

<p>CARNEGIE FORUM 305 WEST PINE STREET LODI, CALIFORNIA</p>	<p>AGENDA LODI PLANNING COMMISSION</p>	<p>REGULAR SESSION WEDNESDAY, OCTOBER 10, 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 – “September 12, 2012”
3. PUBLIC HEARINGS
 - a. Request for Planning Commission approval of a Use Permit to allow a Type-41 on-sale beer and wine license at King Tsin restaurant located at 1040 West Kettleman Lane Suite 1-A. (Applicant: Teresa Ju; File Number: 12-U-15)
 - b. Request for Planning Commission approval of a Use Permit to allow a Type-41 On-Sale Beer and Wine Alcoholic Beverage Control License located at 121 South School Street, Suite A (applicant: Scott Porter; File Number: 12-U-16)
 - c. Request for Planning Commission to Recommend to the City Council approval of the Draft Lodi Land Use and Development Code, Draft Zoning Map, and to certify the Negative Declaration

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
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. 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: (on second page)

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, SEPTEMBER 12, 2012**

1. CALL TO ORDER / ROLL CALL

The Regular Planning Commission meeting of September 12, 2012, was called to order by Vice Chair Kirsten at 7:10 p.m.

Present: Planning Commissioners – Cummins, Hennecke, Kiser, and Vice Chair Kirsten

Absent: Planning Commissioners – Heinitz, Jones, and Chair Olson

Also Present: Community Development Director Konrad Bartlam, Associate Planner Immanuel Bereket, Deputy City Attorney Janice Magdich, and Administrative Secretary Kari Chadwick

2. MINUTES

“August 8, 2012”

MOTION / VOTE:

The Planning Commission, on motion of Commissioner Cummins, Kiser second, approved the Minutes of August 8, 2012 as written.

3. PUBLIC HEARINGS

- a) Notice thereof having been published according to law, an affidavit of which publication is on file in the Community Development Department, Vice Chair Kirsten called for the public hearing to consider the 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)

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

Vice Chair Kirsten stated that he has property interest within the required radius to recuse himself from this item, but it would leave the Commission without a quorum. Director Bartlam stated that Vice Chair Kirsten can stay due to the rule of necessity.

Hearing Opened to the Public

- Ruben Larrazolo, applicant, 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 for an amendment to an existing Use Permit to allow a Type-47 On-Sale General Alcoholic Beverage Control License at 10 West Oak Street subject to the conditions in the resolution. The motion carried by the following vote:

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

- b) Notice thereof having been published according to law, an affidavit of which publication is on file in the Community Development Department, Vice Chair Kirsten called for the public hearing to consider the request of the Planning Commission for 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)

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

Hearing Opened to the Public

- Steve Opp, applicant, came forward to answer questions. Mr. Opp stated his appreciation for the opportunity to bring this project before the Planning Commission. He introduced a few key supporters Doug Davis with WMB Architects, Mike Harnack with Roland Construction, Ron Hiddle with Lodi Christian School.
- Commissioner Hennecke asked if the additional student population would create any additional traffic impact. Director Bartlam stated that during the review process other City departments have the opportunity to place conditions on the project. Public Works reviewed the traffic portion and did not feel there would be any issues.
- Commissioner Cummins stated his appreciation for the project and wished them well.

Public Portion of Hearing Closed

MOTION / VOTE:

The Planning Commission, on motion of Commissioner Cummins, Kiser second, approved the request for 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 subject to the conditions in the resolution. The motion carried by the following vote:

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

- c) Notice thereof having been published according to law, an affidavit of which publication is on file in the Community Development Department, Vice Chair Kirsten called for the public hearing to consider the request of the Planning Commission for 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)

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

Commissioner Kiser stated that he would like to make sure that the waste is removed from the property in a timely manner and would like to know how the grapes are being brought to the site. Associate Planner Bereket stated that the applicant would be the better person to address those questions.

Hearing Opened to the Public

- Mike Hakem, representative for the applicant, came forward to answer questions. Mr. Hakem introduced the owner, Anthony Scotto, and the engineer on the project, Steve Pechin. In response to Commissioner Kiser’s concerns Mr. Hakem stated that there will be two half-ton trucks delivering the grapes with no cueing taking place in any public right-of-way and the applicant understands the concerns for the waste removal and will live up to the conditions.
- Commissioner Hennecke asked how long the Scotto Family has been in business. Anthony Scotto, applicant, came forward to address the question. He stated that the Family has been in the wine business for five generations and they have been in their current location since 2007.

Public Portion of Hearing Closed

MOTION / VOTE:

The Planning Commission, on motion of Commissioner Kiser, Cummins second, approved the request for a Use Permit to establish a wine production facility at 1001 and 1101 East Lodi Avenue subject to the conditions in the resolution. The motion carried by the following vote:

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

4. PLANNING MATTERS/FOLLOW-UP ITEMS

None

5. ANNOUNCEMENTS AND CORRESPONDENCE

Director Bartlam wished Deputy City Attorney Janice Magdich 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.

Commissioner Cummins asked how the community is informed of the First Time Home Buyer program. Mr. Bartlam stated that there are a variety of ways. There is information available on our website and several of the lending agencies in town are aware of the program and can refer customers for assistance if needed. Staff has also met several times with the Lodi Realtors Association

7. DEVELOPMENT CODE UPDATE

- a. Staff presentation on the Draft Development Code Section 3, Landscape, Parking, Sign, and Specific Land Uses Standards.

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

Commissioner Cummins asked if roof mounted signs will be prohibited with this new ordinance. Director Bartlam stated that our ordinance already prohibits them, so there will be no change to that part of the code.

Vice Chair Kirsten asked if like the Billboard signs other non-conforming signs are grandfathered-in. Director Bartlam stated that would be correct. Kirsten asked about surface painted signs being prohibited. Bartlam stated that they would not be prohibited.

Opened for Public Comment

- None

Closed to Public Comment

8. ACTIONS OF THE SITE PLAN AND ARCHITECTURAL REVIEW COMMITTEE

None

9. ART IN PUBLIC PLACES

Vice Chair Kirsten gave a brief report regarding the meeting that occurred today. Kirsten asked about the skate park closure since one of the art projects was supposed to be at the Kofu Park location. Director Bartlam stated that there are several users that are just not taking care of the facility. There have been several events of vandalism, littering and reports of alcohol and drug use.

10. COMMENTS BY THE PUBLIC

None

11. COMMENTS BY STAFF AND COMMISSIONERS

Commissioner Hennecke asked about the Brown Act item that the State ruled on a few weeks ago. Deputy City Attorney Magdich stated that the Council is going to continue to follow the mandates even though the State has made it clear that there will not be any repercussions if it does not. Director Bartlam stated that the State can not mandate something that they are not willing to reimburse jurisdictions for.

12. REORGANIZATION

a. Planning Commission Chair & Vice Chair

MOTION / VOTE:

The Planning Commission, on motion of Commissioner Kiser, Hennecke second, approved the nomination of Commissioner Kirsten for the 2012/13 Planning Commission Chair position. There being no other nominations the motion carried by the following vote:

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

MOTION / VOTE:

The Planning Commission, on motion of Vice Chair Kirsten, Hennecke second, approved the nomination of Commissioner Jones for the 2012/13 Planning Commission Vice Chair position. There being no other nominations the motion carried by the following vote:

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

b. Planning Commission Representatives to: SPARC & Art In Public Places

MOTION / VOTE:

The Planning Commission, on motion of Vice Chair Kirsten, Cummins second, approved the nomination of Commissioner Kiser for the 2012/13 Planning Commission representative for the Site Plan and Architectural Review Committee position. There being no other nominations the motion carried by the following vote:

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

Noes: Commissioners – None
Absent: Commissioners – Heinitz, Jones, and Chair Olson

MOTION / VOTE:

The Planning Commission, on motion of Commissioner Cummins, Kiser second, approved the nomination of Commissioner Kirsten for the 2012/13 Planning Commission representative for the Art In Public Places Committee position. There being no other nominations the motion carried by the following vote:

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

13. ADJOURNMENT

There being no further business to come before the Planning Commission, the meeting was adjourned at 7:57 p.m.

ATTEST:

Konradt Bartlam
Planning Commission Secretary

Item 3a

**CITY OF LODI
PLANNING COMMISSION
Staff Report**

MEETING DATE: October 10, 2012

APPLICATION NO: Use Permit: 12-U-15

REQUEST: Request for Planning Commission approval of a Use Permit to allow a Type-41 on-sale beer and wine license at King Tsin restaurant located at 1040 West Kettleman Lane Suite 1-A. (Applicant: Teresa Ju; File Number: 12-U-15)

LOCATION: 1040 West Kettleman Lane, Suite 1-A
APN: 060-040-19

APPLICANT: Teresa Ju
1040 West Kettleman Lane, Suite 1-A
Lodi, CA 95240

PROPERTY OWNER: Doumit Al Shammas PTP
3754 J Street
Sacramento, CA 95816

RECOMMENDATION

Staff recommends that the Planning Commission approve the request of Ms. Teresa Ju for a Use Permit to allow a Type-41 on-sale beer and wine license at King Tsin restaurant located at 1040 West Kettleman Lane Suite 1A, subject to the conditions in the attached resolution.

PROJECT/AREA DESCRIPTION

General Plan Designation: MUC, Mixed Use Corridor
Zoning Designation: PD, Planned Development (15)
Property Size: 79,715 sq. ft. (Restaurant is approximately 3,411 square feet.)

The adjacent zoning and land use are as follows:

	ADJACENT ZONING DESIGNATIONS AND LAND USES		
	GENERAL PLAN	ZONING CLASSIFICATION	EXISTING LAND USE
North	MUC - Mixed Use Corridor	Planned Development-15	Retail uses, Residences
South	LDR, Low Density Residence	Planned Development-15	Low Density residences
East	MUC - Mixed Use Corridor	Planned Development-15	Various Commercial uses
West	MUC - Mixed Use Corridor	Planned Development-15	Various Commercial uses

SUMMARY

The applicant, Ms. Teresa Ju, is requesting approval for a Use Permit to allow a Type-41 on-sale beer and wine license at King Tsin restaurant located at 1040 West Kettleman Lane Suite 1-A. The project area contains a variety of commercial businesses such as a grocery store, restaurants and various retail stores. Because the census tract for the project site currently does not have an over concentration of liquor licenses, and since King Tsin restaurant is a full service restaurant, staff does not anticipate any problems with issuing the license. Staff is, therefore, recommending that the Planning Commission approve the request for an on-sale alcohol license (ABC Type 41) to serve beer and wine, subject to the conditions in the attached resolution.

BACKGROUND

The applicant has owned and operated the King Tsin restaurant formerly located at 121 South School Street. The restaurant open for business since 1983 and closed in May of this year. The applicant would like to relocate the business to 1040 West Kettleman Lane Suite 1-A. The subject property was previously used by a similar restaurant with an ABC Type 41 License. However, the restaurant has been out of business since October of 2011 and the owner of the previous business returned the ABC License to the Department of Alcoholic Beverage Control in November of 2011. Available City records indicate there are no outstanding code violations.

ANALYSIS

According to the applicant, King Tsin will offer a full breakfast, lunch and dinner menu. The restaurant will open from the hours of 9:00 a.m. to 9:30 p.m. Tuesday through Friday and 12:00 p.m. to 9:30 p.m. on Saturday and Sunday. The restaurant will be closed on Mondays. The restaurant measures approximately 3,411 square feet in size and provides seating for approximately 65 guests. On site parking is provided in the plaza which satisfies the parking requirement. The applicant requests a Use Permit approval to allow a Type 41 (Eating Place) ABC license, which authorizes the sale of beer and wine for consumption on or off the premise where sold. Type 41 prohibits the sale of distilled spirits and minors are allowed on the premise. In accordance with the State Department of Alcoholic Beverage Control (ABC) requirements, receipts from alcohol sale cannot be in excess of food sale receipts. ABC requires that restaurants with an alcohol license must operate and maintain the premise as a bona fide eating establishment.

Section 17.72.040 of the Lodi Municipal Code requires a Use Permit for new Off-Sale and On-Sale alcohol licenses as well as changes in license type. The City established the Use Permit requirement to gain local control over whether or not a license is appropriate for a particular location. ABC primarily controls issuance based on concentration of licenses within a particular Census Tract. Census Tract 43.06 covers the area south of Kettleman Lane, west of Sacramento Street, north of Harney Lane, and east of Ham Lane. According to ABC, Census Tract 43.06 contains 7 existing on-sale licenses with 8 on-sale licenses allowed based on the ABC criteria. Because there is no over concentration, the Planning Commission is not required to make a finding of public necessity or convenience in order to approve the on-sale Type-41 license. However, the Planning Commission will need to determine whether or not to grant the request based on the use and the location of the project.

