** No more than 50 percent of the front and street side yard area, visible from the public right of way, may be paved with hardscape materials such as concrete, asphalt, pavers, etc.
- B. Landscape.** Any portion of the front and street side yard, visible from the public right of way, that is not covered with a hardscape material must be landscaped with grass, annuals, perennials, groundcover, shrubs, trees, other recognized landscape materials, and any design elements such as planters, rocks, mulch and similar element when integrated as part of the landscape. Living vegetation must cover at least 75 percent of the landscaped yard areas.
- C. Maintenance.** All landscaped yard areas must be irrigated, mowed, trimmed and maintained as often as necessary to prevent overgrowth and blight. No dirt yards shall be allowed. No junk, debris or similar materials may be stored in the front or street side yard area.

17.32.060 - Maintenance of Landscape Areas

- A. Maintenance required.** All landscaped areas shall be maintained in a healthful and sound condition at all times. Irrigation systems and their components shall be maintained in a fully functional manner consistent with the originally approved design and the provisions of this Chapter. Regular maintenance shall include checking, adjusting, and repairing irrigation equipment; resetting automatic controllers; aerating and dethatching turf areas; adding/replenishing mulch, fertilizer, and soil amendments and dead or deceased plants; pruning; and weeding all landscaped areas.
- B. Water waste prohibited.** Water waste in existing developments resulting from inefficient landscape irrigation leading to excessive runoff, low head drainage, overspray, and other similar conditions where water flows onto adjacent property, nonirrigated areas, walks, roadways, or structures is prohibited.

17.32.070 - Water Efficient Landscape Requirements

A. Applicability.

The Water Efficient Landscape Requirements shall apply to all of the following landscape projects:

1. New construction and rehabilitated landscapes for public agency projects and private development projects with a landscape area equal to or greater than 2,500 square feet requiring a building or landscape permit, plan check or design review;
2. New construction and rehabilitated landscapes which are developer-installed in single-family and multi-family projects with a landscape area equal to or greater than 2,500 square feet requiring a building or landscape permit, plan check, or design review;
3. New construction landscapes which are homeowner-provided and/or homeowner-hired in single-family and multi-family residential projects with a total project landscape area equal to or greater than 5,000 square feet requiring a building or landscape permit, plan check or design review;

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4. Existing landscapes limited to Sections 493, 493.1 and 493.2; and
5. Cemeteries. Recognizing the special landscape management needs of cemeteries, new and rehabilitated cemeteries are limited to Sections 492.4, 492.11 and 492.12; and existing cemeteries are limited to Sections 493, 493.1 and 493.2.

The Water Efficient Landscape Requirements do not apply to:

1. Registered local, state or federal historical sites;
2. Ecological restoration projects that do not require a permanent irrigation system;
3. Mined-land reclamation projects that do not require a permanent irrigation system; or
4. Plant collections, as part of botanical gardens and arboretums open to the public.

B. Definitions. The terms used in the Water Efficient Landscape Requirements have the meaning set forth below:

1. “applied water” means the portion of water supplied by the irrigation system to the landscape.
2. “automatic irrigation controller” means an automatic timing device used to remotely control valves that operate an irrigation system. Automatic irrigation controllers schedule irrigation events using either evapotranspiration (weather-based) or soil moisture data.
3. “backflow prevention device” means a safety device used to prevent pollution or contamination of the water supply due to the reverse flow of water from the irrigation system.
4. “Certificate of Completion” means the document required under Section 492.9.
5. “certified irrigation designer” means a person certified to design irrigation systems by an accredited academic institution a professional trade organization or other program such as the US Environmental Protection Agency’s WaterSense irrigation designer certification program and Irrigation Association’s Certified Irrigation Designer program.
6. “certified landscape irrigation auditor” means a person certified to perform landscape irrigation audits by an accredited academic institution, a professional trade organization or other program such as the US Environmental Protection Agency’s WaterSense irrigation auditor certification program and Irrigation Association’s Certified Landscape Irrigation Auditor program.
7. “check valve” or “anti-drain valve” means a valve located under a sprinkler head, or other location in the irrigation system, to hold water in the system to prevent drainage from sprinkler heads when the sprinkler is off.
8. “common interest developments” means community apartment projects, condominium projects, planned developments, and stock cooperatives per Civil Code Section 1351.
9. “conversion factor (0.62)” means the number that converts acre-inches per acre per year to gallons per square foot per year

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10. “drip irrigation” means any non-spray low volume irrigation system utilizing emission devices with a flow rate measured in gallons per hour. Low volume irrigation systems are specifically designed to apply small volumes of water slowly at or near the root zone of plants.
11. “ecological restoration project” means a project where the site is intentionally altered to establish a defined, indigenous, historic ecosystem.
12. “effective precipitation” or “usable rainfall” (Eppt) means the portion of total precipitation which becomes available for plant growth.
13. “emitter” means a drip irrigation emission device that delivers water slowly from the system to the soil.
14. “established landscape” means the point at which plants in the landscape have developed significant root growth into the soil. Typically, most plants are established after one or two years of growth.
15. “establishment period of the plants” means the first year after installing the plant in the landscape or the first two years if irrigation will be terminated after establishment. Typically, most plants are established after one or two years of growth.
16. “Estimated Total Water Use” (ETWU) means the total water used for the landscape as described in [Section 492.4](#).
17. “ET adjustment factor” (ETAF) means a factor of 0.7, that, when applied to reference evapotranspiration, adjusts for plant factors and irrigation efficiency, two major influences upon the amount of water that needs to be applied to the landscape. A combined plant mix with a site-wide average of 0.5 is the basis of the plant factor portion of this calculation. For purposes of the ETAF, the average irrigation efficiency is 0.71. Therefore, the ET Adjustment Factor is $(0.7) \div (0.5/0.71)$. ETAF for a Special Landscape Area shall not exceed 1.0. ETAF for existing non-rehabilitated landscapes is 0.8.
18. “evapotranspiration rate” means the quantity of water evaporated from adjacent soil and other surfaces and transpired by plants during a specified time.
19. “flow rate” means the rate at which water flows through pipes, valves and emission devices, measured in gallons per minute, gallons per hour, or cubic feet per second.
20. “hardscapes” means any durable material (pervious and non-pervious).
21. “homeowner-provided landscaping” means any landscaping either installed by a private individual for a single family residence or installed by a licensed contractor hired by a homeowner. A homeowner, for purposes of the Water Efficient Landscape Requirements, is a person who occupies the dwelling he or she owns. This excludes speculative homes, which are not owner-occupied dwellings.
22. “hydrozone” means a portion of the landscaped area having plants with similar water needs. A hydrozone may be irrigated or non-irrigated.
23. “infiltration rate” means the rate of water entry into the soil expressed as a depth of water per

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unit of time (e.g., inches per hour).

24. “invasive plant species” means species of plants not historically found in California that spread outside cultivated areas and can damage environmental or economic resources. Invasive species may be regulated by county agricultural agencies as noxious species. “Noxious weeds” means any weed designated by the Weed Control Regulations in the Weed Control Act and identified on a Regional District noxious weed control list. Lists of invasive plants are maintained at the California Invasive Plant Inventory and USDA invasive and noxious weeds database.
25. “irrigation audit” means an in-depth evaluation of the performance of an irrigation system conducted by a Certified Landscape Irrigation Auditor. An irrigation audit includes, but is not limited to: inspection, system tune-up, system test with distribution uniformity or emission uniformity, reporting overspray or runoff that causes overland flow, and preparation of an irrigation schedule.
26. “irrigation efficiency” (IE) means the measurement of the amount of water beneficially used divided by the amount of water applied. Irrigation efficiency is derived from measurements and estimates of irrigation system characteristics and management practices. The minimum average irrigation efficiency for purposes of the Water Efficient Landscape Requirements is 0.71. Greater irrigation efficiency can be expected from well designed and maintained systems.
27. “irrigation survey” means an evaluation of an irrigation system that is less detailed than an irrigation audit. An irrigation survey includes, but is not limited to: inspection, system test, and written recommendations to improve performance of the irrigation system.
28. “irrigation water use analysis” means an analysis of water use data based on meter readings and billing data.
29. “landscape architect” means a person who holds a license to practice landscape architecture in the state of California Business and Professions Code, Section 5615.
30. “landscape area” means all the planting areas, turf areas, and water features in a landscape design plan subject to the Maximum Applied Water Allowance calculation. The landscape area does not include footprints of buildings or structures, sidewalks, driveways, parking lots, decks, patios, gravel or stone walks, other pervious or non-pervious hardscapes, and other non-irrigated areas designated for non-development (e.g., open spaces and existing native vegetation).
31. “landscape contractor” means a person licensed by the state of California to construct, maintain, repair, install, or subcontract the development of landscape systems.
32. “Landscape Documentation Package” means the documents required under [Section 492.3](#).
33. “landscape project” means total area of landscape in a project as defined in “landscape area” for the purposes of the Water Efficient Landscape Requirements, meeting requirements under [Section 490.1](#).
34. “lateral line” means the water delivery pipeline that supplies water to the emitters or sprinklers from the valve.

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35. “local water purveyor” means any entity, including a public agency, city, county, or private water company that provides retail water service.
36. “low volume irrigation” means the application of irrigation water at low pressure through a system of tubing or lateral lines and low-volume emitters such as drip, drip lines, and bubblers. Low volume irrigation systems are specifically designed to apply small volumes of water slowly at or near the root zone of plants.
37. “main line” means the pressurized pipeline that delivers water from the water source to the valve or outlet.
38. “Maximum Applied Water Allowance” (MAWA) means the upper limit of annual applied water for the established landscaped area as specified in **Section 492.4**. It is based upon the area’s reference evapotranspiration, the ET Adjustment Factor, and the size of the landscape area. The Estimated Total Water Use shall not exceed the Maximum Applied Water Allowance. Special Landscape Areas, including recreation areas, areas permanently and solely dedicated to edible plants such as orchards and vegetable gardens, and areas irrigated with recycled water are subject to the MAWA with an ETAF not to exceed 1.0.
39. “microclimate” means the climate of a small, specific area that may contrast with the climate of the overall landscape area due to factors such as wind, sun exposure, plant density, or proximity to reflective surfaces.
40. “mined-land reclamation projects” means any surface mining operation with a reclamation plan approved in accordance with the Surface Mining and Reclamation Act of 1975.
41. “mulch” means any organic material such as leaves, bark, straw, compost, or inorganic mineral materials such as rocks, gravel, and decomposed granite left loose and applied to the soil surface for the beneficial purposes of reducing evaporation, suppressing weeds, moderating soil temperature, and preventing soil erosion.
42. “new construction” means, for the purposes of this ordinance, a new building with a landscape or other new landscape, such as a park, playground, or greenbelt without an associated building.
43. “operating pressure” means the pressure at which the parts of an irrigation system are designed by the manufacturer to operate.
44. “overhead sprinkler irrigation systems” means systems that deliver water through the air (e.g., spray heads and rotors).
45. “overspray” means the irrigation water which is delivered beyond the target area.
46. “permit” means an authorizing document issued by local agencies for new construction or rehabilitated landscapes.
47. “pervious” means any surface or material that allows the passage of water through the material and into the underlying soil.
48. “plant factor” or “plant water use factor” is a factor , when multiplied by ETo, estimates the amount of water needed by plants. For purposes of this ordinance, the plant factor range for low water use plants is 0 to 0.3, the plant factor range for moderate water use plants is 0.4 to

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0.6, and the plant factor range for high water use plants is 0.7 to 1.0. Plant factors cited in this ordinance are derived from the Department of Water Resources 2000 publication “Water Use Classification of Landscape Species”.

49. “precipitation rate” means the rate of application of water measured in inches per hour.
50. “project applicant” means the individual or entity submitting a Landscape Documentation Package required under [Section 492.3](#), to request a permit, plan check, or design review from the City of Lodi. A project applicant may be the property owner or his or her designee.
51. “rain sensor” or “rain sensing shutoff device” means a component which automatically suspends an irrigation event when it rains.
52. “record drawing” or “as-builts” means a set of reproducible drawings which show significant changes in the work made during construction and which are usually based on drawings marked up in the field and other data furnished by the contractor.
53. “recreational area” means areas dedicated to active play such as parks, sports fields, and golf courses where turf provides a playing surface.
54. “recycled water”, “reclaimed water”, or “treated sewage effluent water” means treated or recycled waste water of a quality suitable for non-potable uses such as landscape irrigation and water features. This water is not intended for human consumption.
55. “reference evapotranspiration” or “ET_o” means a standard measurement of environmental parameters which affect the water use of plants. ET_o is expressed in inches per day, month, or year as represented in [Section 495.1](#), and is an estimate of the evapotranspiration of a large field of four- to seven-inch tall, cool-season grass that is well watered. Reference evapotranspiration is used as the basis of determining the Maximum Applied Water Allowance so that regional differences in climate can be accommodated.
56. “rehabilitated landscape” means any re-landscaping project that requires a permit, plan check, or design review, meets the requirements of [Section 490.1](#), and the modified landscape area is equal to or greater than 2,500 square feet, is 50% of the total landscape area, and the modifications are completed within one year.
57. “runoff” means water which is not absorbed by the soil or landscape to which it is applied and flows from the landscape area. For example, runoff may result from water that is applied at too great a rate (application rate exceeds infiltration rate) or when there is a slope.
58. “soil moisture sensing device” or “soil moisture sensor” means a device that measures the amount of water in the soil. The device may also suspend or initiate an irrigation event.
59. “soil texture” means the classification of soil based on its percentage of sand, silt, and clay.
60. “Special Landscape Area” (SLA) means an area of the landscape dedicated solely to edible plants, areas irrigated with recycled water, water features using recycled water and areas dedicated to active play such as parks, sports fields, golf courses, and where turf provides a playing surface.
61. “sprinkler head” means a device which delivers water through a nozzle.

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62. “static water pressure” means the pipeline or municipal water supply pressure when water is not flowing.
63. “station” means an area served by one valve or by a set of valves that operate simultaneously.
64. “swing joint” means an irrigation component that provides a flexible, leak-free connection between the emission device and lateral pipeline to allow movement in any direction and to prevent equipment damage.
65. “turf” means a ground cover surface of mowed grass. Annual bluegrass, Kentucky bluegrass, Perennial ryegrass, Red fescue, and Tall fescue are cool-season grasses. Bermudagrass, Kikuyugrass, Seashore Paspalum, St. Augustinegrass, Zoysiagrass, and Buffalo grass are warm-season grasses.
66. “valve” means a device used to control the flow of water in the irrigation system.
67. “water conserving plant species” means a plant species identified as having a low plant factor.
68. “water feature” means a design element where open water performs an aesthetic or recreational function. Water features include ponds, lakes, waterfalls, fountains, artificial streams, spas, and swimming pools (where water is artificially supplied). The surface area of water features is included in the high water use hydrozone of the landscape area. Constructed wetlands used for on-site wastewater treatment or stormwater best management practices that are not irrigated and used solely for water treatment or stormwater retention are not water features and, therefore, are not subject to the water budget calculation.
69. “watering window” means the time of day irrigation is allowed.
70. “WUCOLS” means the Water Use Classification of Landscape Species published by the University of California Cooperative Extension, the Department of Water Resources and the Bureau of Reclamation, 2000.

C. Provisions for New Construction or Rehabilitated Landscapes.

The City of Lodi may designate another agency, such as a water purveyor, to implement some or all of the requirements contained in the Water Efficient Landscape Requirements. The City may collaborate with water purveyors to define each entity’s specific responsibilities relating to this ordinance.

D. Compliance with Landscape Documentation Package.

1. Prior to construction, the City shall:
 - a. Provide the project applicant with the ordinance and procedures for permits, plan checks, or design reviews;
 - b. Review the Landscape Documentation Package submitted by the project applicant;
 - c. Approve or deny the Landscape Documentation Package;
 - d. Issue a permit or approve the plan check or design review for the project applicant; and

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- e. Upon approval of the Landscape Documentation Package, submit a copy of the Water Efficient Landscape Worksheet to the local water purveyor.
 2. Prior to construction, the project applicant shall:
 - a. Submit a Landscape Documentation Package to the City.
 3. Upon approval of the Landscape Documentation Package by the City, the project applicant shall:
 - a. Receive a permit or approval of the plan check or design review and record the date of the permit in the Certificate of Completion;
 - b. Submit a copy of the approved Landscape Documentation Package along with the record drawings, and any other information to the property owner or his/her designee; and
 - c. Submit a copy of the Water Efficient Landscape Worksheet to the local water purveyor.
- E. Penalties.** The City may identify penalties to the project for non-compliance with the Water Efficient Landscape Requirements.
- F. Elements of the Landscape Documentation Package.** The Landscape Documentation Package shall include the following six elements:
 1. Project information;
 - a. Date
 - b. Project applicant
 - c. Project address (if available, parcel and/or lot number(s))
 - d. Total landscape area (square feet)
 - e. Project type (e.g., new, rehabilitated, public, private, cemetery, homeowner-installed)
 - f. Water supply type (e.g., potable, recycled, well) and identify the local retail water purveyor if the applicant is not served by a private well
 - g. Checklist of all documents in Landscape Documentation Package
 - h. Project contacts to include contact information for the project applicant and property owner
 - i. Applicant signature and date with statement, “I agree to comply with the requirements of the Water Efficient Landscape Requirements and submit a complete Landscape Documentation Package”.
 2. Water Efficient Landscape Worksheet;

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- a. Hydrozone information table
- b. Water budget calculations
 - (1) Maximum Applied Water Allowance (MAWA)
 - (2) Estimated Total Water Use (ETWU)
- 3. Soil management report;
- 4. Landscape design plan;
- 5. Irrigation design plan; and
- 6. Grading design plan.

G. Water Efficient Landscape Worksheet.

- 1. A project applicant shall complete the Water Efficient Landscape Worksheet which contains two sections:
 - a. A hydrozone information table (see Appendix B, Section A) for the landscape project; and
 - b. A water budget calculation (see Appendix B, Section B) for the landscape project. For the calculation of the Maximum Applied Water Allowance and Estimated Total Water Use, a project applicant shall use the ETo values from the Reference Evapotranspiration Table in Appendix A. For geographic areas not covered in Appendix A, use data from other cities located nearby in the same reference evapotranspiration zone, as found in the CIMIS Reference Evapotranspiration Zones Map, Department of Water Resources, 1999.
- 2. Water budget calculations shall adhere to the following requirements:
 - a. The plant factor used shall be from WUCOLS. The plant factor ranges from 0 to 0.3 for low water use plants, from 0.4 to 0.6 for moderate water use plants, and from 0.7 to 1.0 for high water use plants.
 - b. All water features shall be included in the high water use hydrozone and temporarily irrigated areas shall be included in the low water use hydrozone.
 - c. All Special Landscape Areas shall be identified and their water use calculated as described below.
 - d. ETAF for Special Landscape Areas shall not exceed 1.0.
- 3. Maximum Applied Water Allowance

The Maximum Applied Water Allowance shall be calculated using the equation:

$$\text{MAWA} = (\text{ETo}) (0.62) [(0.7 \times \text{LA}) + (0.3 \times \text{SLA})]$$

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4. Estimated Total Water Use.