Staff sent copies of the application to various City departments for comment and review. Their comments and requirements have been incorporated into the attached resolution. Staff has contacted the Lodi Police Department for their requirement for approval of the proposed on-sale beer, wine and distilled spirits application and they do not anticipate alcohol related problems. The Lodi Police Department recommends approval subject to the conditions outlined in the attached resolution.

Because King Tsin is a full service restaurant that would like to sell beer and wine with food, staff does not anticipate the alcohol sales portion of the business to create any problems. This operation would be similar to other restaurants within Lodi. The Planning Commission and the Planning staff have generally supported restaurants that wish to acquire an ABC on-sale beer and wine license because restaurants that serve beer and wine in conjunction with food sales 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, Guidelines §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." No significant impacts are anticipated and no mitigation measures have been required.

PUBLIC HEARING NOTICE:

Legal Notice for the Use Permit was re-advertised on September 28, 2012 and forty-one (41) public hearing notices were sent to all property owners of record within a 300-foot radius of the subject property as required by Government Code §65091 (a) (3).

ALTERNATIVE PLANNING COMMISSION ACTIONS:

- Approve the Use Permit with Alternate Conditions
- Deny the Use Permit
- Continue the Request

Respectfully Submitted,

Concur,

Immanuel Bereket
Associate Planner

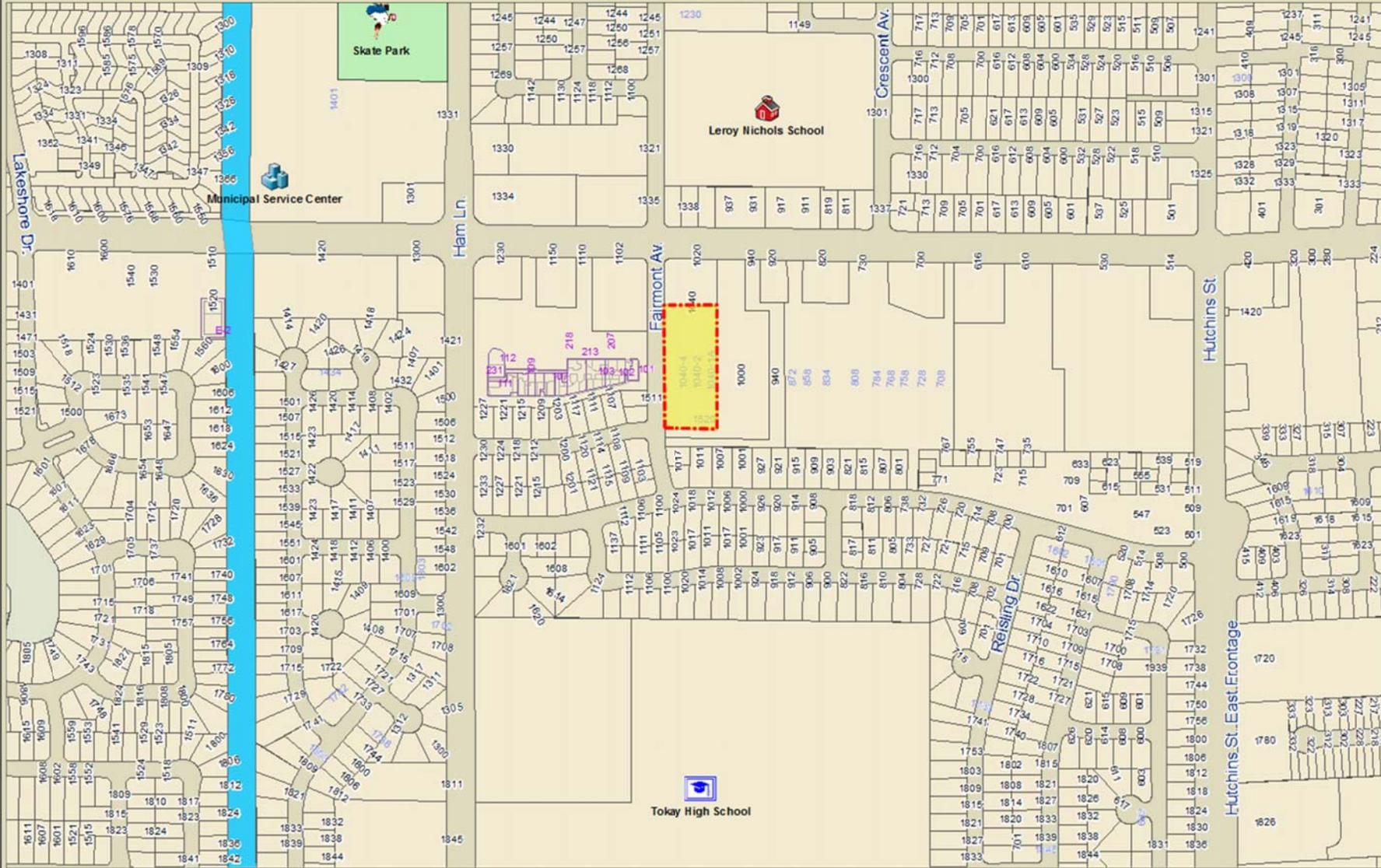
Konradt Bartlam
Community Development Director

ATTACHMENTS:

1. Vicinity Map
2. Aerial Map
3. Site Plan and Floor Plan
4. Menu
5. Draft Resolution



Vicinity Map



Legend

Landmarks

- ARCH
- CITYBUILDINGS
- CITYHALL
- COURT
- DOGPAK
- FIRESTATIONS
- HIGH SCHOOLS
- HOSPITALS
- LIBRARY
- LAND-MRKS
- PARKS
- POLICE
- POST OFFICE
- SCHOOLS
- SKATEPARK
- SOFTBALL
- STADIUM
- THEATRE
- TRAIN

Address

Railroads

Canal

Street Names

Parks

- BASINS
- PARKS

Parcels 2nd Story

- PARCELS
- PARCELS_ISLAND
- PARCELS_OUTSIDECL

Waterbodies

City Limits

Map Scale

1 : 4,060



NAD_1983_StatePlane_California_III_FIPS_0403_Feat
© City of Lodi Geographic Information Systems

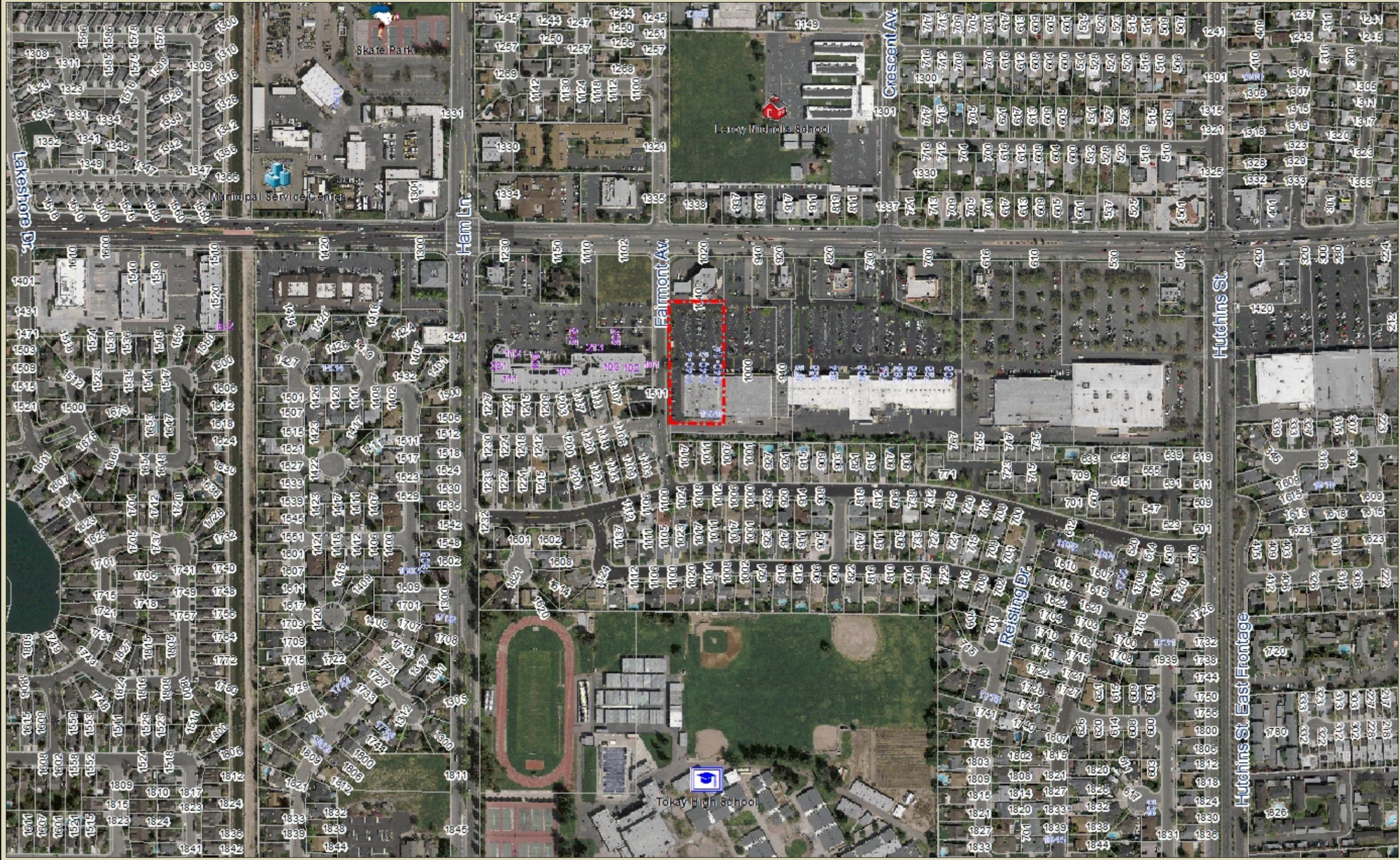
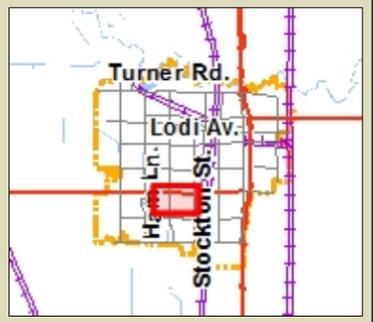
This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.
THIS MAP IS NOT TO BE USED FOR NAVIGATION

Notes

For Reference only.
King Tsai
1/14/2014 10:44 AM



Aerial Map



Legend

Landmarks

- ARCH
- CITYBUILDINGS
- CITYHALL
- COURT
- DOGPAK
- FIRESTATIONS
- HIGH SCHOOLS
- HOSPITALS
- LIBRARY
- LND-MRKS
- PARKS
- POLICE
- POST OFFICE
- SCHOOLS
- SKATEPARK
- SOFTBALL
- STADIUM
- THEATRE
- TRAIN

Address

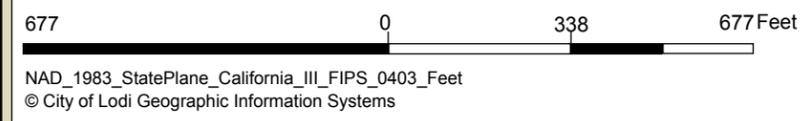
- Railroads
- Street Names
- Parcels (Outline)
- City Limits

2008 Apr 6 inch

- Red: Band_1
- Green: Band_2
- Blue: Band_3

Map Scale

1:4,060



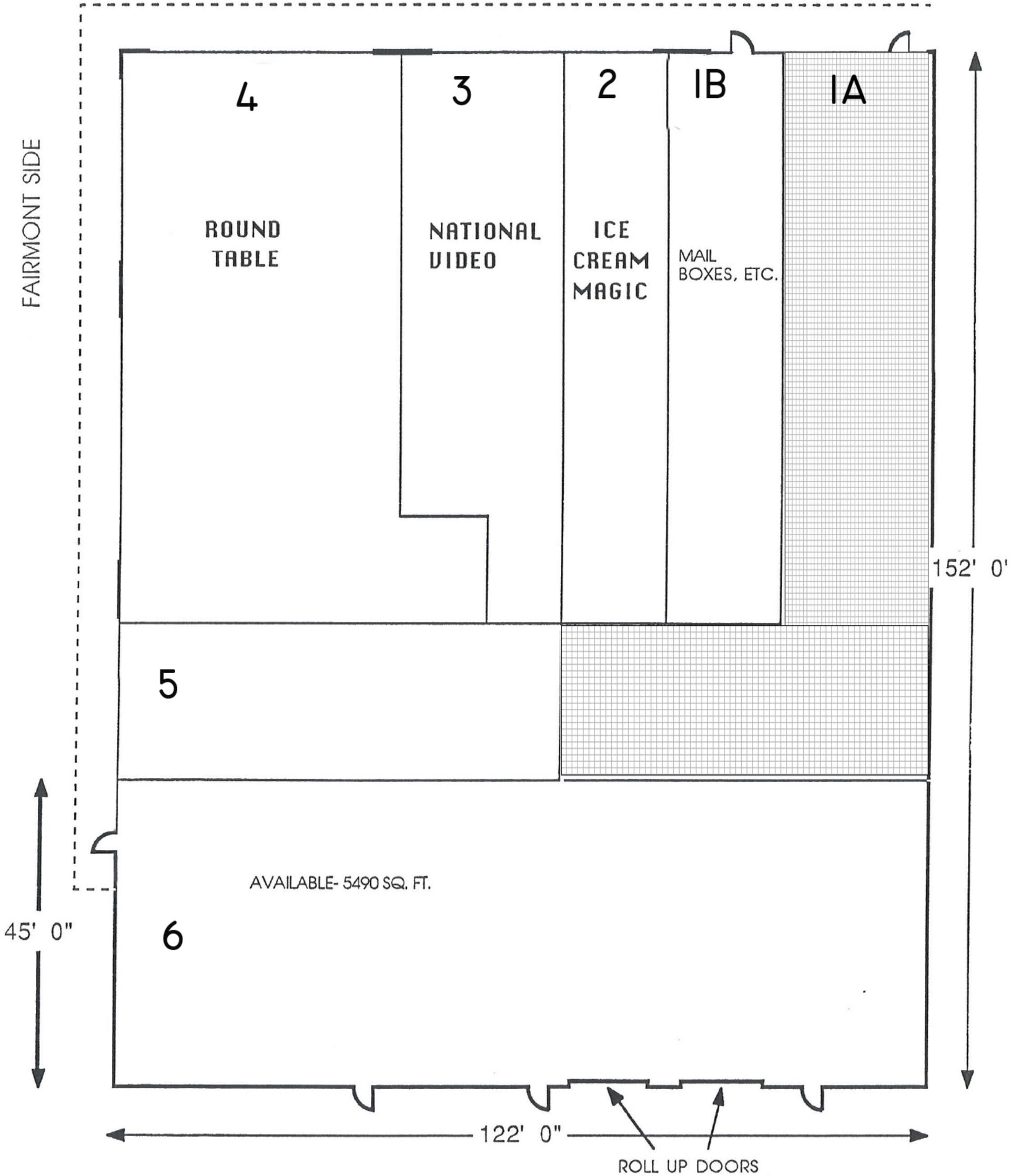
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THIS MAP IS NOT TO BE USED FOR NAVIGATION

Notes

For Reference only.
King Tsin
1040 West Kettleman Lane

KETTLEMAN LANE SIDE



KING SING
1040 WEST KETTLEMAN LANE, SUITE I-A
LODI, CA 95240



Not Scaled

Mandarin Dinners

W. For Two Persons

WON TON SOUP EGG ROLLS
SWEET & SOUR PORK
ALMOND CHICKEN
STEAMED RICE TEA

Z. For Four Persons

WON TON SOUP EGG ROLLS
SWEET & SOUR PORK
ALMOND CHICKEN
BROCCOLI BEEF
ASSORTED VEGETABLES
STEAMED RICE TEA

X. For Three Persons

WON TON SOUP EGG ROLLS
SWEET & SOUR PORK
ALMOND CHICKEN
ASSORTED VEGETABLES
STEAMED RICE TEA

Y. For Five Persons

WON TON SOUP EGG ROLLS
SWEET & SOUR PORK
ALMOND CHICKEN
BROCCOLI BEEF
MANDARIN PRAWNS
ASSORTED VEGETABLES
STEAMED RICE TEA

King Tsin Dinners

A. For Two Persons

SIZZLING RICE SOUP
FRIED WON TONS
MONGOLIAN BEEF
CASHEW NUT CHICKEN
STEAMED RICE TEA

B. For Three Persons

SIZZLING RICE SOUP
FRIED WON TONS
MONGOLIAN BEEF
CASHEW NUT CHICKEN
PRAWNS A LA KING TSIN
STEAMED RICE TEA

C. For Four Persons

SIZZLING RICE SOUP
FRIED WON TONS
MO SHU PORK
MONGOLIAN BEEF
CASHEW NUT CHICKEN
ASSORTED VEGETABLES
STEAMED RICE TEA

D. For Six Persons

SIZZLING RICE SOUP
FRIED WON TONS
SWEET AND SOUR FISH (WHOLE)
MONGOLIAN BEEF
CASHEW NUT CHICKEN
MO SHU PORK
ASSORTED VEGETABLES
STEAMED RICE TEA

E. For Eight Persons

SIZZLING RICE SOUP
FRIED WON TONS
SWEET & SOUR FISH (WHOLE)
MONGOLIAN BEEF
CASHEW NUT CHICKEN
MO SHU PORK
PRAWNS A LA KING TSIN
ASSORTED VEGETABLES
SMOKED TEA DUCK (HALF)
STEAMED RICE TEA



欣得福

KING TSIN

FOOD TO TAKE OUT
PHONE: (209) 334-0599

BUSINESS HOURS

TUES. ~ FRI.	SAT. ~ SUN.
11:30 AM ~ 2:30 PM	12:00-2:30 PM
4:30 PM ~ 9:30 PM	4:30-9:30 PM

CLOSED ON MONDAY

1040 W KETTLEMAN AVE., STE. 1A
LODI, CA 95240

頭 檔

1. 鍋 貼 POT-STICKERS (6).....
Chinese fried raviolis or chiao-tzu or kuo-teh.
2. 炸 饅 飽 FRIED WON TONS (12).....
3. 春 捲 SPRING ROLLS (3).....
4. 炸 蝦 仁 FRIED SHRIMP (10).....
5. 炸 魷 魚 FRIED SQUID.....
6. 炸 蘆 筍 FRIED ASPARAGUS.....
Available only when in season.
7. 炸 蟹 角 CRAB PUFFS.....

湯 類



(S) (M) (ML) (L)

8. 鍋 巴 湯 RICE SIZZLING SOUP.....
Chicken broth blended with shrimp, mushrooms, water chestnuts and sizzling golden rice crust.
9. 酸 辣 湯 HOT AND SOUR SOUP.....
10. 紫 菜 湯 SEA WEED SOUP.....
Choice imported flaky sea weed with mushrooms, shrimp and garden fresh peas.
11. 蛋 花 湯 EGG FLOWER SOUP.....
12. 三 鮮 湯 SAN SHAN SOUP.....
Shrimp, sea scallops, chicken and vegetables.
13. 菠 菜 湯 SPINACH BEAN CURD SOUP.....
Spinach with Chinese bean curd.
14. 冬 菇 雞 片 湯 FILLET CHICKEN WITH MUSHROOM SOUP.....
15. 饅 飽 湯 WON TON SOUP.....

蔬 菜 類

Appetizers



16. 芽 菜 肉 絲 BEAN SPROUTS WITH SHREDDED PORK.....
17. 素 三 鮮 SAN SHAN VEGETABLES.....
Mushrooms, bamboo shoots with pea pods.
18. 蠔 油 冬 菇 OYSTER SAUCED BLACK MUSHROOMS.....
19. 素 什 錦 NORTHERN STYLE VEGETABLES DELUXE.....
20. 蘭 豆 冬 菇 SNOW PEAS SAUTEED WITH BLACK MUSHROOMS.....
21. 干 扁 四 季 豆 DRIED SAUTEED STRING BEANS.....
22. 湖 南 豆 腐 HUNAN BEAN CURD.....
23. 蝦 仁 豆 腐 SHRIMP WITH BEAN CURD.....
24. 麻 婆 豆 腐 HOT BEAN CURD.....
25. 冬 菇 豆 腐 BLACK MUSHROOM WITH BEAN CURD.....
26. 紅 燒 豆 腐 BRAISED BEAN CURD.....
27. 冬 菇 菜 心 BLACK MUSHROOMS WITH CHINESE GREENS.....
28. 玉 香 茄 子 EGGPLANT WITH GARLIC SAUCE.....

HOT & SPICY

牛 肉

Beef



29. 蒙 古 牛 肉 MONGOLIAN BEEF.....
Sliced tender beef sauteed with green onion and garnished with long grain rice.
30. 綠 筍 牛 肉 BEEF WITH ASPARAGUS.....
Available only when in season.
31. 蘭 豆 牛 肉 SNOW PEAS BEEF.....
32. 干 蘭 牛 肉 BEEF WITH BROCCOLI.....
33. 玉 香 牛 肉 BEEF WITH FIVE KINDS OF SPICES.....
34. 蠔 油 牛 肉 OYSTER SAUCED BEEF.....
Sliced beef blended with choice imported oyster sauce and sliced bamboo shoots.
35. 薑 絲 牛 肉 GINGER BEEF.....
Sliced tender beef, ginger root and shredded bamboo shoots sauteed in our special sauce.
36. 重 慶 牛 肉 CHUNG CHING BEEF.....
37. 辣 椒 牛 肉 BEEF WITH HOT PEPPER.....
Sauteed beef slices with hot green pepper.
38. 宮 爆 牛 肉 KUNG PAO BEEF.....
39. 雙 冬 牛 肉 BEEF WITH DOUBLE MUSHROOMS.....
40. 湖 南 羊 肉 HUNAN STYLE LAMB.....
41. 蒙 古 羊 肉 MONGOLIAN LAMB.....

豬 肉

Pork



42. 回 鍋 肉 TWICE COOKED PORK.....
43. 櫻 桃 肉 CHERRY PORK.....
44. 糖 醋 肉 SWEET AND SOUR PORK.....
Fried pork tenderloin in sweet and sour sauce.
45. 冬 菇 肉 片 BLACK MUSHROOMS PORK.....
46. 魚 香 肉 絲 FISH-FLAVORED PORK.....
47. 蘭 豆 肉 片 SNOW PEAS PORK.....
48. 木 須 肉 MO SHU PORK (WITH 4 PANCAKES).....
49. 京 醬 肉 絲 PORK SAUTEED WITH PEKING SAUCE.....

雞 鴨 類

Fowl



50. 宮 爆 雞 丁 KUNG PAO CHICKEN.....
Szechuan style - tender pieces of chicken cubes sauteed in hot bean sauce.
51. 辣 子 雞 丁 SZECHUAN CHICKEN.....
52. 咖 喱 雞 丁 CURRY CHICKEN.....
53. 冬 菇 雞 丁 BLACK MUSHROOMS CHICKEN.....
54. 大 蒜 雞 丁 GARLIC CHICKEN.....
Sauteed, diced chicken with water chestnuts and onions in a garlic sauce.
55. 杏 仁 雞 丁 ALMOND CHICKEN.....
56. 腰 果 雞 丁 CASHEW NUT CHICKEN.....
Diced chicken meat with cashew nuts, bamboo shoots.
57. 醬 爆 雞 丁 CHICKEN WITH SOY BEAN SAUCE.....
58. 干 烹 雞 丁 KING TSIN CHICKEN.....
59. 檸 檬 雞 丁 LEMON CHICKEN.....
60. 蘭 豆 雞 丁 SNOW PEAS CHICKEN.....
61. 北 京 鴨 PEKING DUCK.....
Young duckling delicately prepared in our specially built oven served boneless with Peking pan-ping (a very thin Chinese pancake with scallions and plum sauce). (Served best with Chinese show-hang hot rice wine) (Order One Day Advance)
62. 樟 茶 鴨 SMOKED TEA DUCK..... (HALF) (WHOLE)
63. 油 淋 雞 CHUNKED CHICKEN WITH GINGER SAUCE (HALF) (WHOLE)
64. 干 烹 雞 MANDARIN CHICKEN.....