The Estimated Total Water Use shall be calculated using the equation below. The sum of the Estimated Total Water Use calculated for all hydrozones shall not exceed MAWA.

$$ETWU = (ETo)(0.62) \left(\frac{PF \times HA}{IE} + SLA \right)$$

Where:

- ETWU = Estimated Total Water Use per year (gallons)
- ETo = Reference Evapotranspiration (inches)
- PF = Plant Factor from WUCOLS (see Section 491)
- HA = Hydrozone Area [high, medium, and low water use areas] (square feet)
- SLA = Special Landscape Area (square feet)
- 0.62 = Conversion Factor
- IE = Irrigation Efficiency (minimum 0.71)

H. Soil Management Report. In order to reduce runoff and encourage healthy plant growth, a soil

management report shall be completed by the project applicant, or his/her designee, as follows:

1. Submit soil samples to a laboratory for analysis and recommendations.
 - a. Soil sampling shall be conducted in accordance with laboratory protocol, including protocols regarding adequate sampling depth for the intended plants.
 - b. The soil analysis may include:
 - (1) Soil texture;
 - (2) Infiltration rate determined by laboratory test or soil texture infiltration rate table;
 - (3) pH;
 - (4) Total soluble salts;
 - (5) Sodium;
 - (6) Percent organic matter; and
 - (7) Recommendations.
2. The project applicant, or his/her designee, shall comply with one of the following:
 - a. If significant mass grading is not planned, the soil analysis report shall be submitted to the City as part of the Landscape Documentation Package; or
 - b. If significant mass grading is planned, the soil analysis report shall be submitted to the

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City as part of the Certificate of Completion.

3. The soil analysis report shall be made available, in a timely manner, to the professionals preparing the landscape design plans and irrigation design plans to make any necessary adjustments to the design plans.
4. The project applicant, or his/her designee, shall submit documentation verifying implementation of soil analysis report recommendations to the City with Certificate of Completion.

I. Landscape Design Plan.

1. For the efficient use of water, a landscape shall be carefully designed and planned for the intended function of the project. A landscape design plan meeting the following design criteria shall be submitted as part of the Landscape Documentation Package.

a. Plant Material

- (1) Any plant may be selected for the landscape, providing the Estimated Total Water Use in the landscape area does not exceed the Maximum Applied Water Allowance. To encourage the efficient use of water, the following is highly recommended:
 - (a) Protection and preservation of native species and natural vegetation;
 - (b) Selection of water-conserving plant and turf species;
 - (c) Selection of plants based on disease and pest resistance;
 - (d) Selection of trees based on applicable City tree ordinances or tree shading guidelines; and
 - (e) Selection of plants from City and regional landscape program plant lists.
- (2) Each hydrozone shall have plant materials with similar water use, with the exception of hydrozones with plants of mixed water use, as specified in Section 492.7(a)(2)(D).
- (3) Plants shall be selected and planted appropriately based upon their adaptability to the climatic, geologic, and topographical conditions of the project site. To encourage the efficient use of water, the following is highly recommended:
 - (a) Use the Sunset Western Climate Zone System which takes into account temperature, humidity, elevation, terrain, latitude, and varying degrees of continental and marine influence on local climate;
 - (b) Recognize the horticultural attributes of plants (i.e., mature plant size, invasive surface roots) to minimize damage to property or infrastructure [e.g., buildings, sidewalks, power lines]; and
 - (c) consider the solar orientation for plant placement to maximize summer shade and winter solar gain.

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- (4) Turf is not allowed on slopes greater than 25% where the toe of the slope is adjacent to an impermeable hardscape and where 25% means 1 foot of vertical elevation change for every 4 feet of horizontal length (rise divided by run x 100 = slope percent).
 - (5) A landscape design plan for projects in fire-prone areas shall address fire safety and prevention. A defensible space or zone around a building or structure is required per Public Resources Code Section 4291(a) and (b). Avoid fire-prone plant materials and highly flammable mulches.
 - (6) The use of invasive and/or noxious plant species is strongly discouraged.
 - (7) The architectural guidelines of a common interest development, which include community apartment projects, condominiums, planned developments, and stock cooperatives, shall not prohibit or include conditions that have the effect of prohibiting the use of low-water use plants as a group.
- b. Water Features
- (1) Recirculating water systems shall be used for water features.
 - (2) Where available, recycled water shall be used as a source for decorative water features.
 - (3) Surface area of a water feature shall be included in the high water use hydrozone area of the water budget calculation.
 - (4) Pool and spa covers are highly recommended.
- c. Mulch and Amendments
- (1) A minimum two inch (2") layer of mulch shall be applied on all exposed soil surfaces of planting areas except in turf areas, creeping or rooting groundcovers, or direct seeding applications where mulch is contraindicated.
 - (2) Stabilizing mulching products shall be used on slopes.
 - (3) The mulching portion of the seed/mulch slurry in hydro-seeded applications shall meet the mulching requirement.
 - (4) Soil amendments shall be incorporated according to recommendations of the soil report and what is appropriate for the plants selected (see [Section 492.5](#)).
2. The landscape design plan, at a minimum, shall:
- a. Delineate and label each hydrozone by number, letter, or other method;
 - b. Identify each hydrozone as low, moderate, high water, or mixed water use. Temporarily irrigated areas of the landscape shall be included in the low water use hydrozone for the water budget calculation;

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- c. Identify recreational areas;
- d. Identify areas permanently and solely dedicated to edible plants;
- e. Identify areas irrigated with recycled water;
- f. Identify type of mulch and application depth;
- g. Identify soil amendments, type, and quantity;
- h. Identify type and surface area of water features;
- i. Identify hardscapes (pervious and non-pervious);
- j. Identify location and installation details of any applicable stormwater best management practices that encourage on-site retention and infiltration of stormwater. Stormwater best management practices are encouraged in the landscape design plan and examples include, but are not limited to:
 - (1) Infiltration beds, swales, and basins that allow water to collect and soak into the ground;
 - (2) Constructed wetlands and retention ponds that retain water, handle excess flow, and filter pollutants; and
 - (3) Pervious or porous surfaces (e.g., permeable pavers or blocks, pervious or porous concrete, etc.) that minimize runoff.
- k. Identify any applicable rain harvesting or catchment technologies (e.g., rain gardens, cisterns, etc.);
- l. Contain the following statement: “I have complied with the criteria of the Water Efficient Landscape Requirements and applied them for the efficient use of water in the landscape design plan”; and
- m. Bear the signature of a licensed landscape architect, licensed landscape contractor, or any other person authorized to design a landscape.

J. Irrigation Design Plan.

- 1. For the efficient use of water, an irrigation system shall meet all the requirements listed in this section and the manufacturers’ recommendations. The irrigation system and its related components shall be planned and designed to allow for proper installation, management, and maintenance. An irrigation design plan meeting the following design criteria shall be submitted as part of the Landscape Documentation Package.
 - a. System
 - (1) Dedicated landscape water meters are highly recommended on landscape areas smaller than 5,000 square feet to facilitate water management.
 - (2) Automatic irrigation controllers utilizing either evapotranspiration or soil moisture

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sensor data shall be required for irrigation scheduling in all irrigation systems.

- (3) The irrigation system shall be designed to ensure that the dynamic pressure at each emission device is within the manufacturer’s recommended pressure range for optimal performance.
 - (a) If the static pressure is above or below the required dynamic pressure of the irrigation system, pressure-regulating devices such as inline pressure regulators, booster pumps, or other devices shall be installed to meet the required dynamic pressure of the irrigation system.
 - (b) Static water pressure, dynamic or operating pressure, and flow reading of the water supply shall be measured at the point of connection. These pressure and flow measurements shall be conducted at the design stage. If the measurements are not available at the design stage, the measurements shall be conducted at installation.
- (4) Sensors (rain, freeze, wind, etc.), either integral or auxiliary, that suspend or alter irrigation operation during unfavorable weather conditions shall be required on all irrigation systems, as appropriate for local climatic conditions. Irrigation should be avoided during windy or freezing weather or during rain.
- (5) Manual shut-off valves (such as a gate valve, ball valve, or butterfly valve) shall be required, as close as possible to the point of connection of the water supply, to minimize water loss in case of an emergency (such as a main line break) or routine repair.
- (6) Backflow prevention devices shall be required to protect the water supply from contamination by the irrigation system. A project applicant shall refer to the applicable City code (i.e., public health) for additional backflow prevention requirements.
- (7) High flow sensors that detect and report high flow conditions created by system damage or malfunction are recommended.
- (8) The irrigation system shall be designed to prevent runoff, low head drainage, overspray, or other similar conditions where irrigation water flows onto non-targeted areas, such as adjacent property, non-irrigated areas, hardscapes, roadways, or structures.
- (9) Relevant information from the soil management plan, such as soil type and infiltration rate, shall be utilized when designing irrigation systems.
- (10) The design of the irrigation system shall conform to the hydrozones of the landscape design plan.
- (11) The irrigation system must be designed and installed to meet, at a minimum, the irrigation efficiency criteria as described in Section 492.4 regarding the Maximum Applied Water Allowance.
- (12) It is highly recommended that the project applicant or City inquire with the local water purveyor about peak water operating demands (on the water supply system)

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or water restrictions that may impact the effectiveness of the irrigation system.

- (13) In mulched planting areas, the use of low volume irrigation is required to maximize water infiltration into the root zone.
- (14) Sprinkler heads and other emission devices shall have matched precipitation rates, unless otherwise directed by the manufacturer's recommendations.
- (15) Head to head coverage is recommended. However, sprinkler spacing shall be designed to achieve the highest possible distribution uniformity using the manufacturer's recommendations.
- (16) Swing joints or other riser-protection components are required on all risers subject to damage that are adjacent to high traffic areas.
- (17) Check valves or anti-drain valves are required for all irrigation systems.
- (18) Narrow or irregularly shaped areas, including turf, less than eight (8) feet in width in any direction shall be irrigated with subsurface irrigation or low volume irrigation system.
- (19) Overhead irrigation shall not be permitted within 24 inches of any non-permeable surface. Allowable irrigation within the setback from non-permeable surfaces may include drip, drip line, or other low flow non-spray technology. The setback area may be planted or unplanted. The surfacing of the setback may be mulch, gravel, or other porous material. These restrictions may be modified if:
 - (a) The landscape area is adjacent to permeable surfacing and no runoff occurs; or
 - (b) The adjacent non-permeable surfaces are designed and constructed to drain entirely to landscaping; or
 - (c) The irrigation designer specifies an alternative design or technology, as part of the Landscape Documentation Package and clearly demonstrates strict adherence to irrigation system design criteria in **Section 492.7 (a)(1)(H)**. Prevention of overspray and runoff must be confirmed during the irrigation audit.
- (20) Slopes greater than 25% shall not be irrigated with an irrigation system with a precipitation rate exceeding 0.75 inches per hour. This restriction may be modified if the landscape designer specifies an alternative design or technology, as part of the Landscape Documentation Package, and clearly demonstrates no runoff or erosion will occur. Prevention of runoff and erosion must be confirmed during the irrigation audit.

b. Hydrozone

- (1) Each valve shall irrigate a hydrozone with similar site, slope, sun exposure, soil conditions, and plant materials with similar water use.
- (2) Sprinkler heads and other emission devices shall be selected based on what is

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appropriate for the plant type within that hydrozone.

- (3) Where feasible, trees shall be placed on separate valves from shrubs, groundcovers, and turf.
 - (4) Individual hydrozones that mix plants of moderate and low water use, or moderate and high water use, may be allowed if:
 - (a) Plant factor calculation is based on the proportions of the respective plant water uses and their plant factor; or
 - (b) The plant factor of the higher water using plant is used for calculations.
 - (5) Individual hydrozones that mix high and low water use plants shall not be permitted.
 - (6) On the landscape design plan and irrigation design plan, hydrozone areas shall be designated by number, letter, or other designation. On the irrigation design plan, designate the areas irrigated by each valve, and assign a number to each valve. Use this valve number in the Hydrozone Information Table (see Appendix B Section A). This table can also assist with the irrigation audit and programming the controller.
2. The irrigation design plan, at a minimum, shall contain:
- a. Location and size of separate water meters for landscape;
 - b. Location, type and size of all components of the irrigation system, including controllers, main and lateral lines, valves, sprinkler heads, moisture sensing devices, rain switches, quick couplers, pressure regulators, and backflow prevention devices;
 - c. Static water pressure at the point of connection to the public water supply;
 - d. Flow rate (gallons per minute), application rate (inches per hour), and design operating pressure (pressure per square inch) for each station;
 - e. Recycled water irrigation systems as specified in [Section 492.14](#);
 - f. The following statement: “I have complied with the criteria of the ordinance and applied them accordingly for the efficient use of water in the irrigation design plan”; and
 - g. The signature of a licensed landscape architect, certified irrigation designer, licensed landscape contractor, or any other person authorized to design an irrigation system.

K. Grading Design Plan.

For the efficient use of water, grading of a project site shall be designed to minimize soil erosion, runoff, and water waste. A grading plan shall be submitted as part of the Landscape Documentation Package. A comprehensive grading plan prepared by a civil engineer for other City permits satisfies this requirement.

1. The project applicant shall submit a landscape grading plan that indicates finished

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configurations and elevations of the landscape area including:

- a. Height of graded slopes;
 - b. Drainage patterns;
 - c. Pad elevations;
 - d. Finish grade; and
 - e. Stormwater retention improvements, if applicable.
2. To prevent excessive erosion and runoff, it is highly recommended that project applicants:
- a. Grade so that all irrigation and normal rainfall remains within property lines and does not drain on to non-permeable hardscapes;
 - b. Avoid disruption of natural drainage patterns and undisturbed soil; and
 - c. Avoid soil compaction in landscape areas.
3. The grading design plan shall contain the following statement: “I have complied with the criteria of the Water Efficient Landscape Requirements and applied them accordingly for the efficient use of water in the grading design plan” and shall bear the signature of a licensed professional as authorized by law.

L. Certificate of Completion.

1. The Certificate of Completion shall include the following six (6) elements:
 - a. Project information sheet that contains:
 - (1) Date;
 - (2) Project name;
 - (3) Project applicant name, telephone, and mailing address;
 - (4) Project address and location; and
 - (5) Property owner name, telephone, and mailing address;
 - b. Certification by either the signer of the landscape design plan, the signer of the irrigation design plan, or the licensed landscape contractor that the landscape project has been installed per the approved Landscape Documentation Package;
 - (1) Where there have been significant changes made in the field during construction, these “as-built” or record drawings shall be included with the certification;
 - c. Irrigation scheduling parameters used to set the controller (see [Section 492.10](#));
 - d. Landscape and irrigation maintenance schedule (see [Section 492.11](#));

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- e. Irrigation audit report (see Section 492.12); and
 - f. Soil analysis report, if not submitted with Landscape Documentation Package, and documentation verifying implementation of soil report recommendations (see Section 492.5).
2. The project applicant shall:
 - a. Submit the signed Certificate of Completion to the City for review;
 - b. Ensure that copies of the approved Certificate of Completion are submitted to the local water purveyor and property owner or his or her designee.
 3. The City shall:
 - a. Receive the signed Certificate of Completion from the project applicant;
 - b. Approve or deny the Certificate of Completion. If the Certificate of Completion is denied, the City shall provide information to the project applicant regarding reapplication, appeal, or other assistance.

M. Irrigation Scheduling.

For the efficient use of water, all irrigation schedules shall be developed, managed, and evaluated to utilize the minimum amount of water required to maintain plant health. Irrigation schedules shall meet the following criteria:

1. Irrigation scheduling shall be regulated by automatic irrigation controllers.
2. Overhead irrigation shall be scheduled between 8:00 p.m. and 10:00 a.m. unless weather conditions prevent it. If allowable hours of irrigation differ from the local water purveyor, the stricter of the two shall apply. Operation of the irrigation system outside the normal watering window is allowed for auditing and system maintenance.
3. For implementation of the irrigation schedule, particular attention must be paid to irrigation run times, emission device, flow rate, and current reference evapotranspiration, so that applied water meets the Estimated Total Water Use. Total annual applied water shall be less than or equal to Maximum Applied Water Allowance (MAWA). Actual irrigation schedules shall be regulated by automatic irrigation controllers using current reference evapotranspiration data (e.g., CIMIS) or soil moisture sensor data.
4. Parameters used to set the automatic controller shall be developed and submitted for each of the following:
 - a. The plant establishment period;
 - b. The established landscape; and
 - c. Temporarily irrigated areas.
5. Each irrigation schedule shall consider for each station all of the following that apply:

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- a. Irrigation interval (days between irrigation);
- b. Irrigation run times (hours or minutes per irrigation event to avoid runoff);
- c. Number of cycle starts required for each irrigation event to avoid runoff;
- d. Amount of applied water scheduled to be applied on a monthly basis;
- e. Application rate setting;
- f. Root depth setting;
- g. plant type setting;
- h. soil type;
- i. slope factor setting;
- j. shade factor setting; and
- k. irrigation uniformity or efficiency setting.

N. Landscape and Irrigation Maintenance Schedule.

1. Landscapes shall be maintained to ensure water use efficiency. A regular maintenance schedule shall be submitted with the Certificate of Completion.
2. A regular maintenance schedule shall include, but not be limited to, routine inspection; adjustment and repair of the irrigation system and its components; aerating and dethatching turf areas; replenishing mulch; fertilizing; pruning; weeding in all landscape areas, and removing and obstruction to emission devices. Operation of the irrigation system outside the normal watering window is allowed for auditing and system maintenance.
3. Repair of all irrigation equipment shall be done with the originally installed components or their equivalents.
4. A project applicant is encouraged to implement sustainable or environmentally-friendly practices for overall landscape maintenance.

O. Irrigation Audit, Irrigation Survey, and Irrigation Water Use Analysis.

1. All landscape irrigation audits shall be conducted by a certified landscape irrigation auditor.
2. For new construction and rehabilitated landscape projects, as described in **Section 490.1**:
 - a. The project applicant shall submit an irrigation audit report with the Certificate of Completion to the City that may include, but is not limited to: inspection, system tune-up, system test with distribution uniformity, reporting overspray or run off that causes overland flow, and preparation of an irrigation schedule;
 - b. The City shall administer programs that may include, but not be limited to, irrigation

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water use analysis, irrigation audits, and irrigation surveys for compliance with the Maximum Applied Water Allowance.

P. Irrigation Efficiency.

For the purpose of determining Maximum Applied Water Allowance, average irrigation efficiency is assumed to be 0.71. Irrigation systems shall be designed, maintained, and managed to meet or exceed an average landscape irrigation efficiency of 0.71.

Q. Recycled Water.

1. The installation of recycled water irrigation systems shall allow for the current and future use of recycled water, unless a written exemption has been granted as described in **Section 492.14(b)**.
2. Irrigation systems and decorative water features shall use recycled water unless a written exemption has been granted by the local water purveyor stating that recycled water meeting all public health codes and standards is not available and will not be available for the foreseeable future.
3. All recycled water irrigation systems shall be designed and operated in accordance with all applicable City and State laws.
4. Landscapes using recycled water are considered Special Landscape Areas. The ET Adjustment Factor for Special Landscape Areas shall not exceed 1.0.

R. Stormwater Management.

1. Stormwater management practices minimize runoff and increase infiltration which recharges groundwater and improves water quality. Implementing stormwater best management practices into the landscape and grading design plans to minimize runoff and to increase on-site retention and infiltration are encouraged.
2. Project applicants shall refer to the City or Regional Water Quality Control Board for information on any applicable stormwater ordinances and stormwater management plans.
3. Rain gardens, cisterns, and other landscapes features and practices that increase rainwater capture and create opportunities for infiltration and/or onsite storage are recommended.

S. Public Education.

1. Publications. Education is a critical component to promote the efficient use of water in landscapes. The use of appropriate principles of design, installation, management and maintenance that save water is encouraged in the community.
 - a. The City shall provide information to owners of new, single-family residential homes regarding the design, installation, management, and maintenance of water efficient landscapes.
2. Model Homes. All model homes that are landscaped shall use signs and written information to demonstrate the principles of water efficient landscapes described in this ordinance.

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- a. Signs shall be used to identify the model as an example of a water efficient landscape featuring elements such as hydrozones, irrigation equipment, and others that contribute to the overall water efficient theme.
- b. Information shall be provided about designing, installing, managing, and maintaining water efficient landscapes.

T. Provisions for Existing Landscapes.

The City may designate another agency, such as a water purveyor, to implement some or all of the requirements contained in this ordinance. Local agencies may collaborate with water purveyors to define each entity's specific responsibilities relating to this ordinance.

U. Irrigation Audit, Irrigation Survey, and Irrigation Water Use Analysis.

1. This section shall apply to all existing landscapes that were installed before January 1, 2010 and are over one acre in size.
 - a. For all landscapes that have a water meter, the City shall administer programs that may include, but not be limited to, irrigation water use analyses, irrigation surveys, and irrigation audits to evaluate water use and provide recommendations as necessary to reduce landscape water use to a level that does not exceed the Maximum Applied Water Allowance for existing landscapes. The Maximum Applied Water Allowance for existing landscapes shall be calculated as: $MAWA = (0.8) (ET_o)(LA)(0.62)$.
 - b. For all landscapes that do not have a meter, the City shall administer programs that may include, but not be limited to, irrigation surveys and irrigation audits to evaluate water use and provide recommendations as necessary in order to prevent water waste.
2. All landscape irrigation audits shall be conducted by a certified landscape irrigation auditor.

V. Water Waste Prevention.

1. The City shall prevent water waste resulting from inefficient landscape irrigation by prohibiting runoff from leaving the target landscape due to low head drainage, overspray, or other similar conditions where water flows onto adjacent property, non-irrigated areas, walks, roadways, parking lots, or structures. Penalties for violation of these prohibitions shall be established locally.
2. Restrictions regarding overspray and runoff may be modified if:
 - a. The landscape area is adjacent to permeable surfacing and no runoff occurs; or
 - b. The adjacent non-permeable surfaces are designed and constructed to drain entirely to landscaping.

W. Effective Precipitation.

The City considers Effective Precipitation (25% of annual precipitation) in tracking water use and uses the following equation to calculate Maximum Applied Water Allowance:

$$MAWA = (ET_o - Eppt) (0.62) [(0.7 \times LA) + (0.3 \times SLA)].$$

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Parking and Loading

CHAPTER 17.34 - PARKING AND LOADING

Sections:

- 17.34.010 - Purpose of Chapter
- 17.34.020 - Applicability
- 17.34.030 - General Parking Regulations
- 17.34.040 - Number of Parking Spaces Required
- 17.34.050 - Adjustments to Parking Requirements
- 17.34.060 - Disabled/Handicapped Parking Requirements
- 17.34.070 - Parking Design Standards
- 17.34.080 - Driveways and Site Access
- 17.34.090 - Bicycle Parking
- 17.34.100 - Loading Space Requirements

17.34.010 - Purpose of Chapter

This Chapter establishes regulations to ensure that sufficient off-street parking facilities are provided for all uses and that parking facilities are properly designed, attractive, and meet the needs of specific uses.

17.34.020 - Applicability

Every use and structure, including a change or expansion of a use or structure shall provide parking and loading areas in compliance with the provisions of this Chapter. A use shall not be commenced and structures shall not be occupied until improvements required by this Chapter are satisfactorily completed.

17.34.030 - General Parking Regulations

- A. Parking and loading spaces to be permanent.** Parking and loading spaces shall be permanently available, marked and maintained for parking or loading purposes for the use they are intended to serve. The Director may approve the temporary reduction of parking or loading spaces in conjunction with a seasonal or intermittent use.
- B. Parking and loading to be unrestricted.** Owners, lessees, tenants, or persons having control of the operation of a premises for which parking or loading spaces are required shall not prevent or restrict authorized persons from using these spaces.
- C. Parking area use.** Required off-street parking areas shall be used exclusively for the temporary parking of vehicles and shall not be used for the sale, lease, display, repair, or storage of vehicles, trailers, boats, campers, mobile homes, merchandise, or equipment, or for any other use not authorized by the provisions of this Zoning Ordinance.
- D. Commercial vehicle parking in residential districts.** Vehicles that are strictly commercial in nature, such as tow trucks, ambulances, mini-buses, large delivery and/or service trucks, or similar vehicles with a gross load capacity greater than one and one-half tons shall not be allowed to park on private property in residential zones unless the vehicle is placed out of public view and located behind the designated front setback line, or for the immediate loading or unloading of goods or people.

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- E. Recreational vehicle (RV) parking.** No recreational vehicle shall be parked for overnight occupancy except within an approved recreational vehicle park, or where authorized with Temporary Use Permit approval as a temporary dwelling during construction on the same site.

17.34.040 - Number of Parking Spaces Required

Each use shall provide at least the minimum number of parking spaces required by this Chapter.

- A. Parking requirements by land use.** Each land use shall be provided the number of parking spaces required by **Table 3-7**, except where a greater number of spaces is required or an exception has been granted through land use permit approval. In any case where **Table 3-7** establishes a parking requirement based on the floor area of a use (e.g. 1 space per 1,000 sf), the floor area shall be construed to mean gross floor area.
- B. Expansion of structure, change in use.** When an existing nonresidential structure is enlarged or when a change in use requires more parking than is presently provided, additional parking spaces shall be required only for the addition, enlargement, change or expansion of use, and not for the entire structure, as determined by the Director.
- C. Multi-tenant sites.** A site with multiple tenants shall provide the aggregate number of parking spaces required for each separate use, except where:
 - 1. The site was developed comprehensively as a shopping center, the parking ratio shall be the required number of spaces for the shopping center. In this case, the parking requirement will be based on the center as a whole regardless of individual uses as provided in **Table 3-7**; or
 - 2. The site qualifies for shared parking in compliance with **Section 17.34.050 (Adjustments to Parking Requirements)**.
- D. Uses not listed.** Land uses not specifically listed in **Table 3-7**, shall provide parking as required by the Director. The Director shall use the requirements of **Table 3-7** as a guide in determining the minimum number of parking spaces to be provided.
- E. Excessive parking.** The parking standards established in this Chapter are both minimum and maximum standards. Parking spaces in excess of these standards may only be approved in conjunction with SPARC review, a Use Permit, or Planned Development Permit for the project, and when additional landscaping and pedestrian improvements are also provided.
- F. Bench or bleacher seating.** Where fixed seating is provided (e.g., benches or bleachers), a seat shall be construed to be 22 inches of bench space for the purpose of calculating the number of required parking spaces.
- G. Calculation:** Any fraction shall be rounded up to nearest whole number.
- H.** A single use with accessory components may be required to provide parking for each component, at the Director's discretion. For example, a hotel with a gift shop shall provide space for both program elements.

Parking and Loading

TABLE 3-7 - PARKING REQUIREMENTS BY LAND USE

Land Use Type: Manufacturing, Processing, and Warehousing	Number of Parking Spaces Required
General manufacturing, industrial, and processing uses	1 space for each 1,000 sf
Recycling facilities	1 space for each 1,000 sf
Research and development, laboratories	1 space for each 300 sf of gross floor area
Warehouses, distribution centers, and storage facilities (not including mini-storage for personal use)	1 space per 1,000 sf for the first 20,000 sf of gross floor area, plus one space per 2,000 sf of the second 20,000 sf of gross floor area, plus 1 space per 4,000 sf of the remaining gross floor area. The gross floor area may include incidental office space comprising less than 5% of the total gross floor area. The parking requirements for additional office space shall be calculated separately as provided by this table for "Offices."

Land Use Type: Recreation, Education, and Public Assembly	Number of Parking Spaces Required
Child day-care centers	1 space per 6 children.
Commercial recreation activities as follows, or otherwise required by Use Permit:	
Golf courses (regulation)	5 spaces for each hole
Golf courses (pitch & putt)	4 spaces for each hole
Miniature golf	3 spaces for each hole
Tennis/racquetball/handball or other courts	3 spaces for each court, plus 1 space for each 300 sf of floor area for ancillary uses.
Indoor recreation/fitness centers	
Arcades	1 space for each 250 sf of gross floor area
Bowling alleys	4 spaces for each lane, plus required spaces for ancillary uses.
Health/fitness clubs	1 space for each 250 sf
Pool and billiard rooms	Two spaces for each table, plus required space for ancillary uses.
Skating rinks	1 space for each 100 sf of skating area.
Outdoor recreation facilities	2 spaces per each athletic court; 1 space per each 150 sf of gross water surface area; 1 space per each 500 square feet of active sports field area.

Parking and Loading

TABLE 3-7 - PARKING REQUIREMENTS BY LAND USE (Continued)

Land Use Type: Recreation, Education, and Public Assembly	Number of Parking Spaces Required
Libraries, museums, art galleries	1 space for each 400 sf of gross floor area
Public assembly uses (e.g., places of worship, cinemas, performance theaters, meeting halls, and membership organizations).	1 space for each 4 fixed seats or 1 space for every 50 sf of gross assembly area, classrooms, meeting rooms, etc.
Schools (private)	
Elementary/Middle/Junior High	1.5 spaces for each classroom, plus 1 space for every 200 sf of assembly area in an auditorium, plus adequate bus loading facilities.
High School	1.5 spaces for each classroom, plus 1 space for every 200 sf of assembly area in an auditorium, plus adequate bus loading facilities.
Trade and business schools	10 spaces per classroom or as determined by the Planning Commission.
Studios for dance and art	1 space for each 200 sf

Land Use Type: Residential Uses ⁽¹⁾	Number of Parking Spaces Required
Duplexes	Two covered spaces per unit.
Mixed-use developments	Calculated by each separate use on site.
Mobile home parks	Two covered spaces for each mobile home. Tandem parking allowed in an attached carport, plus 1 guest parking space for each two units. Recreational vehicle parking shall be provided at the rate of 1 space for every 5 units.
Multi-family dwelling, condominiums and other attached dwellings	1 covered space per one bedroom unit, 2 spaces per two bedroom unit (1 must be covered), plus 1 uncovered guest space for each 5 units.
Senior congregate care facilities	0.5 space for each residential unit, plus 1 space for each 4 units for guests and employees.
Senior housing projects	0.75 space for each unit with half the spaces covered, plus 1 guest parking space for each 10 units.
Single-family housing	2 spaces within a garage.

Notes:

- (1) Guest parking spaces shall be clearly marked for guest parking only and shall be evenly dispersed throughout the development site. Signs shall be provided at appropriate locations to direct visitors to guest parking locations.

Parking and Loading

TABLE 3-7 - PARKING REQUIREMENTS BY LAND USE (Continued)

Land Use Type: Retail Trade	Number of Parking Spaces Required
Appliances, building materials, furniture, and hardware stores	1 space for each 500 sf of indoor display area.
Automobile, mobile home, vehicle, machinery and parts sales	1 space for each 350 sf of gross floor area, plus 1 space for each 3,000 sf of outdoor display, service area, plus 1 space for each 300 sf of gross floor area for a parts department.
Convenience stores	1 space for each 250 sf.
Grocery stores	1 space for each 250 sf.
Restaurants/bars/night clubs	1 space for each four seats.
Retail sales and services	1 space for each 500 sf of gross floor area.
Shopping centers (shall use unsegregated parking area)	Minimum parking provided shall be 1 space for each 500 sf of gross floor area. Maximum parking provided shall be 1 space for each 200 sf of gross floor area.

Parking and Loading

TABLE 3-7 - PARKING REQUIREMENTS BY LAND USE (Continued)

Land Use Type: Services	Number of Parking Spaces Required
Banks and financial services	1 space for each 300 sf
Hotels and motels	1 space for each guest room.
Kennels and animal boarding	1 space for each 500 sf of gross floor area, plus 1 space for each 1000 sf of boarding area.
Medical services	
Clinic, medical/dental office	1 space for each 200 sf
Board and care home, group home, and in-patient drug treatment facility	1 space for each 3 beds.
Convalescent hospital	1 space for each 3 patient beds per facility license.
Hospital	1 space per bed.
Mortuary/Funeral Home	1 space for each 4 seats.
Offices, administrative, corporate	1 space for each 250 sf
Personal services	
Barber/beauty shops (and other personal services: tattoo studios, massage therapy)	1 space for each 200 sf
Service stations (including multi-use stations)	3 spaces for each service bay.
Storage, personal storage facilities	1 space for each 20,000 sf of gross floor area, plus 2 spaces for manager office/residence.
Vehicle repair and maintenance	
Repair garage	1 space for each 500 sf of gross floor area.
Self-service vehicle washing	2 spaces for each washing stall, for queuing and drying.
Full-service vehicle washing	1 space for each 250 sf of gross floor area.
Veterinary clinic, animal hospital	1 space for each 350 sf of gross floor area, plus 1 space for each 1000 sf of boarding area.

Parking and Loading

17.34.050 - Adjustments to Parking Requirements

Where two or more adjacent nonresidential uses have distinct and differing peak parking usage periods, (e.g. a theater and a bank), a reduction in the required number of parking spaces may be allowed through Use Permit approval. Approval shall also require a recorded covenant running with the land, recorded by the owner of the parking lot, guaranteeing that the required parking will be maintained exclusively for the use served for the duration of the use.

Reduction of required parking. The Review Authority may reduce the number of parking spaces required through the granting of a Use Permit in compliance with the following:

1. Quantitative information provided by the applicant that documents the need for fewer spaces (e.g., sales receipts, documentation of customer frequency, information on parking standards required for the proposed land use by other cities, etc.);
2. The use or project design creates an integrated whole wherein the parking reduction will not adversely affect other businesses or uses on the same property or within the boundaries of the project; or
3. The proposed parking requirement is consistent with other uses of similar intensity established elsewhere in the parking regulations and does not represent a grant of special privilege inconsistent with the intent of the parking regulations to provide adequate and consistent levels of parking for similar uses throughout the City.

17.34.060 - Disabled/Handicapped Parking Requirements

Parking areas shall include parking spaces accessible to the disabled in the following manner:

- A. Number of spaces and design standards.** Parking spaces for the disabled shall be provided in compliance with the California Building Code and the Federal Accessibility Guidelines. Disabled accessible parking spaces shall count toward fulfilling the parking requirements of this Chapter.
- B. Residential multi-family uses.** For each dwelling unit required to be designed to accommodate the physically handicapped or required to be made adaptable for the physically handicapped, the required parking shall be provided in compliance with the California Building Code.

17.34.070 - Parking Design Standards

Parking areas shall be designed and constructed in compliance with the following standards.

- A. Location of parking areas.**
 1. Required off-street parking shall be located on the same parcel as the uses served; except with Use Permit approval, parking may be located on a parcel in the vicinity of the parcel served subject to a recorded covenant running with the land, recorded by the owner of the parking lot, guaranteeing that the required parking will be maintained exclusively for the use or activity served for the duration of the use or activity.
 2. Required parking areas shall not be located in a required front or street side setback.

Parking and Loading

3. Within the downtown, no new parking areas, or curb cuts to serve a parking area shall be installed on School Street. Where possible, new parking areas and/or structures should be located to the rear of buildings and accessed from side streets or alleys.

B. Access to parking areas and parking spaces.

1. **Access to parking lots.** Parking lots shall be designed to prevent access at any point other than at designated access drives.

2. **Parking space location.** In order to provide adequate queuing area, no parking space shall be located within the required landscape setbacks measured from the property line, except for single-family homes and duplexes. See Figure 3-7.

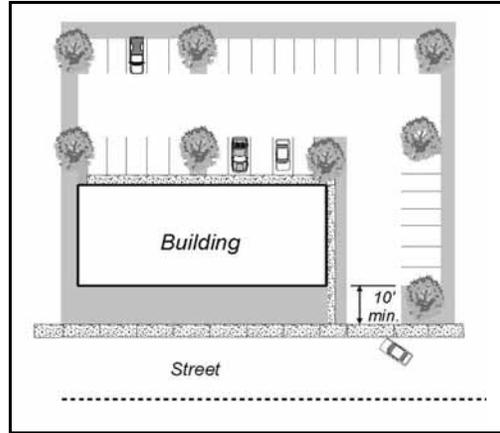


Figure 3-7 Queuing Area

3. **Internal maneuvering area.** Parking areas shall provide suitable maneuvering room so that vehicles enter the street in a forward direction, except for single-family homes and duplexes.

4. **Vertical clearance.** A minimum unobstructed clearance height of 14 feet shall be maintained above areas accessible to vehicles in non-residential parking facilities.

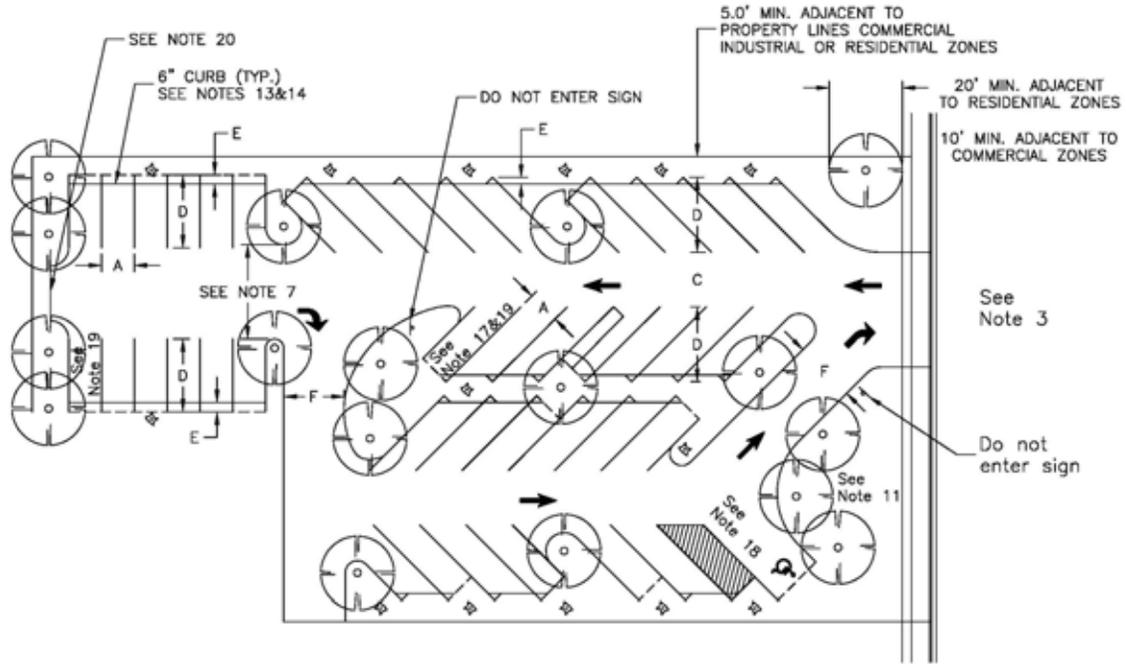
- C. Access to adjacent sites.** Applicants for nonresidential developments are encouraged to provide shared vehicle and pedestrian access to adjacent nonresidential properties for convenience, safety and efficient circulation. A joint access agreement guaranteeing the continued availability of the shared access between the properties and running with the land shall be recorded by the owners of the abutting properties, as approved by the Director.

D. Parking space and lot dimensions.

1. **Parking spaces within carports and garages.** Parking spaces within carports and garages shall have minimum clear dimensions of 20 feet in length by 10 feet in width per space.

2. **Standard parking spaces.** Minimum parking space dimensions shall be as described in Figure 3-8 and the notes that follow the figure.

Parking and Loading



Minimum Parking Lot Standards						
Parking Angle*	"A"	"B"	** "C"	"D"	"E"	"F"
Parallel Parking	10	24	14	10	3	See Note 3
45°	9	12.7	15	20.5	1.8	17
	9.5	13.4	14	20.8	1.8	17
60°	10	14.2	14	21.2	1.8	17
	9	10.5	19	21.8	2.2	14
90°	9.5	11	18	22.1	2.2	14
	10	11.6	18	22.3	2.2	14
90°	9	9	25	20	2.5	14
	9.5	9.5	24	20	2.5	14
	10	10	24	20	2.5	14

* Dimensions for other parking angles must be evaluated separately for approval.
 ** For two-way traffic minimum is 24 feet.