海 鮮

Seafood



65. 乾 燒 魚 HOT BRAISED FISH (WHOLE).....(S) (M) (L)
Fresh rock cod prepared with finely chopped water chestnuts, mushrooms, bamboo shoots, hot pepper and our special plum sauce. (Served best with white wine or cold beer)
66. 糖 醋 魚 SWEET AND SOUR FISH (WHOLE).....(S) (M) (L)
Fresh rock cod from San Francisco Bay, deep fried to a golden brown and topped with our special sweet and sour sauce.
67. 清 蒸 魚 STEAMED FISH.....(S) (M) (L)
Whole fish, steamed in wine sauce with ginger and green onion.
68. 炒 三 鮮 THREE INGREDIENTS.....
Chicken meat, shrimp and sea scallops, delicately blended and sauteed.
69. 玉 香 干 貝 SLICED SCALLOPS WITH GARLIC SAUCE.....
70. 全 家 福 SAUTEED "HAPPY FAMILY".....
Assorted seafood with meat and vegetables, also called "the eight delicacies"
71. 甜 醋 蝦 SWEET AND SOUR SHRIMP.....
72. 青 豆 蝦 仁 SHRIMP WITH GREEN PEAS.....
73. 咖 喱 蝦 仁 CURRY SHRIMP.....
74. 乾 燒 明 蝦 PRAWNS A LA KING TSIN.....
Large prawns sauteed with green onions in ginger sauce.
75. 鍋 巴 蝦 仁 SIZZLING RICE SHRIMP.....
Sauteed shrimp in sweet and sour sauce with sizzling golden rice crust.
76. 檸 檬 蝦 LEMON PRAWNS.....
77. 豆 豉 蝦 仁 BLACK BEAN SAUCE PRAWNS.....
78. 宮 爆 蝦 仁 PRINCESS PRAWNS.....
Deep fried prawns with our special hot sauce.
79. 蘭 豆 蝦 SNOW PEAS SHRIMP.....
80. 芙 蓉 大 蟹 KING TSIN CRAB..... MARKET PRICE
Please order in advance

麵 飯

Chow Mein, Noodle, Fried Rice

81. 肉 絲 炒 麵 PORK CHOW MEIN.....
82. 雞 絲 炒 麵 CHICKEN CHOW MEIN.....
83. 蝦 仁 炒 麵 SHRIMP CHOW MEIN.....
84. 什 錦 炒 麵 KING TSIN CHOW MEIN.....
85. 肉 絲 炒 飯 PORK FRIED RICE.....
86. 雞 絲 炒 飯 CHICKEN FRIED RICE.....
87. 什 錦 炒 飯 KING TSIN FRIED RICE.....
88. 蝦 仁 炒 飯 SHRIMP FRIED RICE.....
89. 肉 絲 湯 麵 PORK NOODLES.....
90. 什 錦 湯 麵 KING TSIN NOODLES.....
91. 炸 醬 麵 SPECIAL SAUCE NOODLES.....

甜 點 類

Desserts

92. 拔 絲 香 蕉 KING TSIN GLAZED BANANAS.....
93. 拔 絲 蘋 果 KING TSIN GLAZED APPLES.....
94. 冰 凍 荔 枝 CHILLED LYCHEE FRUIT.....

RESOLUTION NO. P.C. 12-

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LODI APPROVING THE REQUEST OF TERESA JU FOR A USE PERMIT TO ALLOW ON-SALE BEER AND WINE AT KING TSIN RESTAURANT LOCATED AT 1040 WEST KETTLEMAN LANE SUITE 1-A

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 Teresa Ju, 1040 W. Kettleman Lane, Suite 1-A, Lodi CA; and

WHEREAS, the property owner is Joe Doumit., 3754 J Street., Sacramento, CA 95816; and

WHEREAS, the property is located at 1040 West Kettleman Lane Suite 1-A, Lodi, CA (APN 060-040-19); and

WHEREAS, the property has a General Plan designation of MUC, Mixed Use Corridor and is Zoned P-D-15, Planned Development 15; and

WHEREAS, the Use Permit to allow the sale of beer and wine for on-site consumption within the restaurant is an enforcement action in accordance with the City of Lodi Zoning Ordinance; and

WHEREAS, Census Tract 43.06 in which the restaurant is located currently has no over concentration of licenses allowing on premise consumption of alcoholic beverages and the Planning Commission is not required to find public convenience or necessity in order to permit the issuance of an additional Alcohol Beverage Control license in this tract; and

WHEREAS, the State Department of Alcoholic Beverage Control (ABC) has training available that clearly communicates State law concerning the sale of alcoholic beverages; and

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

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 PD-15 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 and wine, in accordance with a Type 41 Alcoholic Beverage Control License and with the conditions attached herein, would be consistent and in harmony with the Mixed Use Corridor General Plan Land Use Designation and PD-15 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 PD 15Zoning 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. 12-U-15 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 41. The Type 41 License shall be limited to on-site sale and consumption of beer and wine 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 shall require the Applicant/Operator and/or successors in interest and management to secure an ABC Type 41 license, On Sale Beer and Wine – Eating Place.
8. Prior to the issuance of a Type 41 ABC license, the Applicant/Operator 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.
9. 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.
10. 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.
11. The exterior of all the premises shall be maintained in a neat and clean manner, and maintained free of graffiti at all times.
12. The applicant/project proponent and/or developer and/or successors in interest and management shall obtain Operational Permit issued by the Lodi Fire Department, and meet all the conditions outlined in therein. The Fire Department may be contact at the Lodi Fire Department, 25 East Pine Street, Lodi, CA 95240-2127. Phone Number (209) 333-6739.
13. 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.
14. 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.
15. No variance from any City of Lodi adopted code, policy or specification is granted or implied by this approval.

Dated: October 10, 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 October 10, 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: October 10, 2012

APPLICATION NO: Use Permit: 12-U-16

REQUEST: Request for Planning Commission approval of a Use Permit to allow a Type-41 On-Sale Beer and Wine Alcoholic Beverage Control License located at 121 South School Street, Suite A (applicant: Scott Porter; File Number: 12-U-16)

LOCATION: 121 South School Street, Suite A
APN: 043-043-16
Lodi, CA 95240

APPLICANT: Scott Porter
426 West Lockeford Street
Lodi, CA 95240

PROPERTY OWNER: Downtown Partners LLC
4350 East Camelback Rd, Suite E-250
Phoenix, AZ 85018

RECOMMENDATION

Staff recommends the Planning Commission approve the request of Scott Porter for a Use Permit to allow Type-41 On-Sale Beer and Wine Alcoholic Beverage Control (ABC) license at 121 South Street, Suite A23, subject to conditions in the attached resolution.

PROJECT/AREA DESCRIPTION

General Plan Designation: Downtown Mixed Use
Zoning Designation: C-2, General Commercial
Property Size: Restaurant is approximately 1,780 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-2, General Commercial	Various retail and restaurant uses
South	Downtown Mixed Use	C-2, General Commercial	Retail Store
East	Downtown Mixed Use	C-2, General Commercial	US Post Office
West	Downtown Mixed Use	C-2, General Commercial	Parking Lot

SUMMARY

The applicant, Scott Porter, is requesting approval of a Use Permit to allow on-site consumption of beer and wine in conjunction with food service at a proposed restaurant located at 121 South School Street, Suite A. In addition, the applicant is requesting that the Planning Commission make a finding that the sale of alcohol at the restaurant is a public convenience or necessity, in accordance with the requirements of the State Department of Alcoholic Beverage Control (ABC). The restaurant is located in the Downtown Business District, which permits the sale of alcohol for on- and off-site consumption with approval of a Use Permit.

BACKGROUND

King Tsin Chinese Restaurant occupied the project site from 1983 until its closure in May of 2012. Available City records indicate there are no outstanding code violations. The project site is within the Downtown Business District.

ANALYSIS

According to the applicant, the proposed restaurant will offer lunch and dinner menu. The restaurant will be open from the hours of 10:00 a.m. to 10:00 p.m. daily. The restaurant measures approximately 1,600 square feet in size and provides seating for approximately 50-60 guests and additional 12 guests in a proposed outdoor patio area. 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. The applicant requests a Use Permit approval to allow a Type 41 (Eating Place) ABC license, which authorizes the sale of beer and wine for consumption on or off the premise where sold. Type 41 prohibits the sale of distilled spirits and minors are allowed on the premise. In accordance with the State Department of Alcoholic Beverage Control (ABC) requirements, receipts from alcohol sale cannot be in excess of food sale receipts. ABC requires that restaurants with an alcohol license must operate and maintain the premise as a bona fide eating establishment.

The Municipal Code of the City of Lodi requires the approval of a Use Permit by the Planning Commission for retail businesses and restaurants which sell alcoholic beverages (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 area is located on Census Tract 42.04, which covers the area south of Lockeford Street, north of Lodi Avenue, east of Ham Lane and west of Union Pacific Rail Road Company (UPRR) rail-line. According to ABC, Census Tract 42.04 contains twenty three (23) existing ABC on- and off-sale licenses with only three (3) on- and three (3) off-sale sale licenses allowed based on the ABC criteria. Because the project area is within the downtown district, there is an existing over concentration of ABC licenses. In order to authorize additional licenses in this census tract, the Planning Commission must make a finding of public convenience and/or necessity.

While this is the highest concentration in Lodi, it would not be unexpected in a downtown location. Generally downtown districts have a high concentration of eating and drinking establishments. Many of the licenses are in conjunction with eating establishments. The City's Downtown Guidelines specifically call out drinking and eating establishments as the type of businesses that are encouraged in the Downtown area. The proposed addition of ABC license is consistent with the City's vision of making Lodi tourist destination point. The applicant's request is to sell alcohol in conjunction with operation of a bona fide eating establishment. This is consistent with the Commission's past actions. In the past, the Planning Commission and the Planning staff have generally supported restaurants that wish to acquire an ABC on-sale license, because typically, restaurants that serve alcohol in conjunction with food sales do not create alcohol related problems. The Community Development Department has determined that the applicant's request for a Use Permit can meet the criteria for the finding of public convenience.

Staff sent copies of the application to various City departments for comment and review. Their comments and requirements have been incorporated into the attached resolution. Staff has contacted the Lodi Police Department for their requirement for approval of the proposed on-sale beer, wine and distilled spirits application and they do not anticipate alcohol related problems. The Lodi Police Department recommends approval subject to the conditions outlined in the

attached resolution. Because the applicant's request is for a Use Permit to allow sale of alcohol in conjunction with a full service restaurant, staff does not anticipate the alcohol sales portion of the business to create any problems. This operation would be similar to other restaurants within Lodi. The Planning Commission and the Planning staff have generally supported restaurants that wish to acquire an ABC license. If problems or concerns related to the sale of alcoholic beverages occur in the future, staff and/or the Planning Commission may initiate a public hearing where the Commission would have the ability to amend conditions or revoke the Use Permit.

ENVIRONMENTAL ASSESSMENT

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

PUBLIC HEARING NOTICE:

Legal Notice for the Use Permit was published in the Lodi News Sentinel on September 29, 2012. Thirty-four (34) 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