Parking and Loading

Notes:

1. A minimum number of parking spaces required is established by the City of Lodi Ordinance.
2. All parking stalls shall be marked in an acceptable manner.
3. Lots designed for more than four cars must have two-way access.
4. Where two parking angles can be used in a single lot, they shall be located in separate areas of the lot (except as shown on layout.)
5. Any parking layout necessitating a cul-de-sac or similar type of turning facility for reversing direction of travel in order to exit from the area or any parking spaces will generally be discouraged, and it should be approved by the City Staff prior to the incorporation into the plan.
6. Residential parking for more than four cars regardless of zoning designation shall not be designed to require backing out onto any public street Rights-of-Way.
7. Two-way traffic aisles shall be a minimum of 24 feet wide.
8. In any non-residential parking condition parking or backing area within a parking lot shall not extend into the public Rights-of-Way, regardless of zoning designation.
9. When a long driveway having only a single ingress is necessary within a development, provisions should be made for the maneuvering of emergency vehicles and the arrangement approved by City Staff prior to its incorporation into the plan.
10. All parking lots shall have an adequate structural section and shall be paved with a minimum of two inches of asphalt concrete.
11. All unusable areas shall be landscaped where practical.
12. Landscaped areas within or adjacent to the parking area shall provide for a minimum of one shade tree for every four parking stalls. Depending on type and size of shade tree, requirements may be modified by the City Site Plan and Architectural Review Committee.
13. Six-inch high concrete curbs shall separate all paved and landscaped areas.
14. Concrete curbing shall be used as wheel stops where possible. The use of bumper blocks is discouraged.
15. Landscaped areas shall be provided between asphalt areas and all building structures, fences and property lines. Hardscaping may be used where pedestrian access is a necessity as determined by the City Site Plan and Architectural Review Committee.
16. Landscaping shall conform to the City of Lodi Landscape Guidelines.
17. End stalls should be protected from the turning movements of other cars with a minimum 5' landscape planter.
18. Handicapped stalls shall be a min. of 9' wide plus an adjacent 8' min. access zone to accommodate Van accessible parking. If there is more than one stall at least one must meet the Van accessible size. The additional stalls shall be a min. of 9' wide plus an adjacent 5' min. access zone, per title 24, Chapter 2-7102, California Administrative Code.
19. End stalls and stalls adjacent to curbings shall be a minimum of ten feet wide.
20. Dead end 90° parking shall be provided with adequate turning room.
21. Parking requirements for the interior of parking lots on industrial lots surrounded solely by heavy industrially zoned properties may be modified by the Site Plan and Architectural Review Committee.

Figure 3-8 Standard Parking Stall Dimensions

- 3. Compact parking spaces.** Parking areas containing a minimum of twenty or more parking spaces may include a maximum of 15 percent of the total number of parking spaces for compact cars. These spaces shall be designated and distributed throughout the lot. Dimensions of compact parking spaces shall be no smaller than 6 inches less than a standard stall in width and 2 feet less than a standard stall in depth.

E. Curbing and wheel stops.

- 1. Curbing.** Continuous concrete curbing at least six inches high and six inches wide shall be provided along the edges of parking spaces adjacent to fences, walls, other structures, and landscaping.

Parking and Loading

- a. Alternative barrier designs may be approved by the Director.
 - b. Parking spaces adjacent to landscaped areas or other obstructions shall incorporate an additional curbing width of 12 inches (for a total of 18 inches) to provide a place to stand while exiting and entering vehicles.
 - c. Curbing shall be placed within the parking space a minimum of 2 feet from the front of the space.
2. **Wheel stops.** Wheel stops other than continuous concrete curbing shall be prohibited except in work areas, and parking areas not open to the public.
 3. **Bumper overhang.** To increase the parking lot landscaped area, a maximum of 2 feet of the parking stall depth may be landscaped with low-growth, hearty materials in lieu of paving, allowing a 2-foot bumper overhang while maintaining the required parking dimensions.

F. Directional arrows and signs:

1. Parking spaces, aisles, approach lanes and maneuvering areas shall be clearly marked with directional arrows and lines to ensure the safe and efficient flow of vehicles.
2. The Director may require the installation of traffic signs in addition to directional arrows to ensure the safe and efficient flow of vehicles in a parking facility.

G. Driveways

1. **Width.** Maximum driveway width shall be 35 feet for standard driveways and 56 feet for special driveways unless specifically approved otherwise by the City Engineer for high truck volumes or other factors.

The total width of commercial and industrial driveways shall not exceed 60% of the frontage.

The minimum width of a single driveway shall be 12 feet and 24 feet for a driveway serving a parking lot with two-way aisle. Additional driveway width may be required on collectors and arterial streets particularly where there is no parking and a travel lane is adjacent to the curb.

Standard driveway width is measured at the curb line and includes only the depressed section. Special driveway width is measured between curbs behind property side. Width of a raised medians separating in and out traffic is not included in the width.

2. **Distances from curb returns.** Commercial, industrial or other high volume driveways on arterials and major collectors shall be located as far as practical from the nearest curb return and may be prohibited within 100 feet where the intersection is signalized, is planned for signalization, or intersection capacity is critical. At other locations, the top of the driveway transition shall be at least 10 feet from the nearest curb return provided the return meets current standards for radius and location. At streets to be widened or improved, the above distances shall be measured from the ultimate location of the curb return.

At alleys, the driveway transition shall be permitted no closer than 10 feet from the projected intersecting alley curb face, and no closer than 3 feet from the nearest ally curb return.

Parking and Loading

H. Grades of driveways and parking areas.

1. **Driveways.** Driveways shall not exceed a maximum grade of +10 percent or -6 percent measured along the driveway centerline. Where there is a change in the slope of the driveway, it shall be demonstrated that vehicles will be able to pass over the change in slope without interference with an average vehicle's undercarriage.
2. **Parking areas.** Parking areas shall have a maximum grade of seven percent, measured in any direction.

I. Landscaping. Parking area landscaping shall be provided in compliance with **Chapter 17.32** (Landscaping).

J. Lighting. Parking areas shall have lighting capable of providing adequate illumination for security and safety. Lighting standards shall be energy-efficient and in scale with the height and use of the on-site structures. All illumination, including security lighting, shall be directed downward, away from adjacent properties and public rights-of-way. Lighting location shall take into account the location and expected mature characteristics of on-site landscape materials.

K. Residential guest parking. Guest parking for multi-family residential uses shall be designated and restricted for the exclusive use of the guests with appropriate signs and pavement markings.

L. Striping and identification. Parking spaces shall be clearly outlined with four-inch wide lines painted on the surface of the parking facility. Circulation aisles, approach lanes, and turning areas shall be clearly marked with directional arrows and lines to ensure safe traffic movement.

M. Surfacing. Parking spaces, driveways, maneuvering areas, and outdoor storage areas shall be paved with asphalt, concrete, masonry or concrete paving units, and permanently maintained. The use of rock, decomposed granite, turfstone, etc., is not allowed for required parking and driveway areas.

17.34.080 - Driveways and Site Access

A. Distance from street corners. Driveways to parking areas, except single family residential and duplex driveways, shall be located as far as practical from the nearest curb return and may be prohibited within 100 feet where the intersection is signalized, is planned for signalization, or intersection capacity is critical. At other locations, the top of the driveway transition shall be at least 10 feet from the nearest curb return provided the return meets current standards for radius and location. At streets to be widened or improved, the above distances shall be measured from the ultimate location of the curb return. At alleys, the driveway transition shall be permitted no closer than 10 feet from the projected intersecting alley curb face, and no closer than 3 feet from the nearest ally curb return. Exceptions to this standard may be approved by the City Engineer.

B. Driveway spacing. Driveways shall be separated along the street frontage as follows:

1. **Single-family and duplex residential development.** Driveways shall be separated by at least six feet, unless a shared, single driveway is approved by the Director. The six-foot separation does not include the transition or wing sections on each side of the driveway approach.

Parking and Loading

2. **Multi-family and nonresidential development.** Where two or more driveways serve the same or adjacent multi-family or nonresidential development, the centerline of the driveways shall be separated by a minimum of 200 feet.

C. **Drive aisles.**

1. **Single-family uses.**

- a. Each single-family dwelling shall provide a continuous paved driveway from the street to the required parking area. Driveways shall be kept free and clear of stored materials, including inoperable vehicles.

4. **Multi-family and nonresidential uses.** Drive aisles within multi-family residential and nonresidential parking areas shall be designed and constructed in compliance with Figure 3-8.

D. **Drive-through facilities.** Retail or service uses providing drive-in/drive through facilities shall be designed and operated to effectively mitigate problems of traffic congestion, excessive pavement, litter, noise, and unsightliness.

1. **Clearance from obstruction.** The nearest edge of a driveway apron or curb return shall be at least five feet from the nearest property line, centerline of a fire hydrant, utility pole, traffic signal, light standard, or other similar facility.

2. **Visibility.** Drive aisles shall be designed and located so that adequate visibility is ensured for pedestrians, bicyclists, and motorists when entering individual parking spaces, circulating within a parking facility, and entering or leaving a parking facility.

a. **Aisle design.**

- (1) The entrance/exit of any drive-through aisle shall be at least 50 feet from an intersection of public rights-of-way (measured at the closest intersecting curbs) and at least 25 feet from the edge of any driveway on an adjoining parcel.
- (2) Drive-through aisles shall be designed with a minimum 12-foot interior radius at curves and a minimum 12-foot width.

b. **Stacking area.** A clearly identified area shall be provided for vehicles waiting for drive-through service that is physically separated from other on-site traffic circulation.

- (1) The stacking area shall accommodate a minimum of eight cars for each drive-through window in addition to the vehicle(s) receiving service.
- (2) The stacking area shall be located at and before the menu board, teller window, etc.
- (3) Separation of the stacking area from other traffic shall be by concrete curbing or paint striping on at least one side of the lane.
- (4) Stacking areas parallel to streets or public rights-of-way shall be discouraged.

c. **Walkways.** Pedestrian walkways should not intersect the drive-through aisles, but where they do, they shall have clear visibility and shall be emphasized by enhanced paving.

Parking and Loading

3. **Screening.** An opaque screen consisting of plant material and a solid masonry wall, a minimum of six feet in height, shall be constructed on each property line that is adjoining a residentially zoned/occupied parcel. The design of the wall and the proposed construction materials shall be subject to the approval of the Director.
4. **Signs.**
 - a. **Directional signs.** Each entrance to, and exit from, any drive aisle shall be clearly marked to show the direction of traffic flow by signs and pavement markings.
 - b. **Menu boards.** Menu boards shall not exceed a maximum height of six feet, and shall face away from public rights-of-way. Outdoor speakers shall be located at least 50 feet from any residentially zoned/occupied parcel.

17.34.090 - Bicycle Parking

- A. **Applicability.** Bicycle parking shall be provided for all multi-family and nonresidential uses in compliance with Table 3-8.

TABLE 3-8 – BICYCLE PARKING REQUIREMENTS BY LAND USE

Use	Required Stalls	Location
Commercial, Services, Recreation, Education and Public Assembly	4 stalls or 20 percent of required off-street automobile parking stalls, whichever is greater (up to a maximum of 30 bicycle stalls)	Adjacent to bicycle paths and pedestrian walks ≤ 200 ft. of public entrance.
Residential: Dwelling, multi-family	1 per 2 units	Must be secure
Industrial, Manufacturing and Processing	4 stalls or 5 percent of required off-street automobile parking stalls, whichever is greater (up to a maximum of 15 bicycle stalls)	Adjacent to bicycle paths and pedestrian walks ≤ 100 ft. of public entrance.

1. For each 10 bicycle parking stalls provided, there shall be permitted a reduction of one required automobile parking stall to a maximum of 15 percent of the required automobile parking stalls, at the discretion of the Community Development Director or Planning Commission (depending on who is the Review Authority).
- B. Bicycle parking design and devices.** Bicycle stalls shall be improved in accordance with the following requirements:
1. Provided with a device to be approved by the City and capable of supporting a bicycle in an upright or hanging position and having a means that will enable a user to lock a bicycle to such a device.
 2. Areas containing stalls shall be surfaced with hardscape or paving.
 3. When located within a parking area, spaces shall be protected by curbs, fences, planter areas, bumpers, or similar barriers for the mutual protection of bikes, automobiles and pedestrians, unless deemed by the City to be unnecessary.

Parking and Loading

17.34.100 - Loading Space Standards

Loading spaces shall be designed and constructed as follows.

- A. Location.** Loading spaces shall be located based on the operating characteristics of the proposed use:
 - 1. As near as possible to the main structure and limited to the rear two-thirds of the parcel, if feasible;
 - 2. Loading facilities shall be discouraged from facing streets. Where not possible to do otherwise, ensure that the loading facility is screened from adjacent streets as much as possible;
 - 3. To ensure that loading and unloading takes place on-site and in no case within adjacent public rights-of-way or other traffic areas on-site;
 - 4. To ensure that vehicular maneuvers occur on-site; and
 - 5. To avoid adverse impacts upon neighboring residential properties.
- B. Dimensions.** Loading spaces shall be not less than 12 feet in width, 45 feet in length, with 14 feet of vertical clearance.
- C. Lighting.** Loading areas shall have lighting capable of providing adequate illumination for security and safety. Lighting standards shall be energy-efficient and in scale with the height and use of adjacent structures.
- D. Loading doors and gates.** Loading bays and roll-up doors shall be painted to blend with the exterior structure walls. Loading bays and doors, and related trucks shall be adequately screened from view from adjacent streets as determined by the review authority.
- E. Loading ramps.** Plans for loading ramps or truck wells shall be accompanied by a profile drawing showing the ramp, ramp transitions and overhead clearances.
- F. Screening.** Loading areas abutting residentially zoned parcels shall be screened in compliance with 17.30.060 (Screening).
- G. Striping.** Loading areas shall be striped indicating the loading spaces and identifying the spaces for "loading only." The striping shall be permanently maintained by the property owner/tenant in a clear and visible manner at all times.

Signs

CHAPTER 17.36 - SIGNS

Sections:

- 17.36.010 - Purpose of Chapter
- 17.36.020 - Applicability
- 17.36.030 - Sign Permit Requirements
- 17.36.040 - Prohibited Signs
- 17.36.050 - General Requirements for All Signs
- 17.36.060 - Zoning District Sign Standards
- 17.36.070 - Standards for Specific Types of Signs
- 17.36.080 - Exceptions to Sign Area Standards
- 17.36.090 - Sign Maintenance
- 17.36.100 - Nonconforming Signs
- 17.36.110 - Violations and Abatement
- 17.36.120 - Judicial Review

17.36.010 - Purpose of Chapter

The regulations established by this Chapter are intended to regulate the placement, type, size, and number of signs allowed within the City, and to require the proper maintenance of signs. The purposes of these limitations and requirements are to:

- A. Enhance commerce within the community by providing for signs that will allow the public to easily identify uses and premises, and regulating signs on the basis of their physical design, location, and proportions;
- B. Preserve and enhance the aesthetic, traffic safety, and environmental values of the community, and commercial, office, and industrial districts, while at the same time providing a channel of communication to the public;
- C. Limit commercial signage to on-site locations to keep the proliferation of this signage to a more aesthetic proportion, and protect existing businesses from visual encroachment from new signage on neighboring properties;
- D. Avoid traffic safety hazards to motorists and pedestrians caused by visual distractions and obstructions;
- E. Promote the aesthetic quality of the community by providing for signs that enhance the attractiveness of the City as a place to live, work, and shop; and
- F. Safeguard and protect the public health, safety, and general welfare.

Signs

17.36.020 - Applicability

- A. **Signs regulated.** The requirements and development standards in this Chapter shall apply to all signs in all zoning districts except signs that are less than thirty-three (33%) percent of a window surface.
- B. **Applicability to sign content.** The provisions of this Chapter do not regulate the message content of signs (sign copy), regardless of whether the message content is commercial or noncommercial.

17.36.030 - Sign Permit Requirements

No sign shall be installed, constructed, or altered unless it is first approved in compliance with this Section.

- A. **Fees and plans required.** An application for a Sign Permit shall be filed and processed in compliance with Chapter 17.50 (Application Filing and Processing). The application shall also include architectural elevations and plans of all proposed signs drawn to scale, with all dimensions noted, and include any additional information and materials as required by the Department.
- B. **Design review and approval.** The Director shall review all Sign Permit applications and approve only those found to be in substantial conformance with the design review criteria provided in Section 17.36.050 (General Requirements for All Signs). The Director may require conditions of approval as are reasonably necessary to achieve the purposes of this Chapter.

The Director may refer Sign Permit applications to SPARC for action, either on the individual Sign Permit, or as part of a development project that is otherwise subject to SPARC review.

C. **Master sign program.**

- 1. **When required.** A master sign program shall be approved by the Director (or by SPARC upon referral by the Director) prior to the issuance of any Sign Permit for:
 - a. A new nonresidential project with four or more tenants; and
 - b. Major rehabilitation work on an existing nonresidential project with four or more tenants that involves exterior remodeling. For the purposes of this Chapter, major rehabilitation means adding more than 50 percent to the gross floor area of the building/buildings, or exterior redesign of more than 50 percent of the length of any facade within the project.

All signs installed or replaced within the nonresidential project shall comply with the approved master sign program.

- 2. **Content of program.** A master sign program shall provide standards for the uniform style, size, placement, and color palette of signs within the proposed nonresidential project.
 - 3. **Revisions.** Revisions to a master sign program may be approved by the Director if he or she first determines that the revision is minor and that the intent of the original approval, and any applicable conditions are not affected. A new Sign Permit shall be obtained for revisions that would substantially deviate from the original approval.
- D. **Time limit for action.** A Sign Permit or a master sign program shall be approved or disapproved by the Review Authority within 15 working days of the application being accepted as complete in compliance with Section 17.50.060 (Initial Application Review). A sign that is submitted in full

Signs

compliance with an approved master sign program shall be approved within 5 working days of the application being accepted as complete.

E. Signs and sign changes allowed without a Sign Permit. The following do not require a Sign Permit, provided that they comply with Section 17.36.050 (General Requirements for All Signs), and any required Building Permit is obtained.

1. Nonstructural modifications and maintenance.

- a. Modifications or replacement to a face of a cabinet sign.
- b. Nonstructural modifications of the face, design, or color of an existing sign, provided that the modifications comply with any applicable Master sign program approved in compliance with Subsection C.
- c. The normal maintenance of signs.

2. Temporary signs. Temporary signs in compliance with Section 17.36.070.

17.36.040 - Prohibited Signs

The following types of signs and devices shall be specifically prohibited:

- A. A sign in conjunction with a home occupation permit;
- B. Abandoned signs;
- C. Animated signs, including electronic message display signs, and variable intensity, blinking, or flashing signs; except time and temp signs (except in accordance with Section 17.36.000, Animated Signs);
- D. Balloons and other inflatable devices;
- E. Moving signs;
- F. Permanent off-site signs;
- G. Pennants, except as allowed for temporary periods by Section 17.36.070;
- H. Roof signs;
- I. Because of the City's compelling interest in ensuring traffic safety, signs that simulate in color, size, or design, any traffic control sign or signal, or that make use of words, symbols, or characters in a manner that interferes with, misleads or confuses pedestrian or vehicular traffic;
- J. Signs attached to or suspended from a vehicle parked within a public right-of-way, or in a location on private property that is visible from a public right-of-way, except a sign painted directly upon, magnetically affixed to, or permanently affixed to the body or other integral part of the vehicle;
- K. Temporary and portable signs, except as allowed by Section 17.36.070;

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- L. Poorly maintained signs; and
- M. Signs in public right-of-way or affixed to City property.
- N. **Off-premises signs.** Off-premises signs are prohibited, with the exception of those that legally existed prior to the adoption of this Development Code.

17.36.050 - General Requirements for All Signs

- A. **Sign area.** The measurement of sign area to determine compliance with the sign area limitations of this Chapter shall occur as follows.
 - 1. The surface area of a sign shall be calculated by enclosing the extreme limits of all framing, writing, logo, representation, emblem, or other display within a single continuous perimeter composed of squares or rectangles with no more than eight lines. See Figure 3-9.

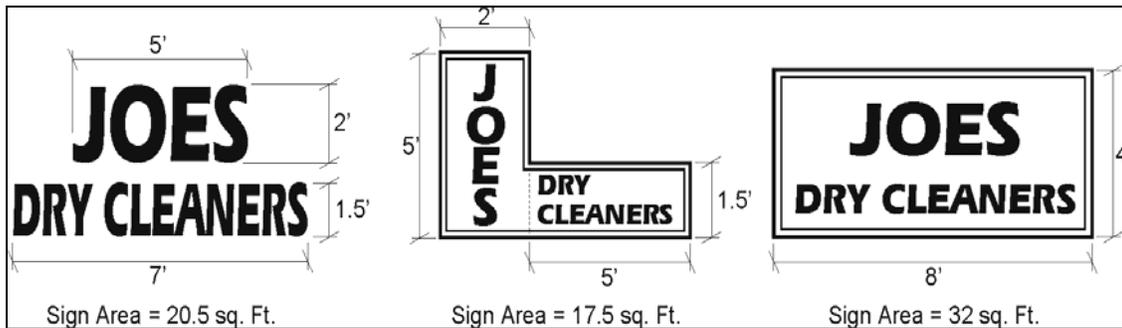


Figure 3-9 Sign Area Measurement

- 2. Supporting framework or bracing that is clearly incidental to the display itself shall not be computed as sign area.
 - 3. For freestanding signs all readable surfaces visible from a public right-of-way shall be counted in sign area calculations.
 - 4. Where a sign consists of one or more three-dimensional objects (i.e., balls, cubes, clusters of objects, sculpture or statue-like trademarks), the sign area shall be measured as their maximum projection upon a vertical plane.
 - 5. For signs that incorporate time and temperature devices, the area of these devices shall not be included in the total area of the sign.
- B. **Sign height.** Sign height shall be measured as the vertical distance from the finished grade adjacent to the base of the sign structure to the highest point of the structure, where finished grade does not include fill, planters, or other material artificially placed to allow increased sign height.
 - C. **Sign location requirements.**

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1. All signs identifying an occupant, business, or use shall be located on the same site as the occupant, business, or use, except as otherwise allowed by this Chapter.
 2. Signage allowed on one building or frontage shall not be transferred to another building or frontage.
 3. Each sign, including a sign located on a temporary or portable building, shall be subject to the requirements of this chapter.
 4. No sign shall be located within the public right-of-way, except as otherwise allowed by this Chapter.
 5. A sign for the purpose of construction, sales, or leasing are permitted within a required setback area, provided it is:
 - a. Located within a permanently maintained landscaped planter area having an area at least twice that of the sign area;
 - b. Not closer than 10 feet from any property line and 10 feet from any access driveway; and
 - c. Not within a radius of 20 feet of the intersection of the rights-of-way of two intersecting streets.
 6. The location of all signs shall be evaluated to ensure:
 - a. That the setback is appropriate for the height and area of a freestanding or projecting sign;
 - b. That flush or projecting signs relate to the architectural design of the building. Signs that cover windows, or that spill over natural boundaries and architectural features shall be discouraged;
 - c. That signs do not unreasonably block the sight lines of existing signs on adjacent properties; and
 - d. Pedestrian and vehicular safety.
 7. A freestanding sign may be placed only on a site frontage adjoin a public street.
 8. No freestanding sign shall be closer than 75 feet to another freestanding sign, to ensure adequate visibility for all signs. The Director may waive this requirement where parcel width and/or the locations of existing signs on adjacent properties would make the 75-foot separation impractical.
- D. Design criteria for signs.** The following design criteria shall be used in reviewing the design of individual signs. Substantial conformance with each of the following design criteria shall be required before a Sign Permit or Building Permit can be approved.
1. **Color.** Colors on signs and structural members should be harmonious with one another and reflective of the dominant colors of the building or buildings being identified. Contrasting colors may be utilized if the overall effect of the sign is still compatible with the building colors and prevailing colors in the surrounding neighborhood (where a theme can be identified).

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2. Materials and structure.

- a. Sign materials (including those for framing and support) should be representative of the type and scale of materials used on the building or buildings which the sign identifies. Insofar as possible, sign materials should match the materials used on the building and on other signs.
- b. Materials selected for permanent signs shall be durable and capable of withstanding weathering over the life of the sign with reasonable maintenance.
- c. The size of the structural members (e.g. columns, crossbeams, and braces) should be proportional to the sign panel they are supporting. In general, fewer larger supporting members are preferable to many smaller supports.
- d. The use of individual letters incorporated into the building design is encouraged, rather than signs with background and framing other than the building wall.
- e. The use of reflective materials or surfaces may be approved only where the Review Authority determines that they will not distract motorists or create other hazards, and should be minimized in all cases.
- f. Wall signs shall not project from the surface upon which they are attached more than required for construction purpose and in no case more than 12 inches.
- g. Wall signs shall not project above the eave line or the edge of the roof of a building.

E. Copy design guidelines. The City does not regulate the message content (copy) of signs; however, the following are principles of copy design and layout that can enhance the readability and attractiveness of signs. Copy design and layout consistent with these principles is encouraged, but not required.

- 1. Sign copy should relate only to the name and/or nature of the business or commercial center.
- 2. Permanent signs that advertise continuous sales, special prices, etc. should be avoided.
- 3. Information should be conveyed briefly or by logo, symbol, or other graphic manner. The intent should be to increase the readability of the sign and thereby enhance the identity of the business.
- 4. Freestanding signs should contain the street address of the parcel or the range of addresses for a multi-tenant center.

F. Illumination of signs. The artificial illumination of signs, either from an internal or external source, shall be designed to minimize light and glare on surrounding rights-of-way and properties.

- 1. External light sources shall be directed and shielded to limit direct illumination of any object other than the sign.
- 2. The light from an illuminated sign shall not be of an intensity or brightness that will interfere with the reasonable enjoyment of residential properties. In areas with low ambient nighttime illumination levels (e.g., residential neighborhoods or business districts with little or no

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illuminated signing) applicants shall be encouraged to use light, illuminated copy against dark or opaque backgrounds.

3. Signs shall not have blinking, flashing, or fluttering lights or other illuminating devices that have a changing light intensity, brightness or color, except as otherwise allowed in Section 17.36.000, Electronic Signs.
4. Colored lights shall not be used at a location or in a manner so as to be confused or construed as traffic control devices.
5. Neither the direct nor reflected light from primary light sources shall create a hazard to operators of motor vehicles.
6. Incandescent lamps shall not be visible from a public right-of-way or adjacent property.
7. Light sources shall utilize energy efficient fixtures to the greatest extent possible.

G. Maintenance of signs. Signs and supporting hardware, including temporary signs, shall be maintained in good repair and functioning properly at all times. Repairs to signs shall be of equal or better in quality of materials and design as the original sign. Signs which are not properly maintained and are dilapidated shall be deemed to be a public nuisance, and may be abated in compliance with Municipal Code Section 17.36.090

When existing signs are removed or replaced, all brackets, poles, and other supports that are no longer required shall be removed. Unpainted areas shall be painted to match the adjacent portion of the building or sign support structure.

H. Signs on Public Property: No signs are allowed on public property, except for the following:

1. A public sign erected by or on behalf of the City or other public entity to post legal notices, identify public property, convey public information, or direct or regulate pedestrian or vehicular traffic.
2. An informational sign of a public utility or transit company regarding its poles, lines, pipes, facilities, or routes.
3. An emergency warning sign erected by the City or other public entity, a public utility company, or contractor doing authorized or permitted work on public property.
4. Signs constructed by the City to direct persons to specific districts, regions, or public facilities.
5. Banner signs on City property (e.g., light poles in downtown area or along major corridors)

17.36.060 - Zoning District Sign Standards

Only the signs and sign area authorized by this Section shall be allowed unless otherwise expressly provided in this Section or Section 17.36.070 (Standards for Specific Types of Signs).

A. Residential zoning districts. Signs within the residential zoning districts shall comply with the following standards.

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1. **Size and type of signs allowed.** Each parcel in the residential zoning districts may be permitted signs as follows:
 - a. One nameplate not exceeding one square foot in area identifying the occupant of a residence. No Building Permit is required;
 - b. One identification sign for apartment and institutional use, not exceeding 48 square feet in area;
 - c. One unlighted sign not exceeding six square feet in area that advertises the sale or rental of the premises. No Building Permit is required;
 - d. A bulletin board for a religious facility or public institution, not exceeding 20 square feet in area;
 - e. One sign not exceeding 100 square feet in area on the site of a construction project or new subdivision, that indicates the nature of the development or identifies the persons involved in the construction; which may be placed on the site prior to or during the development activities;
 - f. One unlighted, noncommercial sign not exceeding six square feet in area; and
 - g. A warning or no trespassing sign not exceeding six square feet in area. No Building Permit is required.
 2. **Setback requirements.** Each sign shall be set back at least 10 feet from all property lines.
 3. **Height limit.** No building mounted sign shall exceed a height of 20 feet. No freestanding sign shall exceed a height of 8 feet, sign plus base.
- B. Commercial and industrial zoning district sign standards.** Each proposed sign shall comply with the following standards for the applicable zoning district.
1. **CC district.** Each sign within the CC zoning district shall comply with the following standards.
 - a. **General Specifications and Requirements**
 - (1) Sign content shall be limited to the Tenant's name and primary graphic logo unless specifically provided for herein;
 - (2) Notwithstanding the following Sign Provisions, Tenants may utilize standard corporate logos and/or prototypical signage graphics, if used in a majority of the Tenant's California stores subject to approval of the City of Lodi;
 - (3) All signage on the building fascia, with exception of certain logo/graphics, shall be of indirectly lit individual channel letters or dimensional letters in accordance with the definitions below. No cabinet signs shall be permitted. Signage illumination shall not include flashing, moving or scintillating effects;
 - (4) Channel letters are to be defined as individual channel letters or as connected channels that may be composed of script letters with connected serifs, or an non-

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script letters that are connected by heavy outlines into an integrated shape or “channel box”. Secondary channel boxes containing a logo mark or underlining the primary text and containing a secondary message shall be permitted. Illumination may be with either LEDs or neon;

- (5) Dimensional letters are to be made of ½” thick clear acrylic or 1-1/2” thick aluminum;
- (6) All signs must be dimensional. Signs painted directly onto the building shall not be permitted;
- (7) Painted wall graphics or murals that are thematic to the overall shopping center and do not provide any specific tenant identification shall be allowed subject to prior approval by the City of Lodi. The thematic wall graphics or murals shall be counted as signs or sign area with respect to the building on which graphic or mural is painted;
- (8) Signs may not come within one foot of the top, bottom or sides of the building elevation or fascia upon which a sign is located. In no case may a sign extend beyond the roof parapet or adjacent building eave line. Signs are not allowed on or against any roof structures. Architectural tower features on buildings may be considered for tenant identification signs subject to specific sign design approval by the City of Lodi;
- (9) Exposed channel letter raceways are prohibited. All channel letter signs must be mounted directly to the building surface or be mounted upon a decorative architectural background feature subject to specific sign design approval by the Landlord and the City of Lodi;
- (10) Tenant signs will be no larger than 75% of fascia height, with a maximum width of 75% of tenant’s frontage;
- (11) All signs are to be laid out so as to be proportionate to the area in which it is placed, as well as comply with the square footage limitations. They should also be centered at the appropriate location on the elevation so it would be balanced with the buildings as a whole. (Not necessarily centered on the Tenant space.);
- (12) Each tenant may have signage upon the front and rear elevations subject to size area limitations. End cap tenants may also have signage on their side elevations subject to size area limitations. Pad tenants may have signage on all elevations facing a public street or parking area subject to the size area limitations;
- (13) Colors shall be consistent with the theme of the shopping center;
- (14) Temporary wall signs, pennants, flags, over-roof signs, inflatable displays, exposed neon, or sandwich boards are prohibited. Temporary banners advertising specials or sales may be allowed in accordance with City Code; and
- (15) Window signs, other than the Permanent Window Graphics will not be allowed. These signs include neon signs, fiber optic/neon simulated plastic signs and border neon.

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- b. Free-standing signs.** The design of the multi-tenant pylon signs, multi-tenant monument signs and center identification monument sign shall be commensurate with the architecture of the shopping center.

 - (1) Freeway Information Area Signage**

 - (a) One (1) pylon sign, no higher than 65 feet shall be permitted along the freeway frontage. The sign shall identify multiple tenants within the shopping center; and
 - (b) The pylon sign shall have a maximum of 720 square feet of tenant identification and 32 square feet of shopping center identity.
 - (2) Center Identification Sign.** One (1) Center identification sign, no higher than 8 feet, shall be permitted. The sign shall be a single-sided, identifying the entrance to the Center. No tenant names shall be displayed on the identification sign.
 - (3) Monument Signs.**

 - (a) One multi-tenant monument sign, no higher than 12 feet, shall be permitted. A shopping center of 10 acres or more may have two monument signs. These signs may have two-sided panels to identify multiple tenants within the shopping center; and
 - (b) The monument signs shall have a maximum of 84 square feet of tenant identification and 8 square foot of shopping center identity.
- c. Tenant Signage.** The sign program regulates the total allowed signage each tenant may have, based upon the frontages of each store. Tenant signage shall not exceed the total allowed maximum signage per tenant.

 - (1) Tenants shall be allowed 1 square feet of signage per lineal foot of frontage for the front elevation and 2 square feet of signage x 75% per lineal foot of frontage for side (end caps) and rear elevations;
 - (2) The signs may either be internally illuminated plex-faced channel letters or halo illuminated fabricated aluminum reverse pan channel letters; and
 - (3) Single pad tenants shall be allowed one wall sign per each business frontage facing a street, pedestrian plaza and/or parking lot. The total allowed sign area shall be 2 square feet of signage per lineal foot of frontage for the front elevation and 2 square feet of signage x 75% per lineal foot of frontage for side and rear elevations.
- 3. GC and industrial districts.** Each sign within the GC and industrial zoning districts shall comply with the following standards.

 - a. Size and type of signs allowed.** A parcel in the GG or an industrial zoning district may be permitted signs as follows, provided that no sign shall exceed an area of 480 square feet.

 - (1) An individual business adjacent to a public street or streets is allowed one square foot of sign area for each linear foot of building frontage.

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- (2) An individual business that shares street frontage with other businesses (e.g., within a single building) is allowed one square foot of sign area for each linear foot of building frontage.
 - (3) An individual business located on a corner (i.e., with building frontage or street frontage on two sides) is allowed 75 percent of the ratio of two square feet of sign area for each linear foot of street frontage.
- b. Size and type of signs - Parcels with four or more businesses.** Parcels under one ownership that contain four or more businesses may be permitted one freestanding sign in addition to the signs permitted by Subsection B.3.a, provided that the sign shall not:
- (1) Exceed 300 square feet in area. 150 square feet of the total sign area may be used for individual identification signs uniform in size, shape, and lettering; and
 - (2) Contain a reader board.
- b. Setback requirements.** Each sign shall be set back at least two feet from the property line.
- c. Height limit.** No sign shall exceed the following height limits, as applicable.
- (1) **Building-mounted signs.** A building-mounted sign shall not exceed the height limit of the building or 35 feet, whichever is less.
 - (2) **Freestanding signs.** A freestanding sign shall not exceed the height of the tallest building on the site;
 - (3) **Freeway information area.**
 - (a) A freeway information (FI) area is established to include an area bounded: on the west by a line drawn 50 feet west of the west right-of-way line or Cherokee Lane or 500 feet west of the west right-of-way line of the U.S. Highway 50-99 freeway, whichever is greater; and on the east by a line drawn 500 feet east of the east right-of-way line of the U.S. Highway 50-99 freeway; and on the north and south by the then-current City limits.
 - (c) A sign within the FI area shall not exceed a height of 75 feet.
- 4. O district.** Each sign within the O zoning district shall comply with the following standards.
- a. Size and type of signs allowed.**
- (1) Signs shall not exceed one square foot of sign area for each two linear feet of street frontage, up to a maximum sign area of 200 square feet. The maximum allowable area of signs for an office use located on a corner parcel shall be calculated by using 75 percent of the length of the total street frontage;
 - (2) The size, location, and design of the sign is visually complementary and compatible with the size and architectural style of the primary structures on the site, any

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prominent natural features of the site, and structures and prominent natural features on adjacent properties on the same street; and

(3) No sign shall be lighted so that light shines on neighboring properties.

b. Setback requirements. Each sign shall be set back at least ten feet from the property line.

c. Height limit. No building mounted sign shall exceed a height of 20 feet. No freestanding sign shall exceed a height of 8 feet, sign plus base.

C. Mixed Use zoning district sign standards. The regulation of the location, size, type and number of signs permitted shall be governed by the provisions of this Section.

1. Downtown Mixed Use and Mixed Use Center Districts. Each sign within the DMU and MCE zoning districts shall comply with the following standards.

Signs must be more than just a way to relay information; they must be an architectural extension of a building. The objective of the standards and guidelines is not to create uniformity, but to eliminate those elements that result in a cluttered and unattractive physical environment. Few outward features of a business display the owner's confidence and quality as well as signage. These basic parameters provide for creative signs that may still be as varied and different as the businesses they represent.

a. Permitted Sign Types

(1) **Flush-Mounted or Painted Wall Signs.** Cabinet "canned" signs shall be prohibited.

(2) **Projecting Signs** – provided:

(a) They leave no less than eight (8') clear above the finished grade, and extend no more than four (4) feet out from the wall;

(b) They are not mounted above the first floor:

(3) **Awning and Canopy Signs** - Awnings are primarily for shade and secondarily a sign location. Letters and graphics are limited to vertical surfaces and shall not exceed fifty percent (50%) of the surface area. Internally illuminated vinyl awnings are not permitted.

(4) **Free Standing Signs** - Pole-mounted and/or other forms of free standing signs shall not be permitted in the downtown district. Exceptions, subject to City review are:

(a) **Directory signs or kiosks** - These may be considered for sidewalk locations; those for private arcades or buildings should be on private property, located in publicly accessible courts, accessways, or passages.

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- (b) **Portable signs** - Menu boards for restaurants, etc. provided they are stored indoors after hours of operation and not placed to obstruct the public sidewalk.

b. Sign Size

- (1) **Building Mounted Signs** - The maximum area for each permitted sign type or any combination thereof shall be one (1) square foot per one (1) linear foot of tenant street frontage. Maximum sign length shall not exceed seventy-five percent (75%) of the tenant space frontage.
- (2) **Free Standing Signs** - Per City review.

c. Exemptions

- (1) **Temporary Signs** - limited to sales and or/special events, and temporary construction signs, limited to a length of time not to exceed thirty (30) days per calendar year.
- (2) **Permanent Signs** - in addition to those permitted above shall be limited to:
 - (a) Existing built-in signs that are integral to the building design.
 - (b) Painted window signs that cover a maximum of twenty-five percent (25%) of the window area.
 - (c) Any sign identifying hours of operation that have an area of less than three (3) square feet.

d. Sign Maintenance - High levels of maintenance are essential if investment in the downtown is to be encouraged. Because signs are meant to be seen, maintenance is especially important.

- (1) **Paint** - Signs shall be retained in good condition, with touch-up or repainted as needed. Peeling paint should be replaced promptly.
- (2) **Repair** - Damaged signs and poles shall be repaired promptly or removed.
- (3) **Illumination** - Bulbs and fixtures shall be replaced promptly if they burn out or are broken.
- (4) **Awnings** - Awnings that are damaged and/or faded shall be repaired or replaced promptly.

e. Architectural Compatibility

Signs

A building’s architectural style and overall proportions should guide the design of signs. Signs should be located on the facade in areas designed for this function; e.g. a recessed or framed area between the first and second floor, or a parapet panel between shopfront and roofline.

f. Sign Types:

(1) **Flush-Mounted and Painted Wall Signs** - should align with major architectural elements, such as doors and windows. Ornamental elements, such as moldings, pilasters, arches, clerestory windows, roof eaves, or cornice lines should be used as a frame.