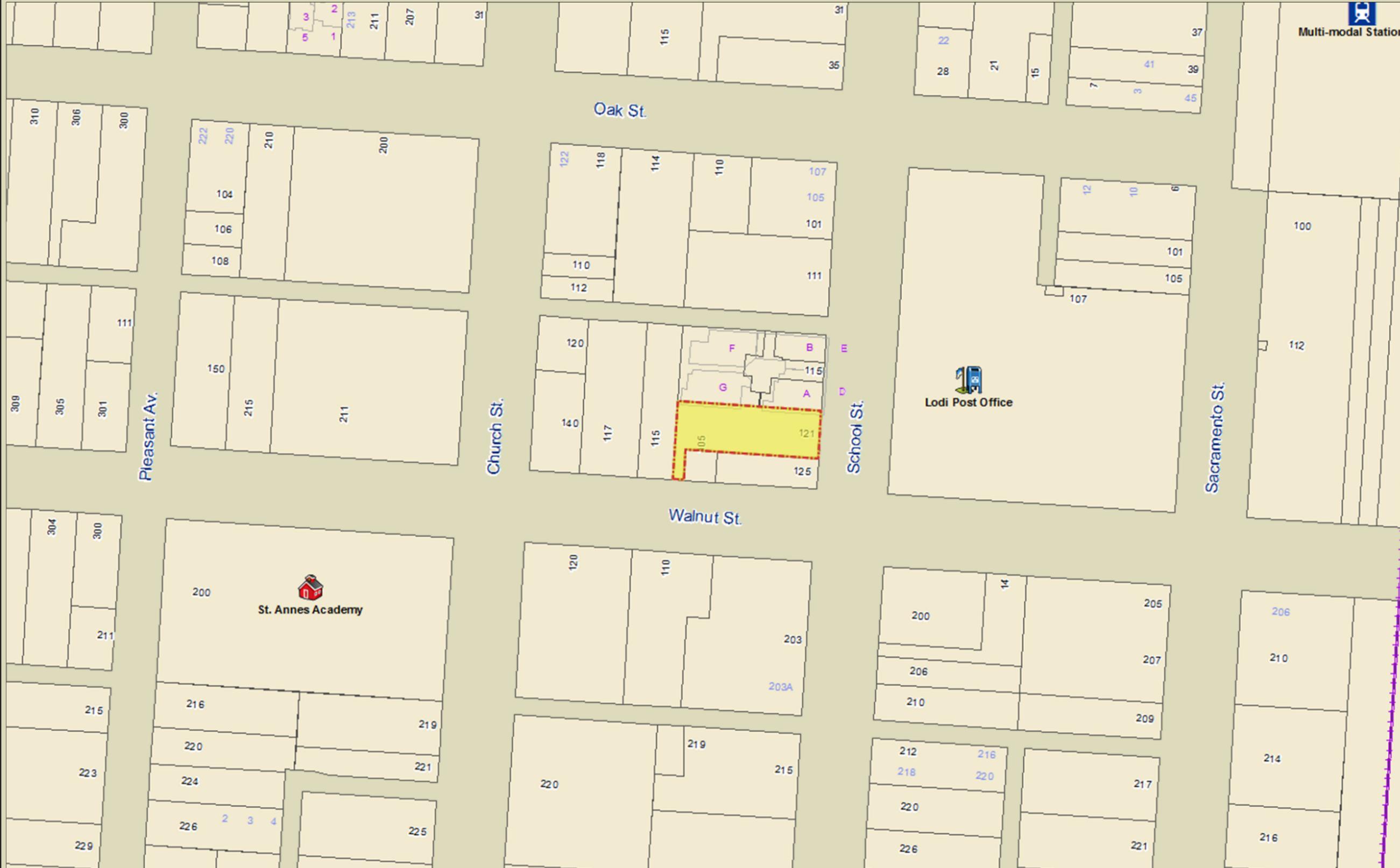
Konrad Bartlam
Community Development Director

ATTACHMENTS:

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



Vicinity Map

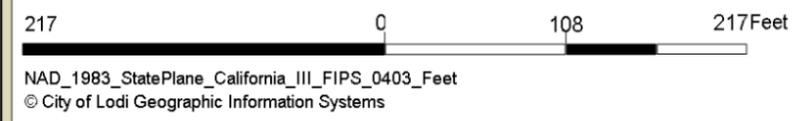


Legend

 PROJECT SITE

Map Scale

1:1,301

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.

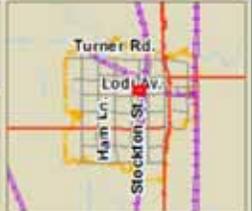
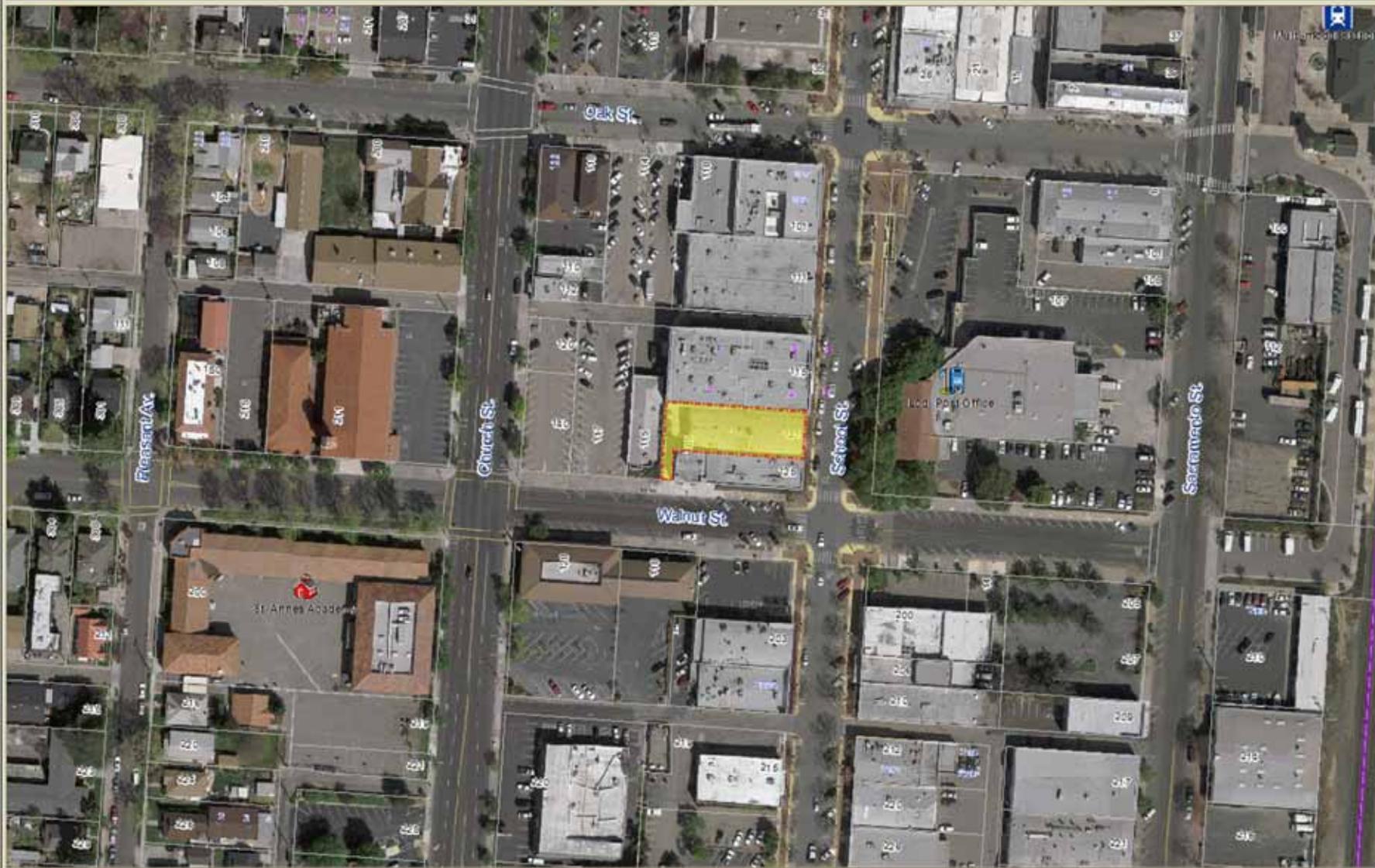
THIS MAP IS NOT TO BE USED FOR NAVIGATION

Notes

FOR REFERENCE ONLY



AERIAL MAP



Legend
PROJECT SITE

Map Scale
1:1,301

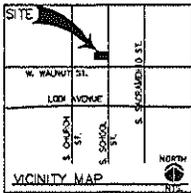
Notes
For Reference Only

217 0 108 217 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



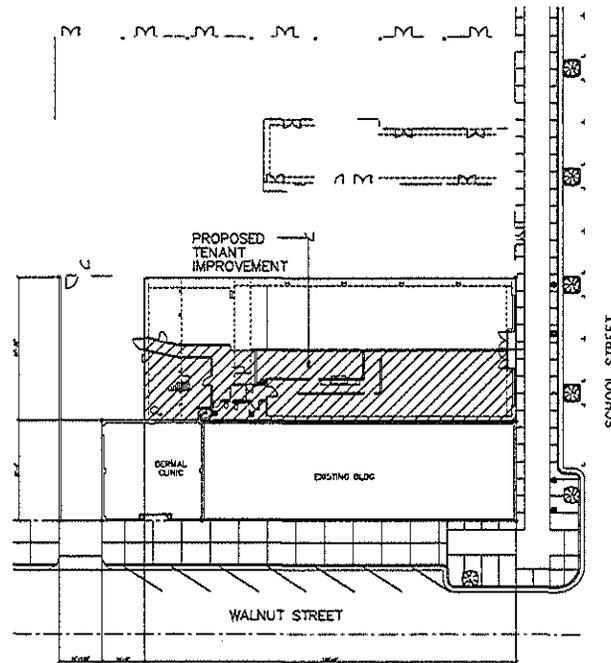
P O R T E R S

121 S. SCHOOL STREET, SUITE A
LODI, CA 95240

PROJECT DATA:	
PROJECT OWNER	SCOTT AND SHAE PORTER
PROJECT LOCATION	121 S. SCHOOL STREET, SUITE A LODI, CA
APN	043-004-18
PROJECT DESCRIPTION	TENANT IMPROVEMENT
OCCUPANCY	
CONSTRUCTION TYPE	
STORIES	1
OCCUPANT LOAD	OCCUPANTS
FIRE SPRINKLERS	NO
AREAS:	
PROPOSED BUILDING	3200 S.F.
PARKING REQUIRED (1 SPACE PER 500 S.F.)	6 SPACES
PARKING PROVIDED	STREET PARKING
UTILITIES:	
WATER	PUBLIC FACILITIES
SEWER	PUBLIC FACILITIES
STORM DRAIN	PUBLIC FACILITIES

SHEET INDEX:	
CS	COVER SHEET, SITE IMPROVEMENT PLAN
A2	PROPOSED FLOOR PLAN

CODE COMPLIANCE	
ALL WORK PERFORMED SHALL BE IN ACCORDANCE TO THE LATEST EDITION OF APPLICABLE CODES, INCLUDING BUT NOT LIMITED TO:	
<ul style="list-style-type: none"> - 2010 CALIFORNIA BUILDING CODE, (CBC) - 2010 CALIFORNIA ELECTRICAL CODE, (CEC) - 2010 CALIFORNIA GREEN BUILDING CODE, (CGBC) - 2010 CALIFORNIA MECHANICAL CODE, (CMC) - 2010 CALIFORNIA PLUMBING CODE, (CPC) - 2010 CALIFORNIA ENERGY CODE - 2010 CALIFORNIA FIRE CODE - 2010 CALIFORNIA HISTORICAL BUILDING CODE - 2010 CALIFORNIA EXISTING BUILDING CODE - 2010 CALIFORNIA REFERENCED STANDARDS CODE 	