(a) **Relationship to Cornice or Roof Line** - Signs should not extend above the cornice line or into or above roof areas, unless they function as an integral part of the roof design. For example:

- A sign board may extend above the cornice line of an otherwise flat-topped building if it is designed as a parapet in keeping with the style of the rest of the building.
- A sign board may extend above an existing parapet, if it is located to function as an accent to the basic parapet design.

(2) **Projecting Signs**

(a) **Proportion** - Projecting signs with vertically-oriented messages should be slender in appearance, with a proportion of at least 2:1, height to width. Projecting signs with horizontally-oriented messages may be rectangular or square; if located below an awning or canopy as a hanging “blade” sign, they should also be slender, proportioned 2:1 width to height.

(b) **Structural support** - should be an attractive addition to the overall design of the sign and/or building. Ornamental metal is recommended. Wooden supports are also appropriate if designed to complement the sign; however, undetailed, standard-size lumber should not be used.

(c) **Relationship to cornice or roof line** - Projecting signs should not extend above the cornice line or into the roof area, unless they are an integral part of a completely new facade design or a faithful accent to existing architectural details or forms. Projection signs should not extend above the eave line of a sloped roof.

(3) **Awning and Canopy Signs:**

(a) **Color** - combinations for awning or canopy signs should be simple. Lettering color and background color should contrast for legibility. Subtle bands of color are appropriate for awnings; more complex patterns or textures should generally not be used.

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- (b) **Location of message: awnings** -Lettering should not appear on the sloped or curved portion. Information may be located on the valance (the front vertical portion).
 - (c) **Location of message: canopies** - Signs on canopies should be in the form of letters or a signboard integrated with the canopy fascia, or freestanding letters mounted on top and extending above the fascia.
- (4) **Other Sign Types:**
 - (a) **Figurative signs** - shaped to reflect the silhouette of a particular object (for example, a key, a coffee cup, etc.) are encouraged. These may be wall-mounted or projecting, but should reflect guidelines for the specific type of sign as listed above.
- (5) **Not Allowed:**
 - (a) **“Canned” signs** - are internally illuminated plastic panels within a sheet metal box enclosure. They should not be used. Inexpensive canned signs use a limited range of colors and lettering types, and tend to have no relationship to the architecture of the building.
 - (b) **Illuminated vinyl awning signs** - are more appropriate for “commercial strip areas” and shall not be used.
- g. **Materials** - Recommendations are:
 - (1) **Signboards** - of wood or metal, with painted or engraved letters, or mounted letters of wood or metal.
 - (2) **Silhouette or figurative signs** - three-dimensional letters, symbols, and/or ornamental figures made of wood or metal.
 - (3) **Custom neon** - exterior-mounted on a signboard or metal support frame or enclosure, or interior-mounted behind clerestory or display windows.
 - (4) **Fabric awnings** - such as canvas with painted or applied lettering; plastic or vinyl awnings should not be used.
- h. **Lighting** - Recommendations are:
 - (1) **Backlit** - with lighting inside and behind projecting lettering.
 - (2) **Top or bottom lit** - with single or multiple spotlights.

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2. **Mixed Use Corridor District.** Each sign within the MCO zoning district shall comply with the following standards.
 - a. **General Specifications and Requirements.** Signs within the MCO zoning district shall comply with the General Specifications and Requirements identified in Development Code Section 17.36.060.B.1.a.
 - b. **Free-standing signs.** The design of the multi-tenant pylon signs, multi-tenant monument signs and center identification monument sign shall be commensurate with the architecture of the development.
 - (1) **Center Identification Sign.** One (1) Center identification sign, no higher than 8 feet, shall be permitted. The sign shall be a single-sided, identifying the entrance to the Center. No tenant names shall be displayed on the identification sign.
 - (2) **Monument Signs.**
 - (a) One multi-tenant monument sign, no higher than 12 feet, shall be permitted. A shopping center of 10 acres or more may have two monument signs. These signs may have two-sided panels to identify multiple tenants within the shopping center; and
 - (b) The monument signs shall have a maximum of 84 square feet of tenant identification and 8 square foot of shopping center identity.
 - c. **Tenant Signage.** The sign program regulates the total allowed signage each tenant may have, based upon the frontages of each store. Tenant signage shall not exceed the total allowed maximum signage per tenant.
 - (1) Tenants shall be allowed 2 square feet of signage per lineal foot of frontage for the front elevation and 2 square feet of signage x 75% per lineal foot of frontage for side (end caps) and rear elevations;
 - (2) The signs may either be internally illuminated plex-faced channel letters or halo illuminated fabricated aluminum reverse pan channel letters; and
 - (3) Single pad tenants shall be allowed one wall sign per each business frontage facing a street, pedestrian plaza and/or parking lot. The total allowed sign area shall be 2 square feet of signage per lineal foot of frontage for the front elevation and 2 square feet of signage x 75% per lineal foot of frontage for side and rear elevations.

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Figure 3-10 Examples of Sign Types

17.36.070 - Standards for Specific Types of Signs

Proposed signs shall comply with the following standards where applicable, in addition to the sign area and height limitations, and other requirements of Section 17.36.060 (Zoning District Sign Standards), and all other applicable provisions of this Chapter.

- A. Awning signs.** The following standards apply to awning signs in all zoning districts where allowed by Section 17.36.060 (Zoning District Sign Standards).

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1. Signs on awnings are limited to ground level and second story occupancies only.
2. Awnings shall not be internally illuminated. Indirect lighting may be allowed. Translucent awning materials are prohibited.
3. Awnings are primarily for shade and secondarily a sign location. Letters and graphics shall be limited to vertical surfaces and shall not exceed 50 percent of the surface area. Internally illuminated vinyl awnings are not permitted.

B. Freeway-adjacent outdoor advertising signs.

1. **Definitions.** For the purposes of this Subsection, the terms “advertising structure,” “advertising display,” “freeway,” “highway,” “landscaped freeway,” “person,” “sign,” and “to place” shall be defined in compliance with Business and Professions Code Section 5200 et seq. (the California Outdoor Advertising Act).
2. **Prohibited for freeway viewing.** No advertising display shall be placed or maintained on property adjacent to a freeway regardless of the applicable zoning district if the advertising display is designed to be viewed primarily by persons traveling on the freeway.
3. **Exemptions.** The prohibition in Subsection C.2 shall not apply to advertising displays or structures placed upon property for the purpose of advertising the sale or lease of the property upon which the sign is placed.
4. **Size.** The advertising display or structure shall be not exceed 480 square feet.

C. Projecting signs. Projecting signs shall comply with the following standards.

1. **Proportion** - Projecting signs with vertically-oriented messages should be slender in appearance, with a proportion of at least 2:1, height to width. Projecting signs with horizontally-oriented messages may be rectangular or square; if located below an awning or canopy as a hanging “blade” sign, they should also be slender, proportioned 2:1 width to height.
2. **Structural support** - should be an attractive addition to the overall design of the sign and/or building. Ornamental metal is recommended. Wooden supports are also appropriate if designed to complement the sign; however, undetailed, standard-size lumber should not be used.
3. **Relationship to cornice or roof line** - Projecting signs should not extend above the cornice line or into the roof area, unless they are an integral part of a completely new facade design or a faithful accent to existing architectural details or forms. Projection signs should not extend above the eave line of a sloped roof.

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D. Temporary signs. Temporary signs are allowed in all zoning districts subject to the following requirements. Temporary signs include banner signs.

1. On-site signs.

- a. Maximum area and height.** Sign area shall not exceed six square feet and sign height shall not exceed 48 inches.
- b. Number.** No more than one temporary on-site sign shall be placed on any parcel.
- c. Duration.** No temporary sign shall be in place for more than 30 days, and after removal, the site shall be free from temporary signs for a minimum of 30 days.

E. Window signs. The following standards apply to window signs in all zoning districts where allowed.

- 1. Window signs shall be allowed only on windows located on the ground level and second story of a building frontage.
- 2. Permanent and temporary signs shall not occupy more than 20 percent of the total window area.
- 3. Signage shall consist of individual letters, logos, or symbols applied to the glass surface; however, neon signs with transparent backgrounds may be hung inside the window glass line.

F. Programmable Electronic Signs. The following standards apply to Programmable Electronic Signs:

- 1. Programmable Electronic Signs are only permitted upon the issuance of a Use Permit by the Planning Commission. As part of the Use Permit review, the Planning Commission shall consider the following:
 - a. Area of programmable electronic signage;
 - b. Location of programmable electronic signage;
 - c. Height of programmable electronic signage;
 - d. Intensity of light due to programmable electronic signage; and
 - e. Frequency of message change on the Programmable Electronic Sign.
- 2. Programmable Electronic Signs shall comply with the size, location, and height requirements of the underlying zoning district.
- 3. Programmable electronic signs shall be limited to one-third (1/3) the area of the sign to which it is permitted to be attached.
- 4. The content of Programmable Electronic signs shall be limited to non-commercial or on-site commercial messages, in any combination, but may not be used for off-site commercial messages.

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17.36.080 - Exceptions to Sign Area Standards

The Director or other applicable Review Authority may grant an administrative deviation to the allowed area of a sign in compliance with Section 17.52.060 (Variations and Administrative Deviations) if it is first determined that:

- A. The position or setback of the building on the site requires additional area for effective signing. The exception may increase the allowed sign area by up to 25 percent; or
- B. The exceptional size of the structures, uses, or site requires additional sign area for effective identification from major approaches to the site. The exception may increase the allowed sign area by up to 25 percent; or
- C. The name of the business or use to be identified is exceptionally long, so that sign readability would be impaired by crowding words into the allowable sign area. The exception may increase the allowed sign area by up to 25 percent; or
- D. Signing proposed is indistinguishable from the architecture itself (supergraphic design) or achieves the level of sculptural art.

17.36.090 - Sign Maintenance

All signs within the City shall be maintained in good condition and repair, as follows.

- A. **Awnings.** Awnings that are damaged and/or faded shall be promptly repaired or replaced.
- B. **Illumination.** Bulbs and fixtures shall be promptly replaced if they burn out or are broken.
- C. **Paint.** The paint on each sign shall be maintained in good condition, with touch-up or repainting as needed. Peeling paint should be promptly replaced.
- D. **Repair.** A damaged sign and/or pole shall be promptly repaired, or removed from the site.

17.36.100 - Nonconforming Signs

A nonconforming sign is any permanent or temporary sign that was legally established and maintained in compliance with the provisions of all applicable laws in effect at the time of original installation but that does not now comply with the provisions of this Zoning Ordinance.

- A. **General requirements.** A nonconforming sign may not be:
 - 1. Changed to another nonconforming sign;
 - 2. Structurally altered to extend its useful life;
 - 3. Expanded;
 - 4. Re-established after a business is discontinued for 60 days; or

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5. Re-established after damage or destruction to 50 percent or more of the value of the sign, or its components, as determined by the Building Official.

B. Abatement. Signs not conforming to the provisions of this Chapter shall be brought into compliance or removed upon the following circumstances:

1. **Abandonment.** Any discontinuance or abandonment of a nonconforming sign shall result in a loss of legal nonconforming status of the sign.
2. **Modification.** Any proposed modification to the non-conforming sign structure or copy shall result in a loss of legal nonconforming status of the sign.

17.36.110 - Violations and Abatement

A. Public nuisance declared by Director. Any sign erected or maintained contrary to the provisions of this Chapter may be declared to be a public nuisance by the Director and proceedings for its removal may take place in compliance with Chapter 17.90 (Enforcement of Zoning Ordinance Provisions).

B. Removal of abandoned sign, sign shell, and support structures. A sign, sign shell, and support structures shall be removed by the owner or lessee of the premises upon which the sign is located when the business that it advertises is no longer conducted on the premises. If the owner or lessee fails to remove the sign and sign shell, the Director shall give the owner 30 days written notice to remove it. Upon failure to comply with the notice, the Director may have the sign removed at the owner's expense. Proceedings for the removal of signs and/or support structures shall comply with Chapter 17.90 (Enforcement of Zoning Ordinance Provisions).

17.36.120 - Judicial Review

Any permit issued or denied in compliance with this Chapter shall be subject to expedited judicial review in accordance with the time limits set forth in Code of Civil Procedure Section 1094.8 et seq.

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CHAPTER 17.38 - STANDARDS FOR SPECIFIC LAND USES

Sections:

- 17.36.010 - Purpose of Chapter
- 17.36.020 - Applicability
- 17.36.030 - Child Day Care Facilities
- 17.36.040 - Residential Care Facilities and Senior Apartments
- 17.36.050 - Residential Density Bonus
- 17.36.060 - Home Occupations
- 17.36.070 - Mobile Home Parks
- 17.36.080 - Outdoor Display and Retail Activities
- 17.36.090 - Outdoor Storage
- 17.36.100 - Recreational Vehicle Parks
- 17.36.110 - Recycling Facilities
- 17.36.120 - Residential Accessory Uses and Structures
- 17.36.130 - Second Dwelling Units
- 17.36.140 - Telecommunications Facilities

17.36.010 - Purpose of Chapter

This Chapter provides site planning and development standards for land uses that are allowed by Article 2 (Zoning Districts and Allowable Land Uses) in individual or multiple zoning districts, and for activities that require special standards to mitigate potential impacts.

17.36.020 - Applicability

Land uses and activities covered by this Chapter shall comply with the provisions applicable to the specific use, in addition to all other applicable provisions of this Development Code.

- A. Where allowed.** The uses that are subject to the standards in this Chapter shall be located in compliance with the requirements of Article 2 (Zoning Districts and Allowable Land Uses).
- B. Land use permit requirements.** The uses that are subject to the standards in this Chapter shall be authorized by the land use permit required by Article 2, except where a land use permit requirement is established by this Chapter for a specific use.

17.36.030 – Child Day Care Facilities

This Section provides location and operational standards for child day care facilities, in compliance with State law and in a manner that recognizes the needs of child care operators and minimizes effects on adjoining properties. These standards apply in addition to the other provisions of this Development Code and the requirements of the California Department of Social Services. Licensing by the Department of Social Services is required for all facilities.

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The establishment of a child day care facility shall comply with Article 2 (Zoning Districts and Allowable Land Uses), and the following criteria and standards.

- A. **Small family day care homes (8 or fewer children).** Allowed within a single-family residence located in a residential zoning district.

- B. **Large family day care homes (9 to 14 children).** Allowed within a single-family residence located in a residential zoning district subject to a Minor Use Permit. The review of the Minor Use Permit will be based upon compliance with the following standards:
 - 1. The facility shall comply with all applicable State and fire codes.
 - 2. Location requirements. A separation of 300 feet shall be required from any other large family day care home.
 - 3. Fencing. A six-foot high fence or wall shall be constructed on all property lines or around the outdoor activity areas, except in the front yard or within a traffic safety visibility area.
 - 4. Noise standards. The facility shall not exceed City noise limits as established by the City's General Plan.
 - 5. Outdoor lighting. On-site exterior lighting shall be allowed for safety purposes only, shall consist of low wattage fixtures, and shall be directed downward and shielded.
 - 6. Parking. Parking shall be provided in compliance with Chapter 4.04 (Parking Standards).
 - 7. Swimming pools/spas prohibited. No swimming pool/spa shall be installed on the site after establishment of the family day care center, due to the high risk and human safety considerations. Any pool/spa existing on the site prior to application for approval of a family day care center shall be removed prior to establishment of the use, unless the Director determines that adequate, secure separation exists between the pool/spa and the facilities used by the children.

- C. **Child day care centers (15 or more children).** Allowed in the zoning districts determined by Article 2 (Zoning Districts and Allowable Land Uses), subject to Use Permit approval, in compliance with Section 17.52.050 and the following standards:
 - 1. **Standards for child day care centers.** The following standards shall apply to child day care centers.
 - a. **Size.** The minimum parcel size for a child day care center shall be 10,000 square feet;
 - b. **Parking.** Off-street parking shall be as determined through Use Permit approval, but shall be a minimum of one space per employee, plus one space for each five children.
 - c. **Pick-up and Drop-off zone.** A safe area for picking up and dropping off children shall be provided. This activity shall only be allowed in a driveway, in an approved parking area, or in an area with direct access to the facility.

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- d. **Noise.** Potential noise sources shall be identified during the Use Permit process, and noise attenuation and sound dampening shall be addressed. Noise levels shall be in compliance with the most recent guidelines of the Noise Element of the General Plan.
- e. **Outdoor lighting.** On-site exterior lighting shall be allowed for safety purposes only, shall consist of low wattage fixtures, and shall be directed downward and shielded.
- f. **Fencing.** A six-foot high fence or wall shall be constructed on all property lines or around the outdoor activity areas, except in the front yard or within a traffic safety visibility area.
- g. **Alternative standards.** Alternatives to the standards of this Section may be authorized through the Use Permit approval if the review authority determines that:
 - (1) The intent of these standards is met; and
 - (2) There will be no detriment to surrounding properties or residents.

17.36.040 - Residential Care Facilities and Senior Apartments

A. Applicability: Residential care facilities shall be allowed as follows.

- 1. **Residential Care Facility with six or fewer residents.** Allowed within a single-family residence located in a residential zoning district.
- 2. **Residential Care Facility with seven or more residents.** Allowed as described in Article 2 (Land Use, General Development Standards, Design Guidelines) subject to a Use Permit. The review of the Use Permit will be based upon compliance with the following standards:
 - a. **Limitation on impacts.** The use shall not create impacts on surrounding properties neighborhoods that are no more significant than would be caused by standard multi-family rental projects.
 - b. **Parking reduction.** The review authority may grant a reduction in off-street parking requirements for a residential care facility, provided that the project shall include the following when a parking reduction is proposed:
 - (1) A minimum of five percent of the total indoor floor area shall be devoted to educational, recreational, and social facilities (e.g., library, multi-purpose common room, recreation room, TV room); and
 - (2) Common laundry facilities of sufficient number and accessibility, consistent with the number of living units.
 - c. **Location requirements.** A separation of 300 feet shall be required from any other residential care facility.
- 3. **Project changes.** If a residential care facility approved in compliance with this Section is changed to another use (for example, the project converts to a conventional unrestricted

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multi-family project), the project shall be modified to meet all applicable standards of this Development Code.

- B. Senior apartments and independent living centers.** Senior apartments and independent living centers are multi-family residential projects reserved for senior citizens, where common facilities may be provided (for example, recreation areas), but where each dwelling unit has individual living, sleeping, bathing, and kitchen facilities.
 - 1. General design standards.** Senior apartments and independent living centers shall comply with the provisions of Section 17.38.050 (Multi-Family Dwellings), except as otherwise provided by this Section.
 - 2. Off-street parking.** Off-street parking shall comply with Chapter 17.34 (Off-Street Parking and Loading Standards). The review authority may restrict the total number of resident cars to be parked on-site or designate specified on-site parking spaces for employee or visitor parking only.
 - 3. Additional uses.** Additional facilities, including skilled nursing and/or intermediate care facilities, and personal services (for example, beauty salon, physical therapy) may be allowed through Use Permit approval, without requiring additional parking, provided that these facilities shall only be for the private use of project residents.

17.36.050 - Residential Density Bonus

- A. Purpose.** The Residential Density Bonus provisions of this Code are adopted pursuant to the provisions of California Government Code Sections 65915-65918. The purpose of adopting this Chapter is to encourage affordable housing by providing the incentive of increased density and such other Incentives provided by this Chapter.
- B. Definitions.**
 - 1. Approving Authority** is as defined in this Development Code.
 - 2. Child Care Facility** means a child day care facility other than a family day care home, including, but not limited to, infant centers, preschools, extended day care facilities, and school-age child care centers.
 - 3. Density Bonus** means an increase in density over the otherwise maximum allowable residential density under the applicable general plan designation as of the date of filing of an application for Density Bonus with City.
 - 4. Development Standard** means the site, development, or construction standards and/or conditions of approval that apply to a residential development.
 - 5. Housing Development** means one or more groups of projects for residential units constructed within a Large Lot Parcel. For the purposes of this chapter, "Housing Development" also includes a subdivision or common interest development as defined in Section 1351 of the Civil Code and consists of residential units or unimproved residential lots.
 - 6. Incentive** means a reduction in site development standards or a modification of zoning

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code requirements or architectural design requirements that exceed the minimum building standards approved by the California Building Standards Commission. An Incentive can be requested by the applicant for purposes of reducing the cost of development to make the project financially feasible. The term “Incentive” includes the term “concession” as that term is used in California Government Code Section 65915-65918.

7. **Low Income** is defined as less than 80% of the area median income, as defined by Section 50079.5 of the California Health and Safety Code.
8. **Low Income Unit** is defined as a unit with an affordable rent or payment that does not exceed 30% of 60% of area median income adjusted for family size appropriate for the unit.
9. **Moderate Income** is defined as less than 120% of the area median income, as defined in Section 50093 of the California Health and Safety Code.
10. **Moderate Income Unit** is defined as a unit with an affordable rent or payment that does not exceed 35% of 110% of area median income adjusted for family size appropriate for the unit.
11. **Very Low Income** is defined as less than 50% of the area median income, as defined in Section 50105 of the California Health and Safety Code.
12. **Very Low Income Unit** is defined as a unit with an affordable rent or payment that does not exceed 30% of 50% of the area median income, adjusted for family size appropriate for the unit.
13. **Senior Citizen Housing Development** is defined as a housing project where residency is restricted to persons 62 years of age or older, or 55 years of age or older in a Senior Citizen Housing Development per Sections 51.3 and 51.12 of the California Civil Code.

C. Application Requirements

A Density Bonus may be approved pursuant to a request for approval of a Density Bonus, provided the request complies with the provisions of this Chapter. Each application for a density bonus request shall be accompanied by the following:

1. A site plan that identifies all units in the project including the location of the affordable units and the bonus units.
2. A narrative briefly describing the Housing Development and shall include information on:
 - a. The number of units permitted under the General Plan,
 - b. The total number of units proposed in the project,
 - c. The number of affordable and/or senior units,
 - d. The number of bonus units requested based on the tables provided in Section 17.36.050 of this Chapter,
 - e. A breakdown of units proposed for Very Low, Low, Moderate Income, Senior

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Citizen, and/or market rate units, and

- f. Any requested Incentive(s), including an explanation as to why the Incentive(s) is required for the Housing Development.
3. Information indicating that appropriate and sufficient infrastructure capacity is available to serve the Bonus Units.
4. Any such additional information in support of a request for a Density Bonus as may be requested by the Director.

D. Eligibility for Bonus

A developer of a Housing Development containing five or more units may qualify for a Density Bonus and at least one other Incentive as provided by this Chapter if the developer does one of the following:

1. Agrees to construct and maintain at least 5 percent of the units dedicated to Very Low Income households;
2. Agrees to construct and maintain at least 10 percent of the units dedicated to Lower Income households;
3. Agrees to construct and maintain at least 10 percent of the units in a common interest development (as defined in Section 1351 of the California Civil Code) dedicated to Moderate Income households, provided that all units in the development are offered to the public for purchase;
4. Agrees to construct and maintain a Senior Citizen Housing Development as defined in Section 17.36.000 of this Chapter;
5. Includes a qualifying Child Care Facility as described in Section 17.36.000 of this Chapter in addition to providing housing as described in items 1-3 of this Section.

E. Density Bonus Calculation and Allowance

1. **State Law Preemption.** Pursuant to State Law, the granting of a Density Bonus or the granting of a Density Bonus together with an Incentive(s) shall not be interpreted, in and of itself, to require a general plan amendment, specific plan amendment, rezone, or other discretionary approvals.
2. **Density Bonus Calculation.** An applicant must choose a Density Bonus from only one applicable affordability category in below Subsection 3 and may not combine categories with the exception of child care facilities, which may be combined with an affordable Housing Development, for an additional Density Bonus up to a combined maximum of 35 percent.
3. **Density Bonus Allowance.** In calculating the number of units required for Very Low, Low and Moderate Income households, the Density Bonus units shall not be included. In no event shall a Density Bonus exceed 35 percent. A Housing Development that satisfies all applicable provisions of this Chapter shall be allowed the Density Bonuses as described in Table 3-8:

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TABLE 3-8

Density Bonus Category	Minimum Affordability Required	Density Bonus Permitted	Increase in Density Bonus Permitted
<i>Very Low Income</i>	At least 5% of the total units of a housing development are restricted for very low income households	20 to 35%	An additional 2.5% density bonus increase for each additional 1% increase in very low income units above the initial 5% threshold
<i>Low Income</i>	At least 10% of the total units of a housing development are restricted for low income households	20 to 35%	An additional 1.5% density bonus increase for each additional 1% increase in low income units above the initial 10% threshold
<i>Moderate Income</i>	At least 10% of the total dwelling units in a common interest development are restricted for persons/families of moderate income	5 to 35%	An additional 1% density bonus increase for each additional 1% increase in moderate income units above the initial 10% threshold
<i>Senior</i>	No affordability requirement	20%	No affordability requirement
<i>Child Care</i>	Incorporation of a child care facility as part of a project that is eligible for a density bonus	As determined by the Director	N/A

F. Eligibility and Application Requirements for Incentives

1. **Available Incentives.** A Housing Development qualifying for a Density Bonus may be entitled to at least one Incentive. Incentives may include, but are not limited to:
 - a. A reduction in site development standards such as:
 - (1) Reduced minimum lot sizes and/or dimensions;
 - (2) Reduced minimum lot setbacks;
 - (3) Reduced minimum outdoor and/or private outdoor living area;
 - (4) Increased maximum lot coverage;
 - (5) Increased maximum building height and/or stories;
 - (6) Reduced on-site parking requirements;

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- (7) Reduced street standards.
- b. A reduction in architectural design requirements.
- c. A Density Bonus greater than the amount required by this Chapter.
- d. Other regulatory Incentives proposed by the developer or the City, which result in identifiable, financially sufficient, and actual cost reductions.
- e. If an applicant qualifies for a Density Bonus pursuant to this Chapter, the applicant may request, in addition to any requested Incentive(s), that the a reduced parking requirement be applied to the project in place of the City's current parking requirements. The parking requirement is inclusive of handicapped and guest parking for the entire Housing Development, but shall not include on-street parking spaces in the count towards the parking requirement.

G. Child Care Facilities

- 1. Child Care Facility Density Bonus.** When an applicant proposes to construct a Housing Development that is eligible for a Density Bonus under this Chapter and California Government Code Section 65917.5, and includes a Child Care Facility that will be located on the premises or adjacent to the Housing Development, the City shall grant either:
 - a. An additional Density Bonus that is an amount determined by the Director; or
 - b. An additional Incentive that contributes significantly to the economic feasibility of the construction of the Child Care Facility.
- 2. Child Care Facility Requirements.** The City shall require, as a condition of approving the Housing Development, that the following occur:
 - a. The Child Care Facility shall remain in operation for a period of time that is as long as or longer than the period of time during which the affordable units are required to remain affordable per this Chapter; and
 - b. Of the children who attend the Child Care Facility, the children of Very Low Income households, Low Income households or families of Moderate Income households shall equal a percentage that is equal to or greater than the percentage of affordable units in the Housing Development that are required for Very Low, Low or families of Moderate Income households.
- 3. Child Care Facility Criteria.** The City shall not be required to provide a Density Bonus or Incentive for a Child Care Facility if it finds, based upon substantial evidence, that the community has adequate child care facilities.

H. General Guidelines

- 1. Location of Bonus Units.** As required by California Government Code Section 65915(g), the location of Density Bonus units within the qualifying Housing Development may be at the discretion of the developer, and need not be in the same area of the project where the units for the Low Income households are located as long as the Density Bonus units are

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located within the same Housing Development.

2. **Infrastructure and Supply Capacity.** Criteria to be considered in analyzing the requested bonus will include the availability and capacity of infrastructure (water, sewer, storm drain, road capacity, etc.) and water supply to accommodate the additional density.

I. Findings for Approval for Density Bonus and or Incentive(s).

1. **Density Bonus Approval.** The following finding shall be made by the Approving Authority in order to approve a Density Bonus request:
 - a. The Density Bonus request meets the requirements of this Chapter.
2. **Density Bonus Approval with Incentive(s).** The following findings shall be made by the Approving Authority in order to approve a Density Bonus and Incentive(s) request:
 - a. The Density Bonus request meets the requirements of this Chapter;
 - b. The Incentive is required in order to provide affordable housing; and
 - c. Approval of the Incentive(s) will have no specific adverse impacts upon health, safety, or the physical environment or on any real property that is listed in the California Register of Historical Resources and for which there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact without rendering the development unaffordable to Very Low, Low, and Moderate Income households.
3. **Denial of a Request for an Incentive(s).** The Approving Authority shall make the following findings prior to disallowing an Incentive (in the case where an accompanying Density Bonus may be approved, or in the case of where an Incentive(s) is requested for Senior Housing or Child Care Facility):
 - a. That the Incentive is not necessary in order to provide for affordable housing costs or for rents for the targeted units to be set as specified in this Chapter.
 - b. That the Incentive would result in specific adverse impacts upon health, safety, or the physical environment or on any real property that is listed in the California Register of Historical Resources and for which there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact without rendering the development unaffordable to Very Low, Low, and Moderate Income households.

J. Affordable Housing Agreement Required.

1. **Agreement Required.** In approving a Density Bonus, the associated permit or tentative map shall require that an Affordable Housing Agreement, or other form of agreement as approved by the City Attorney, effectuating the terms of affordability of the development be executed prior to effectuation of the permit or recordation of the final map or issuance of a building permit.
2. **Continued Availability.** The Density Bonus request shall include the procedures proposed by the developer to maintain the continued affordability of all affordable income Density Bonus units and shall be evidenced by an Affordable Housing Agreement as follows:

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- a. An applicant shall agree to, and the City shall ensure, continued affordability of all Very Low and Low Income Units that qualified the applicant for the award of the Density Bonus for 30 years or a longer period of time if required by the construction or mortgage financing assistance program, mortgage insurance program, or rental subsidy program. Rents for the Lower Income Density Bonus units shall be set at an affordable rent as defined in Section 17.36.000 of this Chapter. Owner-occupied units shall be available at an affordable housing cost as defined in Section 17.36.000 of this Chapter.
- b. An applicant shall agree to, and the City shall ensure that, the initial occupants of the Moderate Income units are directly related to the receipt of the Density Bonus in the common interest development as defined in Section 1351 of the California Civil Code, are persons and families of Moderate Income, as defined in Section 17.36.000 of this Chapter and that the units are offered at an affordable housing cost, as that cost is defined in Section 17.36.000 of this Chapter. The City shall enforce an equity-sharing agreement unless it is in conflict with the requirements of another public funding source or law. The following apply to the equity-sharing agreement:
 - (1) Upon resale, the seller of the unit shall retain the value of any improvements, the down payment, and the seller's proportionate share of appreciation. The City shall recapture any initial subsidy and its proportionate share of appreciation, which shall then be used within three years for any of the purposes described in subdivision (e) of Section 33334.2 of the California Health and Safety Code that promote homeownership.
 - (2) For purposes of this subdivision, the City's initial subsidy shall be equal to the fair market value of the home at the time of initial sale minus the initial sale price to the moderate-income household plus the amount of any down payment assistance or mortgage assistance. If upon resale the market value is lower than the initial market value, then the value at the time of the resale shall be used as the initial market value.
 - (3) For purposes of this subdivision, the City's proportionate share of appreciation shall be equal to the ratio of the initial subsidy to the fair market value of the home at the time of initial sale.

17.36.060 – Home Occupations

The following standards for home occupations are intended to provide reasonable opportunities for employment within the home, while avoiding changes to the residential character of a dwelling that accommodates a home occupation, or the surrounding neighborhood, where allowed by Article 2 (Zones, Allowable Land Uses, and Development Standards).

- A. Business License required.** A home occupation shall require a City Business License.
- B. Limitations on use.** The following are examples of business activities that may be approved as home occupations, and uses that are prohibited as home occupations.
 - 1. Uses allowed as home occupations.** The following and other uses determined by the Director to be similar may be approved by the Director in compliance with this Section.
 - a. Art and craft work (ceramics, painting, photography, sculpture, etc.);

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- b. Tailors, sewing, etc.; and
 - c. Office-only uses, including an office for an architect, attorney, consultant, counselor, insurance agent, planner, tutor, writer, etc., and electronic commerce.
- 2. Uses prohibited as home occupations.** The following are examples of business activities that are not incidental to or compatible with residential activities, and are, therefore, prohibited as home occupations:
- a. Adult entertainment activities/businesses;
 - b. Animal hospitals and boarding facilities;
 - c. Automotive and other vehicle repair and service (body or mechanical), painting, storage, or upholstery, or the repair, reconditioning, servicing, or manufacture of any internal combustion or diesel engines, or of any motor vehicle, including automobiles, boats, motorcycles, or trucks;
 - d. Contractor's and other storage yards;
 - e. Dismantling, junk, or scrap yards;
 - f. Fitness/health facilities (except that one-on-one personal trainers may be allowed);
 - g. Insurance and real estate offices offices;
 - h. Medical clinics, laboratories, or doctor's offices;
 - i. Personal services as defined in Article 10 (Glossary), except that licensed massage therapy and physical therapy may be allowed as home occupations in compliance with this Section;
 - j. Parking on, or dispatching from the site any vehicle used in conjunction with an automobile wrecking or towing service, or with a taxi or similar passenger or delivery service, whether based on the site or elsewhere;
 - k. On-site sales, except that mail order businesses may be allowed where there is no stock-in-trade on the site;
 - l. Uses that require explosives or highly combustible or toxic materials;
 - m. Welding and machine shop operations;
 - n. Wood cutting businesses;
 - o. Barber/beauty/nail shops;
 - p. Dance/night clubs;
 - q. Food preparation for commercial purposes;

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- r. Fortune telling (psychics);
- s. Photography studios (not including photo processing);
- t. Plant nursery;
- u. Retail or wholesale sales of products stored at the residence, except that mail order businesses may be allowed where there is no stock-in-trade on the site; and
- v. Other uses the Director determines to be similar to those listed above.

C. Operating standards. Home occupations shall comply with all of the following operating standards.

- 1. Accessory use.** The home occupation shall be clearly secondary to the full-time use of the property as a residence.
- 2. Location of home occupation activities.** All home occupation activities shall be confined to one room within the primary dwelling, which shall not occupy more than 25 percent of the gross floor area of the ground floor. A garage or other enclosed accessory structure may be used for home occupation purposes only if required off-street parking spaces are continually maintained. Horticulture activities may be conducted outdoors, but only on the rear one-third of the site.
- 3. Visibility.** The use shall not require any exterior modification to the structure not customarily found in a dwelling, nor shall the home occupation activity be visible from a public right-of-way, or from neighboring residential properties.
- 4. Signs.** No signs are permitted in conjunction with the use, other than one name plate, not exceeding one square foot in area, and only if attached flush to a wall of the structure. There shall be no advertising signs.
- 5. Safety.** Activities conducted and equipment or material used shall not change the fire safety or occupancy classifications of the premises. The use shall not employ the storage of explosive, flammable, or hazardous materials beyond those normally associated with a residential use.
- 6. Off-site effects.** No home occupation activity shall create dust, electrical interference, fumes, gas, glare, light, noise, odor, smoke, toxic/hazardous materials, vibration, or other hazards or nuisances as determined by the Director.
- 7. Outdoor display or storage.** There shall be no window display or outdoor storage or display of equipment, materials, or supplies associated with the home occupation. Tools or equipment connected with the business shall be operated so as to be imperceptible at or beyond the property line.
- 8. Employees.** A home occupation shall have no on-site employees other than full-time residents of the dwelling.
- 9. Client/customer visits.** The home occupation shall involve no on-site clients except for:

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- a. Home occupations in live/work units;
 - b. Tutoring or instruction of children by appointment; and
 - c. Applicants with a demonstrated mobility handicap.
- 10. Motor vehicles.** There shall be no motor vehicles used or kept on the premises, except residents' passenger vehicles, and/or one pickup truck, van, or similar vehicle not exceeding 1.5 ton carrying capacity. The home occupation shall not involve the use of commercial vehicles for delivery of materials to or from the premises in a manner different from normal residential usage, except for FedEx, UPS, or USPS-type home deliveries/pick-ups. The Commission may authorize other types and/or additional vehicles with Use Permit approval.
- 11. Utility service modifications.** No utility service to the dwelling shall be modified solely to accommodate a home occupation, other than as required for normal residential use.
- D. Home working operations.** Small-scale commercial wood and metal working may be authorized by Minor Use Permit as a home occupation, provided that the review authority may require conditions of approval limiting hours of operation, noise levels, and/or any other aspect of the operation, to ensure compatibility with on-site and adjacent residential uses.

17.36.070 - Mobile Home Parks

A proposed mobile home park shall comply with the following minimum standards. The review authority may impose additional, more restrictive, requirements in the interest of public health, safety, and welfare, to the extent allowed by State law.

- A. Overall mobile home park site standards.** The site for the mobile home park shall comply with the following standards.
- 1. **Minimum site area:** 20 acres.
 - 2. **Maximum density:** 10 units per acre.
 - 3. **Boundary landscape building setback.** Each park shall provide a building setback and a planting strip of at least 10 feet in width where trees shall be planted and where general screening and/or a fence shall be provided. Where any portion of the park fronts on a public street or right-of-way, the setback shall be 25 feet.
 - 4. **Perimeter wall/fence.** A six-foot high solid masonry wall shall be provided around the entire perimeter of the mobile home park subject to the setback requirements of this Section.
 - 5. **Parking.** Parking shall be provided in compliance with Chapter 17.34 (Parking and Loading).
 - 6. **Recreational vehicle parking.** A supplemental parking area for recreational vehicles may be allowed as part of the Use Permit approval for the project.

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7. **Accessory uses.** A mobile home park may contain accessory retail and service uses for the convenience of the residents provided that these uses shall be specifically authorized by the park Use Permit.

B. Individual mobile home site standards. Each individual mobile home site shall comply with the following standards.

1. **Minimum site area.** Individual mobile home sites and contiguous public walkway areas shall contain a minimum of 3,000 square feet of area for a single-wide mobile home unit and 4,000 square feet for a double-wide mobile home.
2. **Parcel dimensions.** Individual mobile home parcels shall be a minimum of 40 feet in width and 70 feet in length.
3. **Setbacks.** Individual mobile homes shall be set back five feet from all lot lines, including front and rear, except for any side or rear line abutting the mobile home park property line, in which case the minimum setback shall be 25 feet.
4. **Carport.** Each mobile home site shall be provided an individual carport, with its location and design as approved through the mobile home park Use Permit.

17.36.080 - Outdoor Display and Retail Activities

A. Accessory outdoor display. Outdoor displays incidental and complementary to an allowed use on commercially or publicly zoned parcels shall comply with the following standards.

1. An outdoor display shall be:

- a. Appropriately located and designed in a manner and color to be compatible with the adjacent structures;
- b. Approved with a defined fixed location that does not disrupt the normal function of the site or its circulation, and does not encroach upon driveways, landscaped areas, parking spaces, or any public right-of-way except in the DMU zone with Encroachment Permit approval. No display shall obstruct traffic safety sight areas or otherwise create hazards for vehicle or pedestrian traffic;
- c. Directly related to a business occupying a permanent structure on the site;
- d. Limited to on-site locations; provided that a display within the DMU zone may extend into or enter over any public sidewalk by a maximum of two feet, where authorized by an Encroachment Permit;
- f. Managed so that display structures and goods are maintained at all times in a clean and neat condition, and in good repair;
- g. Placed so that the clear space for the passage of pedestrians is not reduced to less than six feet. Any placement on a public sidewalk or otherwise within a public right-of-way shall be prohibited, except within the downtown where such placement shall require Encroachment Permit approval;
- h. Placed to not block structure entrances and on-site driveways; and

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- i. Portable and removed from public view at the close of each business day.
- 2. **Outdoor displays shall not be:**
 - a. Placed so as to impede or interfere with the reasonable use of the store front windows for display purposes; and
 - b. Placed in front of a business that does not normally sell the items on display.
- 3. **Signs.** The outdoor display shall not involve signs other than those normally allowed for the subject use by Chapter 17.36 (Sign Standards).