SITE PLAN



**MIKE SMITH
ENGINEERING, INC.**
4 NORTH MAIN STREET
LODI, CALIFORNIA 95240
PHONE: (209) 331-7332

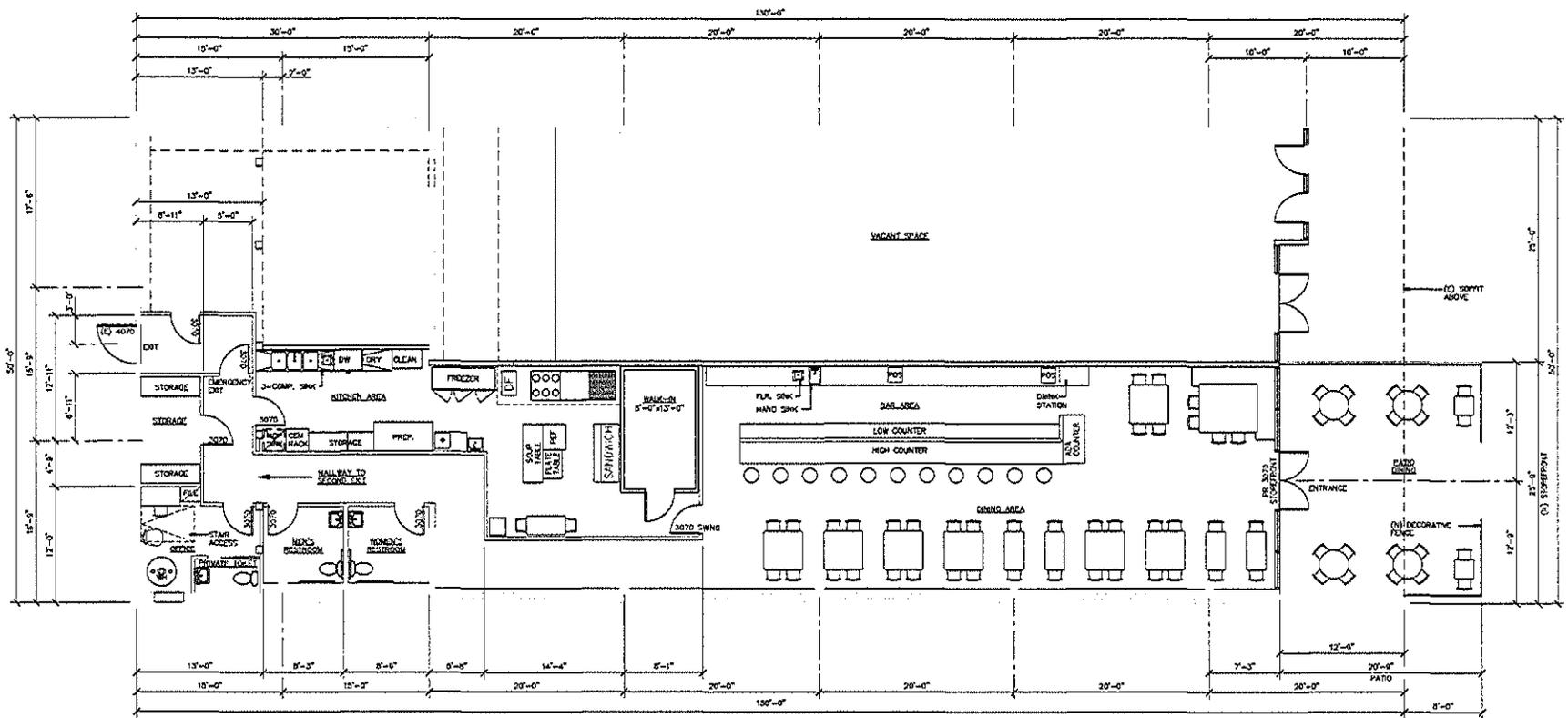
TITLE:
**COVER SHEET
SITE PLAN**

PROJECT:
**PROPOSED TENANT IMPROVEMENT FOR:
PORTERS**
PROJECT LOCATION:
121 S. SCHOOL STREET, SUITE A
LODI, CA

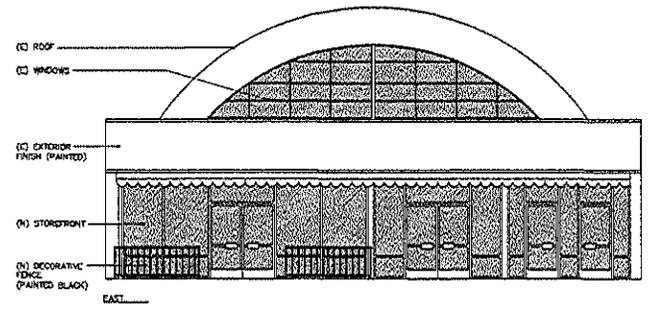


DATE	
DESIGNED BY	MS
DATE	3/7/12
SCALE	AS NOTED
FILE NO.	11123





PROPOSED FLOOR PLAN



EXTERIOR ELEVATION

NO.	REVISION

**MIKE SMITH
ENGINEERING, INC.**
4 NORTH MAIN STREET
LOVEL, CALIFORNIA 94340
PHONE (909) 334-2332

TITLE:
**PROPOSED FLOOR PLAN
EXTERIOR ELEVATION**

PROJECT:
**PROPOSED TENANT IMPROVEMENT FOR:
PORTERS**
PROJECT LOCATION:
121 S. SCHOOL STREET, SUITE A
LOVEL, CA



DATE:
BY:
CHECKED:
DATE:
3/25/12
SCALE:
AS NOTED
JOB NO.:
11123
SHEET:

A2

MENU

Appetizers + Snacks

- **Classic Nachos** 🍴 (V)
Baked with Monterey Jack cheese, topped with jalapenos, black olives, and scallions. Includes salsa and sour cream. Sm. \$4.95 Lg. \$6.95
- **Ultimate Brewhouse Nachos** 🍴
Our classic nachos taken to a new level with seasoned ground sirloin, shredded lettuce, diced tomatoes and onions, salsa and sour cream. \$9.95
- **Grilled Quesadilla** 🍴 (V)
Large garlic and herb quesadilla, filled with Monterrey jack cheese, served with shredded lettuce, diced tomato, onion, and homemade green chile sauce, salsa, and sour cream. \$6.95 Add chicken \$2.50 or buffalo chicken \$3.50
- **Cajun Catfish Bites** 🍴 🍴
Carolina catfish beer-battered, fried, and Cajun spiced served with tartar sauce or chipotle mayonnaise and a lemon. \$7.95
- **Arancini** (V)
Mozzarella encased with Parmesan risotto, Panko battered and deep fried. Served on a bed of marinara and spinach then topped with shaved Parmesan and drizzled with roasted red pepper pesto. \$6.95
- **Soft Pretzels** 🍴 (V)
Two large freshly baked salted pretzels served with our cheddar ale sauce. \$6.25
- **Fresh PEI Mussels**
One pound of fresh Prince Edward Island mussels prepared in one of three styles, white wine garlic and herb, spicy Fra Diablo, or coconut curry served with grilled buttery bread. \$8.95
- **Fried Calamari** 🍴 🍴
Golden fried tubes and tentacles, served with a hot pepper jelly sauce or warm marinara. \$7.95
- **Chipotle Spinach + Artichoke Dip** 🍴 (V)
Spicy take on a classic dish served with tortilla chips. \$7.95
- **Chicken Wings**
One pound of fresh wings, tossed with your choice of our homemade sauces. \$6.95
- **Ale Battered Chicken Tenders** 🍴
Fried to a golden brown with your choice of homemade sauces. \$7.95 Extra sauce \$.50

Soups + Salads

Choice of Homemade Salad Dressings: Parmesan Peppercorn, Balsamic Vinaigrette, Chunky Blue Cheese, Southwestern Vinaigrette, Honey Walnut Vinaigrette, and Lemon Garlic Vinaigrette.

- **Soup Of The Day**
Made Fresh Daily. Cup \$2.95 Bowl \$3.95
- **Chili** 🍴 🍴
Our famous slow-cooked Chili. Made with tender stew beef, red beans, a lot of spices and amber beer. Cup \$5.25 Bowl \$6.95
- **New England Clam Chowder**
Made with fresh clams, fish stock, potatoes, cream and fresh herbs. Cup \$3.25 Bowl \$4.95
- **Spicy Chicken** 🍴
Spicy grilled chicken fanned over a bed of baby greens, with Monterrey jack cheese, black bean and corn salsa, roasted red peppers, sliced jalapenos, and topped with tortilla strips. \$8.95
- **Tuscan Bread Salad** (V)
Hunks of rustic bread, spinach, roasted red peppers, basil, cucumbers, and mixed greens tossed in a lemon garlic vinaigrette and finished with shaved Parmesan. \$7.95 Add chicken for \$2.50
- **Wedge Salad**
Half head of Boston bib lettuce topped with blue cheese crumbles, hard boiled eggs, red onions, crumbled

bacon, tomatoes and scallions then finished with a drizzle of blue cheese dressing. \$7.95 Add chicken for \$2.50

- **Avocado + Grilled Shrimp Caesar** 🍴
Fresh chopped tomatoes, sliced red onion, diced cucumbers, sliced avocado, orange supremes, and Cajun grilled shrimp over chopped romaine lettuce tossed in homemade Caesar dressing and garnished with shaved Parmesan and garlic croutons. \$10.95
- **Classic Caesar** (V)
Crisp romaine lettuce tossed in our homemade Caesar dressing, imported Parmesan cheese, and garlic croutons garnished with roasted red peppers. Anchovies are available upon request, three per salad. \$6.75 Add chicken or smoked salmon \$2.50

Sandwiches

All sandwiches are with seasoned French fries and a pickle, unless otherwise specified or substituted. Cajun spiced fries are an option for \$.25, onion rings for \$2, sweet potato fries for \$2, or salad for \$.50

- **Cuban** 🍴 🍴
Roasted pork loin, cured ham, chopped pickle relish, Swiss cheese, and spicy Pale Ale dijonaise piled high on a hoagie roll and panini crisped. \$8.95
- **Fresh Roasted Turkey**
Freshly cooked turkey breast, tarragon aioli, cranberry orange relish, arugula, and havarti cheese served on grilled hearty grain bread. \$7.95
- **Hot Poblano Meatloaf** 🍴
A slice of our bacon-wrapped, poblano stuffed meatloaf topped with chipotle mayo, black bean and grilled corn salsa on a brioche roll. \$8.95
- **Grilled Chicken Club**
A char-grilled breast of chicken, smoked bacon, lettuce, tomato, and mayonnaise, served on a fresh lightly grilled French baguette. \$7.50 Add sliced avocado \$1.25 Add cheese \$1.00
- **Fresh Corned Beef Reuben** 🍴
Thick sliced homemade corned beef piled high with sauerkraut and Swiss cheese, with our own Reuben dressing on toasted marble rye. \$7.95
- **Pulled Pork** 🍴 🍴
Fresh pork seasoned with a hot and savory spice blend, then slow roasted with beer and a homemade BBQ sauce, piled high on a burger bun, topped with Creole coleslaw. \$7.50
- **Philly Cheese Steak**
Thinly sliced grilled sirloin with sautéed mushrooms, peppers, and onions topped with hot melted cheese and served on a hoagie roll. \$8.95
- **Basil's Rathbone** (V)
Sliced tomatoes, roasted red peppers, red onions, fresh basil, provolone cheese, and garlic mayonnaise, baked on a fresh French baguette. \$6.95 Add sliced avocado \$1.25
- **Fresh Fried Fish Sandwich** 🍴
Fresh never-frozen ale battered cod fried to a golden brown, served on a soft brioche bun, with a side of homemade tartar sauce or chipotle mayonnaise. \$9.95
- **Catfish Po'Boy** 🍴 🍴
A six inch sub filled with Cajun spiced fried catfish, Creole slaw, shredded lettuce, diced onion, tomatoes, Chipotle mayo and served with a lemon. \$8.95
- **Chipotle Sausage Panini** 🍴
Housemade honey chipotle pork sausage, spinach, caramelized onions, and roasted garlic on pressed baguette with roasted red pepper aioli, mozzarella cheese and Italian herbs. \$7.95

Burgers + Dogs

Our half pound, char-grilled hamburgers are made from fresh black Angus beef. Our delicious hamburger buns are local and lovingly baked.

- **Chargrilled Half Pound Hamburger**
Fresh half pound black Angus beef burger chargrilled to your liking with your choice of cheese. Served with fries. \$9.50
- **Green Mountain Bacon + Cheddar Burger**
Fresh half pound patty topped with Vermont cheddar cheese, sauteed mushrooms, and smoked bacon. Served with fries. \$10.50
- **Patty Melt**
Fresh half pound patty topped with melted Swiss cheese, caramelized onions, sautéed mushrooms and homemade Reuben dressing, served on a toasted marble rye. Served with fries. \$10.50
- **Blackened Blue Burger** 🍴
Our fresh half pound patty rubbed with our own Cajun spice blend, blackened and topped with homemade chunky blue cheese dressing and caramelized onions. Served with fries. \$10.50
- **Chef's Veggie Burger** (V)
A housemade vegan patty with chickpeas, carrots, onions, spinach, broccoli, mushrooms, various herbs and spices, flat top seared and served on grilled baguette. \$8.25 Add cheese for \$1.00
- **Grilled Dogs**
2 Grilled natural cased hot dogs served on toasted hog dog bun. Served with fries. \$6.95

Kids

Celery sticks and carrot sticks can be substituted for French fries.