B. Newsstands and flower stands.

- 1. **Location requirements.** News and flower stands shall:
 - a. Be located parallel and adjacent to the wall of a structure, and shall not extend over any public sidewalk except within the DMU zoning district. Freestanding news and flower stands are allowed only as roofed kiosks;
 - b. Not be located:
 - (1) Within three feet of a display window of any structure abutting the sidewalk, or so as to interfere with or restrict the reasonable use of the window for display purposes;
 - (2) Within 1,000 feet of another news or flower stand, or florist, provided that this requirement may be reduced by the Director if the proposed use is determined not to be detrimental to public safety and welfare.
- 2. **Design and construction requirements.**
 - a. Stands shall be soundly constructed of wood, metal, or other suitable permanent material, and designed in a manner and color to be compatible with the adjacent structures whether opened or closed. Security doors shall be designed as an integral part of the structure.
 - b. Shelving shall not exceed eight feet in height nor two feet in depth.
- 3. **Maintenance.** The news or flower stand shall be maintained in a clean and neat condition and in good repair, at all times.
- 4. **Signs.**
 - a. Stands shall not be used for advertising or publicity purposes. Signs shall be for identification only, with size and design in compliance with Chapter 17.36 (Sign Standards).
 - b. The owners or operators of the outdoor news or flower stand shall display, in a place readily visible to the public, a telephone number and address where the owners may be reached.

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5. **Parking.** In approving an outdoor news or flower stand, the Director shall determine that some on-site parking or adequate on-street or other public parking is available in a commercial zoning district within a reasonable distance of the stand.
6. **Additional product sales.** In addition to the sale of newspapers, magazines, and other periodicals, for newsstands, and flowers and plants, for flower stands, the owners or operators may sell other related accessory products, not to exceed 10 percent of the total merchandise displayed.
7. **Encroachment Permit.** If a news or flower stand is proposed within a public right-of-way, the owners or operators shall apply for an Encroachment Permit from the Public Works Department before applying for approval of the stand by the Department.
8. **Hours of operation.** Hours of operation of news and flower stands shall be determined by the Director and shall be posted on-site.

17.36.090 - Outdoor Storage

This Section provides standards for the establishment of outdoor storage areas, in compliance with Article 2 (Zoning Districts and Allowable Land Uses).

- A. **Location.** Storage areas shall be limited to areas not designated for parking, setbacks, or landscaping.
- B. **Enclosure required.** 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 this Section. The required fence or wall shall:
 1. Be not less than six feet;
 2. Incorporate design elements to limit easy climbing and access by unauthorized persons;
 3. Walls abutting a right-of-way shall comply with Section 17.30.080 (Walls, Fences, and Hedges); and
 4. Be subject to approval by the Director.
- C. **Operations.** All raw materials, equipment, or finished products stored or displayed shall:
 1. Be stored in a manner that they cannot be blown by wind from the enclosed storage area;
 2. Except in the M zoning district, not be stored above the height of the enclosing wall or fence within 10 feet of the wall or fence (fence height shall comply with Section 17.30.080);
 3. Not be placed or allowed to remain outside the enclosed storage area; and
 4. Be stored on a surface paved with asphalt or concrete.

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- D. Maintenance.** All portions of outside storage and display areas shall have provisions for adequate drainage, and shall be continuously maintained.

17.36.100 - Recreational Vehicle Parks

The location, development and operation of a recreational vehicle (RV) park shall comply with the following requirements.

- A. Minimum site area.** The site for an RV park shall be a minimum of one acre, when not part of a mobile home park.
- B. Maximum density.** The number of RV spaces in a park shall not exceed 15 units per acre of site area.
- C. Parking space area and width.** Each RV space shall be at least 1,800 square feet in area, and a minimum width of 30 feet.
- D. Setbacks.** Each recreational vehicle space shall be located a minimum of five feet from any side property line and 10 feet from any rear property line.
- E. Screening.** A minimum 25-foot wide landscaped buffer area shall be provided along all public streets adjoining the park. A minimum 10-foot wide landscaped buffer area shall be provided along all interior property lines. No RV space shall encroach into the landscaped buffer areas.
- F. Parking.** One parking spur shall be provided for each RV space. The maximum grade for the last 25 feet of any spur shall be two percent. At least 70 percent of all spurs shall be designed to accommodate both a motor vehicle (e.g., auto, truck, etc.) and a trailer. Parking spurs shall not be located closer together than 40 feet on center.
- G. Roadways.** Each RV space shall abut and have direct access to a roadway of at least 24 feet in width, which shall be surfaced with asphaltic concrete, or an appropriate alternative approved by the review authority.
- H. Signs.**
- 1. Sign program.** An overall sign program shall be prepared for each RV park, including any proposed free-standing signs and signs on structures. The plan may also provide for internal signs (those not visible from off-site roadways or adjoining property) that are strictly directional in nature.
 - 2. Allowable signs and sign area.** An RV park shall be allowed up to 80 square feet of sign area visible from external roadways and adjoining property, consisting of up to two free-standing signs and one wall sign.
 - a. A single sign shall not exceed 40 square feet in total area.
 - b. The maximum height of a free-standing sign shall be 25 feet.

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- I. **Accessory commercial uses.** An RV park may provide commercial uses for the convenience of campers as approved by the review authority, provided that the uses shall not occupy more than 500 square feet for each 50 spaces.
- J. **Manager's quarters.** Living quarters may be provided for the use of a caretaker or manager. The living quarters may be either a mobile home or permanent dwelling unit.

17.36.110 - Recycling Facilities

This Section provides locational and operational standards for the establishment of various types and sizes of commercial recycling facilities, in compliance with Article 2 (Zoning Districts and Allowable Land Uses). Recycling facilities shall comply with the following standards.

- A. **Reverse vending machines.** Reverse vending machines shall comply with the following standards.
 - 1. **Accessory use only.** The machines shall be installed as an accessory use in compliance with the applicable provisions of this Development Code, and shall not require additional parking.
 - 2. **Location requirements.** If located outside of a structure, the machines shall not occupy required parking spaces, and shall be constructed of durable waterproof and rustproof materials.
 - 3. **Maximum size.** When located outdoors, the area occupied by the machines shall not exceed 50 square feet, including any protective enclosure, nor eight feet in height.
 - 4. **Signs.** Signs shall not exceed a maximum area of four square feet for each machine, exclusive of operating instructions.
 - 5. **Hours of operation.** The machines shall have operating hours which are consistent with the operating hours of the primary use.
 - 6. **Lighting.** The machines shall be illuminated when needed to ensure comfortable and safe operation.
- B. **Small collection facilities.** Small collection facilities shall comply with the following standards.
 - 1. **Location requirements.** Small collection facilities shall:
 - a. Not be located within 50 feet of any parcel zoned or occupied for residential use; and
 - b. Be set back at least 10 feet from any public right-of-way, and not obstruct vehicular or pedestrian circulation.
 - 2. **Maximum size.** A small collection facility shall not occupy more than 350 square feet nor three parking spaces, not including space that would be periodically needed for the removal of materials or exchange of containers.
 - 3. **Appearance of facility.** Collection containers and site fencing shall be of a color and design that is compatible and harmonious with the surrounding uses and neighborhoods.

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- 4. Operating standards.** Small collection facilities shall:
 - a. Not use power-driven processing equipment, except for reverse vending machines;
 - b. Accept only glass, metal or plastic containers, paper, and reusable items; and
 - c. Use containers that are constructed with durable waterproof and rustproof material(s), secured from unauthorized removal of material, and shall be of a capacity sufficient to accommodate materials collected and the collection schedule.

- 5. Signs.** Signs may be provided as follows:
 - a. Identification signs are allowed with a maximum area of 15 percent for each side of the structure or 12 square feet, whichever is greater. In the case of a wheeled facility, the side shall be measured from the ground to the top of the container;
 - b. Signs shall be both compatible and harmonious with the character of their location; and
 - c. Directional signs, consistent with Chapter 17.36 (Signs) and without advertising message, may be approved by the Director if found necessary to facilitate traffic circulation, or if the facility is not visible from the public right-of-way.

- 6. Parking requirements.**
 - a. No additional parking space shall be required for customers of a small collection facility located in the established parking lot of the main use. One space shall be provided for the attendant, if needed.
 - b. Mobile recycling units shall have an area clearly marked to prohibit other vehicular parking during hours when the mobile unit is scheduled to be present; and
 - c. Use of parking spaces by the patrons and the attendant shall not reduce available parking spaces below the minimum number required for the main use unless a parking study shows that existing capacity is not fully utilized during the time the recycling facility would be on the site.

- C. Large collection facilities.** A collection facility that is larger than 350 square feet, or on a separate parcel not accessory to a primary use, shall comply with the following standards.
 - 1. Location requirements.** The facility shall not abut a parcel zoned for residential use.
 - 2. Container location.** Any containers provided for "after hours" donation of recyclable materials shall be permanently located at least 100 feet from any residential zoning district, constructed of sturdy, rustproof material(s), have sufficient capacity to accommodate materials collected, and be secured from unauthorized entry or removal of materials; and
 - 3. Screening.** The facility shall be screened from public rights-of-way, by solid masonry walls or located within an enclosed structure.
 - 4. Setbacks, landscaping.** Structure setbacks and landscaping shall be provided as required for the applicable zoning district.

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5. **Outdoor storage.** Exterior storage of material shall be in sturdy containers that are secured and maintained in good condition. Storage, excluding truck trailers, shall not be visible above the height of the required solid masonry walls.
6. **Operating standards.**
 - a. The site shall be maintained clean, sanitary, and free of litter and any other undesirable materials, and shall be cleaned of loose debris on a daily basis;
 - b. Dust, fumes, odor, smoke, or vibration, above ambient levels, shall not be detectable on adjoining parcels.

D. Processing facilities. Processing facilities shall comply with the following standards.

1. **Location requirements.** The facility shall not abut a parcel zoned or occupied for residential use.
2. **Limitation on use.** Light processing facilities are limited to baling, briquetting, compacting, crushing, grinding, shredding, and sorting of source-separated recyclable materials and repairing of reusable materials.
3. **Maximum size.**
 - a. A light processing facility shall not exceed 45,000 square feet of floor or ground area, may have up to an average of two outbound truck shipments of material each day, and shall not bale, compact, or shred ferrous metals, other than beverage and food containers;
 - b. A heavy processing facility exceeds the standards for a light processing facility, and may perform functions not allowed at light processing facilities.
4. **Container location.** Containers provided for "after hours" donation of recyclable materials shall be permanently located at least 100 feet from any residential zoning district, constructed of sturdy, rustproof materials, have sufficient capacity to accommodate materials collected, and be secured from unauthorized entry or removal of the materials.
5. **Screening.** The facility shall be screened from public rights-of-way, by solid masonry walls or located within an enclosed structure.
6. **Outdoor storage.** Exterior storage of material shall be in sturdy containers or enclosures that are secured and maintained in good condition. Storage, excluding truck trailers, shall not be visible above the height of the required solid masonry walls.
7. **Operating standards.** Dust, fumes, odor, smoke, or vibration, above ambient levels, shall not be detectable on adjoining parcels.

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17.36.120 - Residential Accessory Uses and Structures

Where allowed in the applicable zoning district by Article 2 (Zoning Districts and Allowable Land Uses), residential accessory uses and structures shall comply with the following criteria and standards.

- A. Relationship of accessory use or structure to the main use.** Accessory uses and structures shall be incidental to and not alter the main use or character of the site.
- B. Timing of installation.** An accessory structure shall be constructed concurrent with or subsequent to the construction of a main structure on the property unless a Use Permit is first obtained in compliance with Section 17.52.050 (Use Permits).
- C. Location.** The location of all accessory structures shall comply with all applicable California Building Code standards, and the following requirements:
 - 1. A structure greater than 30 inches in height above finished grade and attached to a main structure shall comply with the requirements for the main structure. A detached structure (deck or patio) greater than 30 inches in height shall not be constructed in a required setback unless Director approval is first obtained;
 - 2. An accessory structure greater than 120 square feet shall not be closer than three feet to any other accessory structure on the same property, and shall comply with all other requirements of the applicable zoning district. An accessory structure shall not be located within a required front yard setback and shall maintain side and rear setbacks of at least five feet;
 - 3. An accessory structure that is 120 square feet or less shall not be located closer than three feet to a rear or side property line;
 - 4. An accessory structure shall not be located in a required front yard, except that decorative garden structures (e.g., small trellis or archway) shall be allowed.
- D. Maximum number of accessory structures.** A maximum of two accessory structures shall be allowed on any residentially zoned or residentially used property unless Site Plan and Architectural Approval is first obtained.
- E. Height limitations.**
 - 1. The height of an accessory structure that is 120 square feet or less shall not exceed eight feet unless Site Plan and Architectural Approval is first obtained in compliance with Section 17.52.030 (Site Plan and Architectural Approval). The height of an accessory structure with a floor area greater than 120 square feet shall comply with the height limits of the applicable zoning district;
 - 2. An accessory structure that is primarily a narrow, vertical element (e.g., flag pole, ham radio antenna, etc.) may be allowed to exceed the six foot height limit within the front or rear yard setback.
- F. Coverage and size limitations.** Accessory structures may occupy up to a maximum of 25 percent of a required side yard and up to a maximum of 30 percent of a required rear yard; provided that the aggregate site coverage for all structures on a parcel shall not exceed the maximum allowed in

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the applicable specific zoning district by Section 17.20.040 (Residential Zoning District General Development Standards).

G. Prohibited uses and activities.

1. **Outdoor vehicle repair.** No vehicle repair activities shall be conducted outdoors within a residential zone.
2. **Electrical service.** A parcel developed with a single-family dwelling shall have only one electrical service panel. Separate electrical service shall not be provided any accessory structure or guest house.

17.36.130 - Second Dwelling Units

- A. **Minimum site area.** A second dwelling unit may be permitted only on a parcel that complies with the minimum lot area requirements of the applicable zoning district.
- B. **Number of units allowed.** One second dwelling unit shall be allowed on a parcel in a single-family or multi-family zoning district developed with a main dwelling, but shall not be allowed on a parcel developed with two or more dwellings.
- C. **Location on site.** A second unit may be located on the site to be within, attached to, or detached from the existing main dwelling. A second unit may also be located above a detached garage.
- D. **Setbacks.** An attached second unit shall be subject to the same front, sides, and rear setback requirements applicable to the main dwelling. A detached second unit, including a unit placed over a detached garage, shall not be located within a required front yard setback, shall maintain side and rear yard setbacks of at least five feet, and shall maintain a six-foot separation from other accessory structures and the main dwelling unit.. More restrictive setbacks may be required through Site Plan and Architectural Approval.
- E. **Floor area limitations.** The habitable floor area of a second unit shall not be less than 300 square feet. The maximum square footage shall not exceed 640 square feet or 30 percent of the existing living area of the primary residence, whichever is less.
- F. **Architectural compatibility.** The second unit shall be architecturally compatible with the main dwelling unit and comply with all height and lot coverage requirements of the underlying zoning district.
- G. **Parking.** The second unit shall be provided with one off-street parking space in addition to that required for the main dwelling unit.
- H. **Illegal second units.** This Section shall not validate any existing illegal second unit. The standards and requirements for the conversion of an illegal second unit to a legal, conforming unit, shall be the same as for a new second unit.

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17.36.140 - Telecommunications Facilities

A. Purpose. The purpose of these regulations is to provide for the establishment of wireless communication facilities to protect the public health, safety, the general welfare and quality of life. These regulations are intended to supersede applicable provisions of the Lodi Municipal Code pertaining to wireless communication facilities and to establish flexible requirements for their governance which recognize the unique land use distribution and aesthetic characteristics of the City of Lodi.

B. Definitions.

1. **Antenna** means a device used in communications which transmits or receives radio signals.
2. **Building-Mounted** means mounted to the side of a building to the façade of a building, or to the side of another structure such as a water tank, church steeple, freestanding sign, or similar structure, but not to include the roof or any structure.
3. **California Public Utilities Commission (CPUC)** means the government agency which regulates the terms and condition of public utilities in the State of California.
4. **Cell Site** means a geographical area with a radius of two to eight miles that contains both transmitting and receiving antennas.
5. **Cellular** means an analog or digital wireless communication technology that is based on a system of interconnected neighboring cell sites, each of which contains antennas.
6. **Certificate of Public Convenience and Necessity** means a certificate issued by the California Public Utilities Commission.
7. **Co-location** means the locating of wireless communications equipment from more than one provider on a single building-mounted, roof-mounted or ground-mounted wireless communication facility.
8. **Ground-Mounted** means mounted to a pole, monopole, lattice tower or other freestanding structure specifically constructed for the purpose of supporting an antenna.
9. **Monopole** means a structure composed of a single spire used to support antennas or related equipment.
10. **Mounted** means attached or supported.
11. **Personal Communication Services** means digital low-power, high-frequency wireless radio communication technology that has the capacity for multiple communications services and will provide a system in which calls will be routed to individuals, regardless of location.
12. **Public Wireless Communication Facility** means a wireless communication facility that has been granted a Certificate of Public Convenience and Necessity or a Wireless Registration Number by the CPUC.
13. **Roof-Mounted** means mounted above the eave line of a building.

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14. Stealth Facility means any communication facility which is designed to blend into the surrounding environment, typically one that is architecturally integrated into a building or other concealing structure, and shall include and mean any concealed antenna.

15. Wireless Communication Facility means a structure that supports commercial antennas, microwave dishes and/or other related equipment that sends and/or receives radio frequency signals.

C. Applicability. All wireless communication facilities shall be required to comply with the regulations and guidelines contained herein.

D. Development Regulation and Criteria.

1. General Policy. As part of the application process, applicants for wireless communication facilities shall provide written documentation demonstrating a good faith effort to locate facilities in accordance with the following guidelines:

- a. Where possible, the applicant shall use stealth facilities or antennas that are architecturally integrated with a building or structure so as not to be recognized as an antenna.
- b. Facilities should be located where existing vegetation, buildings, or other structures provide the greatest amount of screening.
- c. Ground-mounted wireless facilities should be located in close proximity to existing above-ground utilities, such as electrical substations, utility poles, light poles, water tanks, or trees of comparable height.
- d. Wireless communication facilities shall be located in the following order of preference:
 - (1) Co-located with other wireless communication providers on existing poles.
 - (2) Located on an existing structure such as a building or tower.
 - (3) Located in an industrially zoned district.

2. Locational Criteria.

- a. Wireless communication facilities shall be allowed within the M zone subject to the review and approval of a Minor Use Permit.
- b. Wireless communication facilities shall be allowed within the CC and GC zones subject to the review and approval of a Use Permit.
- c. In no case may a wireless communication facility be established within 200 feet of any property used for residential purpose or 200 feet from any residentially zoned property.

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3. Development and Design Standards.

- a. Height – All zoning requirements relative to height shall apply to a wireless communication facility. However, a ten-foot height bonus may be permitted to provide for co-locations.
- b. Facilities shall be located to minimize views from the public right-of-way by siting them behind tall buildings or placing them near existing tall trees.
- c. Wireless communication facilities shall not bear any signs or advertising devices other than certification, warning or other required seals or legally required signs.
- d. All accessory equipment associated with the operation of a facility shall be located within a building enclosure or underground vault subject to City approval. If the equipment is to be located above ground, it shall be visually compatible with surrounding buildings and include sufficient landscaping to screen the structure from public view.
- e. Wireless communication facilities shall have subdued colors and use non-reflective materials which blend with surrounding materials and colors.
- f. Poles shall be designed to prevent unauthorized climbing.