- **Chicken tenders** 🍴
Plain or with BBQ sauce, served with fries. \$4.95
- **Kid's Burger**
A 4 oz burger served on a mini brioche roll with or without cheese, served with fries and a pickle. \$4.95
- **Grilled Hot Dog**
One grilled hot dog on a roll, served with fries. \$3.95
- **Kid's Pasta** (V)
With melted butter or marinara. \$4.25
- **Kid's Grilled Quesadilla** (V)
A kid's size garlic and herb quesadilla filled with Monterrey jack cheese, served with french fries. \$4.25

RESOLUTION NO. P.C. 12-

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LODI FOR THE APPROVAL OF THE REQUEST OF SCOTT PORTER FOR A USE PERMIT TO ALLOW A TYPE-41 ON-SALE BEER AND WINE ALCOHOLIC BEVERAGE CONTROL LICENSE LOCATED AT 121 SOUTH STREET, SUITE A

- 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 Scott Porter, 426 West Lockeford Street, Lodi, CA; and
- WHEREAS,** the project is located at 121 South School Street, Lodi, CA (APN: 043-043-16); and
- WHEREAS,** the property has a General Plan designation of Downtown Mixed Use and is zoned C-2, General Commercial; and
- WHEREAS,** the requested Use Permit to allow the selling of beer and wine 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,** because Census Tract 42.04 has an over-concentration of On-sale beer and wine alcohol licenses, the Planning Commission makes a finding of necessity and/or public convenience in order to permit the issuance of an additional Alcohol Beverage Control license in this tract; and
- WHEREAS,** 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-2 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 and wine, in accordance with a Type 41 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-2 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-2 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. 12-U-16 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 41. The Type 41 License shall be limited to on-site sale and consumption of beer and wine 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 shall require the Applicant/Operator and/or successors in interest and management to secure an ABC Type 41 license, On Sale Beer and Wine – Eating Place.
8. Prior to the issuance of a Type 41 ABC license, the Applicant/Operator 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.
9. 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.
10. 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.
11. The exterior of all the premises shall be maintained in a neat and clean manner, and maintained free of graffiti at all times.
12. The applicant/project proponent and/or developer and/or successors in interest and management shall obtain Operational Permit issued by the Lodi Fire Department, and meet all the conditions outlined in therein. The Fire Department may be contact at the Lodi Fire Department, 25 East Pine Street, Lodi, CA 95240-2127. Phone Number (209) 333-6739.
13. Tenant Improvement plan submittal required for any alteration to the existing restaurant. All plan submittals shall be based on the City of Lodi Building Regulations and currently adopted 2010 California Building code.
14. 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.
15. 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.
16. No variance from any City of Lodi adopted code, policy or specification is granted or implied by this approval.

Dated: October 10, 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 October 10, 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: October 10, 2012
APPLICATION NO: N/A
REQUEST: Request for Planning Commission to Recommend to the City Council approval of the Draft Lodi Land Use and Development Code, Draft Zoning Map, and to certify the Negative Declaration.
LOCATION: City Wide
APPLICANT: City of Lodi

RECOMMENDATION:

Staff recommends that the Planning Commission recommend that the City Council approve the Draft Lodi Land Use and Development Code, Draft Zoning Map, and Certify Negative Declaration.

REVIEW AUTHORITY:

Pursuant to Lodi Municipal Code, the Planning Commission is the recommending body for reviewing amendments to the Lodi Land Use and Development Code and Zoning Map, and the City Council is the final approval body.

BACKGROUND:

The City of Lodi adopted the current zoning ordinance in 1956. Since adoption, numerous text amendments have occurred in response to changing development patterns and concerns. However, the core elements of the 1956 document have remained intact. When the zoning ordinance was first adopted, the City was less than its current size and most development applications consisted of large tracts of land with hundreds of residential units. Today, the City is largely being developed with the majority of land use applications proposing smaller residential subdivisions or more modest commercial and industrial development.

Following an extensive public outreach period, on April 2010, the City Council considered and approved of a comprehensive update to the City's General Plan. The 2010 General Plan created new land use categories, merged several commercial and industrial land use categories, and created a vision for the City's the next twenty years. The final phase of the General Plan update project consists of updating the City's Land Use and Development Code to make the Code consistent with the policies of the updated General Plan.

On September 7, 2011, the City Council authorized the release of a Request for Proposals (RFP) for the update and implementation of the Development Code, which is intended to complete a process that began in 1999. The process was halted twice in the past mostly due to staffing and budgeting concerns. In December 2011, the City entered into a Professional Services Agreement with Raney Planning and Management, Inc., of Sacramento to facilitate a comprehensive Development Code Update. The City has been working with Raney Planning and Management on updating the current Zoning Ordinance. The Land Use and Development Code update includes revisions in order to:

- Consistent with the City's 2010 General Plan
- Comply with Federal and State laws
- Improve the organization and usability of the Code
- Eliminate inconsistencies and remove obsolete text.

On July 11, 2012, a Draft Land Use and Development Code was released for public review. The Planning Commission held three sessions (July 11, August 8, and September 12, 2012) to review the Draft Land Use and Development Code. The Draft Development Code was distributed to the Planning Commission in three segments. The first at the July 7th meeting included the introduction, residential districts and mixed use zoning districts. At the Commission's August 8th, the commercial and industrial districts were introduced. On the last meeting, the staff presented landscape ordinance, parking and sign standards, and standards for specific land uses such as child day care facilities, recycling facilities, telecommunication facilities etc. The entire Plan as described has been made available on the web-site with notification being made by both newspaper and to the mailing list of interested parties.

Since July 11, 2012, approximately 6 to 8 residents and other interested parties met with staff to discuss the proposed zoning amendments. At the conclusion of these workshops, and in response to feedback received, the Draft Development Code was revised further. Prior to this hearing, a hard copy of the Development Code incorporating all the changes has been made available for public review and distributed to interested parties. In addition, a copy of the zoning map was distributed and made public on the City's website.

DISCUSSION/ANALYSIS:

The purpose of this hearing is for the Planning Commission to review the Draft Development Code. The attached Draft Development Code incorporates changes and revisions that have occurred as result of public comments received and internal review of the document. To facilitate discussion on the Development Code, staff has divided the draft Development Code into three categories: A) residential and mixed-use zoning districts; B) commercial and industrial districts; C) landscaping, parking, sign and other specific uses such as childcare centers, home occupation permits, residential density bonus, etcetera.

A. Residential and Mixed-Use Zoning Districts

The current zoning ordinance contains four different single-family (low density) residential classifications: R-1 (Single-Family Residential), R-2 (Single-Family Residential), RE-1 (Single-Family Residential, Eastside) R-LD (Residential Low Density). The zoning designation numbers do not correlate with how many dwelling units are allowed; instead the numbers simply categorize the various lot sizes within the same zoning classification. Lot sizes are the only differences between these zoning districts; otherwise, the same height, lot coverage, setback, parking requirements and other zoning restrictions apply to each zoning district.

The proposed Development Code merges the R-1, R-2, RE-1, and LD-R zoning districts into a single land use classification: Low Density Residential. Merging the various single family residential districts into a single classification will now be consistent with the 2010 General Plan, which provides one Low Density Residential land use designation. This land use designation is intended for residential development at densities of two to eight units per acre. Similarly, the proposed Development Code seeks to merge the current RG-A (Residential Garden Apartments) and RM-D (Residential Medium Density) zoning districts into Medium Density Residential land use designation. There is no discernible land use difference between the RG-A and RM-D zoning districts. The RH-D (Residential High Density) zoning district will remain unchanged. As drafted, the Development Code classifications simplify the document and eliminate unnecessary duplication of zoning districts. In addition, the three proposed residential zones (LD-R, MD-R, and HD-R) will now be consistent with the three General Plan land use designations (LDR, MDR, and HDR) and the General Plan's allowable densities. The table below summarizes the different proposed changes and relationship to the 2010 General Plan.

DEVELOPMENT FEATURE	REQUIREMENT BY ZONING DISTRICT		
	RLD	RMD	RHD
Minimum lot size	<i>Minimum area, width, and depth required for new parcels.</i>		
Area - Single Family	5,000 sq. ft.	5,000 sq. ft.	4,000 sq. ft.
Area - 2-Family	6,000 sq. ft. ⁽¹⁾	5,000 sq. ft.	4,000 sq. ft.
Area - Multi-Family		8,000 sq. ft.	8,000 sq. ft.
Minimum lot area per unit	<i>Minimum lot area per unit determines the maximum number of dwellings that may be allowed on a parcel where this Chapter allows more than one dwelling unit per parcel.</i>		
Single Family	5,000 sq. ft.	5,000 sq. ft.	4,000 sq. ft.
2-Family	3,000 sq. ft. ⁽¹⁾	3,000 sq. ft.	2,000 sq. ft.
Multi-Family		4,000 sq. ft. for 1 st unit plus 2,000 sq. ft. for each additional unit	5,000 sq. ft. for 1 st unit plus 1,000 sq. ft. for each additional unit
Density⁽¹⁾	Up to 8 du/ac	8.1 to 20 du/ac	15 to 35 du/ac
Lot Street Frontage Width	50'	50' for one dwelling 60' for two dwellings	50' for one dwelling 60' for two dwellings
Setbacks	<i>Minimum and, where noted, maximum setbacks required. See Section 17.30.070 for exceptions to these requirements.</i>		
Front	15 ft.		
Sides (each)	5 ft.		
Street side	10 ft.		
Rear	10 ft.		
Garage	20 ft. from any property line abutting a street, 5 ft. from alley		
Site coverage	45%	50%	60%
Height limit	2 stories; not to exceed 35 ft.		4 stories, not to exceed 60 ft.
(2) Duplex, Corner lots only			

Beyond establishing consistency with the General Plan densities will be the concern of the public about how the change in the zoning numbering scheme affects their property in regard to setbacks, height, lot coverage and in particular allowable use. For the most part these will remain unchanged. Key changes affecting residential districts are merging of various low density (single family) residences into a single zoning district. This makes the document accessible, removes unnecessary redundancy and improves its usability. In addition, the draft Development Code updates the City's policy regarding second dwelling units (or granny units) consistent with requirements State Law (Government Code Section 65852.2) governing residential second units. The amendment related to second dwelling unit is that (a) the maximum floor plan for a second dwelling unit is now 640 sq. ft. whereas the current zoning ordinance allows no more than 400 sq. ft.; and (b) the draft Development Code updates procedures allowing a second dwelling unit by establishing a ministerial review process for second units. A ministerial action is an objective decision which does not require subjective judgment, and is not subject to public notification, comment, or appeals.

Mixed-Use Districts:

A key initiative of the 2010 General Plan policy is to create mixed-use designations. The purpose of the Mixed-Use zoning districts is to provide opportunities for well-designed development projects that combine residential with nonresidential uses, including office, retail, business services, personal services, public spaces and uses, and other community amenities designated with the mixed-use land use designations in the 2010 General Plan. The intent of these zones are to accomplish the following objectives:

- Create a viable, walkable urban environment that encourages pedestrian activity and reduces dependence on the automobile, through a streetscape that is connected, attractive, safe and engaging;
- Provide complementary residential, commercial, and other uses within walking distance of each other;
- Develop an overall design framework to ensure that the quality, appearance and effects of buildings, improvements and uses are compatible with 2010 General Plan Community Design and Livability Element;
- Revitalize commercial corridors with mixed-use developments that attract and encourage market-driven private investment;
- Encourage parking solutions that are incentives for creative planning and sustainable neighborhood design.

The proposed mixed-use districts are described as follows:

Downtown-Mixed Use (DMU)

As described in the City's 2010 General Plan, Downtown Mixed Use is intended for a variety of commercial, office, public, and medium- and high-density (15-35 du/ac) residential uses on infill sites in the vicinity of Lodi's downtown. This classification encompasses an expanded downtown area, across the railroad tracks and extending past Main Street. Retail uses or eating and drinking establishments are required at the ground level. This category intends to maintain the mix, scale and character of downtown development, while providing opportunities for redevelopment of vacant, and underutilized sites. The maximum FAR (floor area ratio) for this designation is 3.0, which includes all residential and non-residential uses combined. At this development intensity all parking is expected to be provided offsite; if on-site parking is provided, lower development intensities, as specified in the Development Code Parking Section, would be allowed.

Mixed Use Corridor (MCO)

The Mixed-Use Corridor classification includes a variety of office and general commercial uses, as well as low, medium, and high-density residential uses along the city's major corridors: Kettleman and Cherokee lanes and Lodi Avenue. This category allows for somewhat more intensive development along these corridors to take advantage of vacant and underutilized sites and provide shopping and services to residents in highly accessible corridors. The maximum FAR for this designation is 1.2. Most of Kettleman Lane presently is zoned R-C-P (residential, commercial and professional). The RCP zoning district allows a mixture of uses such as residential development up to medium density; institutions of an educational or philanthropic nature; business and professional offices such as accountant, architect, attorney, contractor, doctor, dentist, engineer, insurance agent, real estate agency, finance company, bank, chiropractor, governmental agency and drive-in offices; beauty shops and barbershops; and rest and convalescent homes. The proposed Mixed Use Corridor provides development directions, expands uses allowed and creates design guidelines currently absent.

Mixed Use Center (MCE)

This classification identifies new mixed-use neighborhood centers in the new growth areas of the General Plan. This category provides for a variety of residential, office, neighborhood commercial and public uses. The Mixed Use Center designation is prescribed by the 2010 General Plan and applies to areas currently outside of the City limits but within the General Planning area.

B. Commercial and Industrial Districts

Commercial Districts:

The zoning ordinance in effect contains several commercial districts with indiscernible differences. These commercial districts are C-1 (Neighborhood Commercial), C-2 (General Commercial), R-C-P, (Residential-Commercial-Professional), C-S (Commercial Shopping) and C-M (Commercial Light Industrial). The C-1 zoning district permits residential, retail businesses, trade, commercial enterprise or professional and business office use, undertaken for the purpose of rendering neighborhood service. The C-2 zoning district allows all uses permitted in the C-1 zoning district and other non-industrial commercial or business uses. The R-C-P zoning district allows business and professional offices such as accountant, architect, attorney, contractor, doctor, dentist, engineer, insurance agent, real estate agency, finance company, bank, chiropractor, governmental agency and drive-in offices. This district is found along South Fairmont Avenue, and areas around Ham Lane, Pine Street, Vine Street, and Kettleman Lane. C-S zoning district is effectively used for community/regional shopping centers. Finally, the C-M district is a transitional district from the commercial districts to industrial districts. This C-M district is found along Sacramento Street in the Downtown area.

The proposed Development Code consolidates the commercial districts into three districts illustrated on table below.

EXISTING COMMERCIAL ZONES	PROPOSED COMMERCIAL ZONES	RELATIONSHIP TO THE GENERAL PLAN
C-1 (Neighborhood Commercial)	GC (General Commercial) District.	Neighborhood/Community Commercial
C-2 (General Commercial)		
C-M (Commercial Light Industrial)		
R-C-P, (Residential-Commercial-Professional)	O (Office)	Office
C-S (Commercial Shopping)	CC (Community Commercial) District	General Commercial

The Development Code proposes to merge the C-1, C-2 and C-M zoning districts into a single zoning designation to create GC (General Commercial) District. The C-M zoning district is the City’s only transitional district from commercial to industrial. C-M zoning district applies areas abutting Sacramento Street in the Downtown area. Because the C-1 and C-2 zoning districts abut residential properties, and the C-M district is similar to the C-2 district, the uses permitted over the years on these districts are similar in nature. It no longer makes planning sense to maintain separate zoning districts with near identical requirements and zoning regulations.

The R-C-P zoning district is found along Kettleman Lane, Fairmont Avenue and Orange Avenue. This is the area where medical, dental, and other health-care oriented services are located. The Development Code proposes to re-designate the area as an Office use, which would permit medical and general offices. Finally, The CC district applies to the local and regional shopping centers. The Development Code proposes to re-designate the area with the same requirements in effect. The final product is a more user friendly document.

Industrial Districts:

Industrial uses vary from commercial uses in that industrial uses typically have increased noise, odor, dust, smoke, truck traffic, and other items that may be objectionable to adjacent uses. Additionally these uses tend to require less parking and have different hours of operation than commercial uses as they are focused on manufacturing products rather than selling to customers. There are two main purposes of the Industrial Zone: to provide an area of town where industrial uses can be clustered and to buffer

these uses from residential and commercial uses so there are no negative affects from the industrial operations.

The Industrial Zones in the City can be found east of State Highway 99 and along the UPPR line (Main Street). Lodi Municipal Code in effect features two classifications: M-1(Light Industrial) and M-2 (Heavy Industrial). M-1 zoning district permits light industrial/manufacturing uses such as food processing, packaging and storage; bottling plants; manufacturing and assembling of jewelry, watches, clocks, precision instruments, appliances; and other similar manufacturing uses. The M-2 zoning district permits all uses permitted in the commercial and M-1 zoning districts. Because of that fact the Code in effect allows uses permitted in the Light Industrial districts in the M-2 zoning district, all types of uses can be found across both zoning districts, including more commercial type uses in this Industrial Zone. For this reason, the 2010 General Plan and the Development Code merged the two industrial zoning districts into a single zoning district as illustrated below.

EXISTING COMMERCIAL ZONES	PROPOSED COMMERCIAL ZONES	RELATIONSHIP TO THE GENERAL PLAN
M-1 (Light Industrial)	M (Industrial) District.	Industrial (.6 FAR)
M-2 (Heavy Industrial)		
BP (Business Park)	BP (Business Park) District.	Business Park (1.0FAR)

The proposed Development Code creates BP (Business Park) Zoning District. This is consistent with the 2010 General Plan and applies to new growth areas of the General Plan. The General Plan identifies the new growth areas appropriate for planned, visually attractive centers for business that do not generate nuisances (noise, clutter, noxious emissions, etc.). This zone accommodates campus-like environments for corporate headquarters, research and development facilities, offices, light manufacturing and assembly, industrial processing, general service, incubator-research facilities and other similar uses that generate high employment possibilities.

C. Landscape, off-street parking, sign, and other specific land uses items

Landscape:

The current Municipal Code contains landscape requirements that are in conflict with State requirements. 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 City enforces the State’s landscape ordinance, which applies to new constructions and/or rehabilitated landscapes with landscape areas greater than or equal to 1,000 square feet. The requirements for landscape plans 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 led 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

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.

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.

Sign:

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 though 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.

ENVIRONMENTAL ASSESSMENTS

In accordance with provisions of the CEQA Guidelines, a Negative Declaration (ND) was prepared for adoption of the proposed Development Code. The Negative Declaration tiers off of the 2010 General Plan Final Environmental Impact Report (FEIR) that was certified by the City Council in April 2010. Together, the ND and the 2010 General Plan FEIR constitute the environmental record for the proposed Land Use and Development Code and Zoning Map Update. The ND is included as Attachment 3. The ND was made available for public review from Wednesday, September 19, 2012 to Monday, October 8, 2012. A notice of availability was published in the newspaper, posted on the City’s web page, posted at the library and City Hall. A copy of the ND was made available on the City’s web page, at the public counter and at the public library. Since the comment period ends after the distribution of the staff report, staff will provide the Planning Commission with a list of any comments received as well as responses to those comments at the public hearing.

PLANNING COMMISSION ACTIONS:

After the Commission completes its review of the proposed Draft Development Code, staff recommends that attached draft resolution be adopted recommending that the City Council approve the Draft Development Code, Draft Zoning Map and Negative Declaration. Any additional changes requested by the Commission would be included in the motion to approve the resolution.

PUBLIC HEARING NOTICE:

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. Draft Land Use and Development Code
2. Draft Zoning Map
3. Negative Declaration
4. Draft Planning Commission Resolution

For the purpose of this Planning Commission Electronic Packet The Development Code Document is being provided as a stand-alone item. Please see the link at:

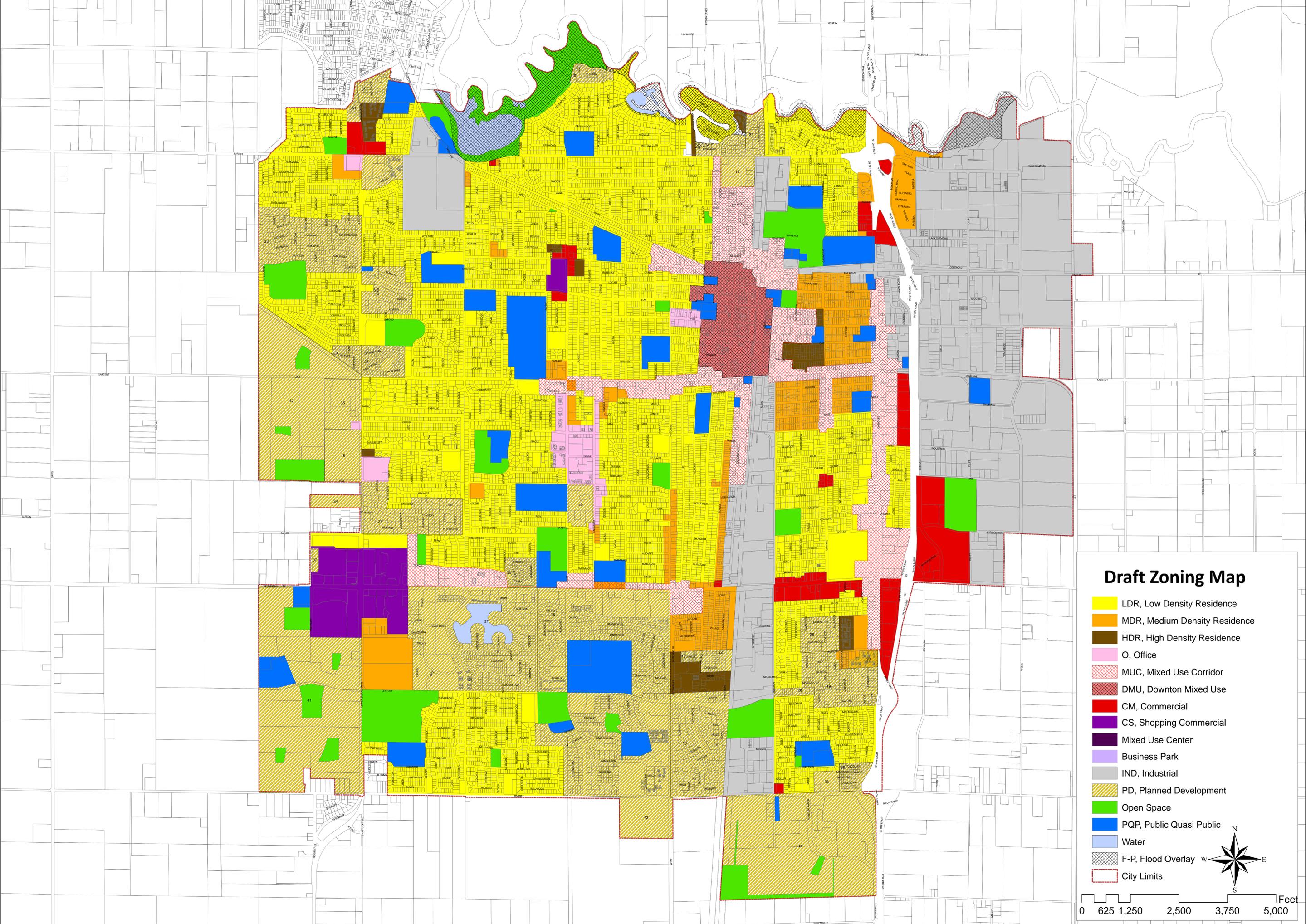
http://www.lodi.gov/community_development/PC_agenda_minutes.html

City of Lodi

Development Code

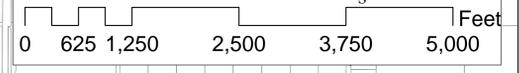
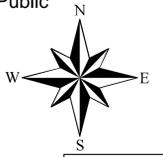
September 2012

City of Lodi
Community Development Department
221 West Pine Street
Lodi, California 95241



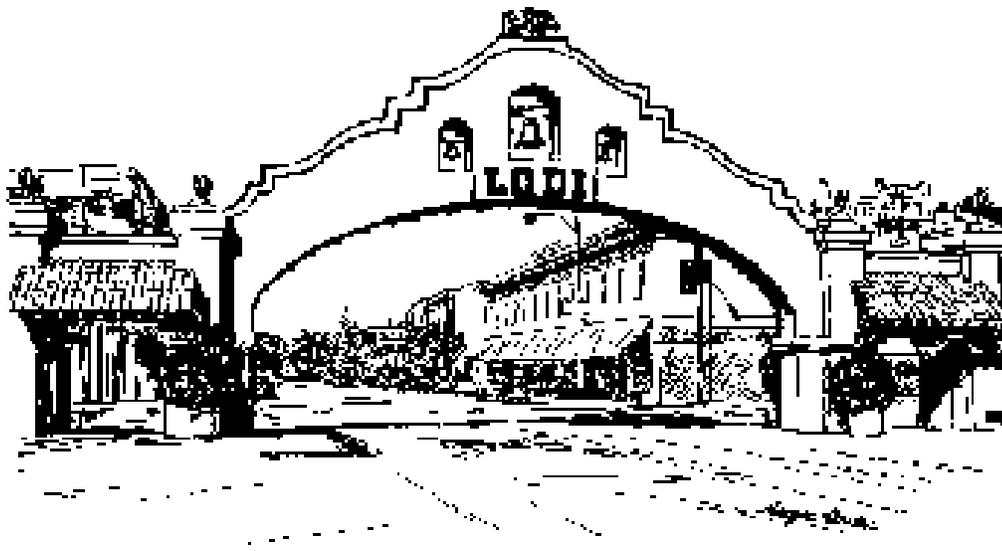
Draft Zoning Map

- LDR, Low Density Residence
- MDR, Medium Density Residence
- HDR, High Density Residence
- O, Office
- MUC, Mixed Use Corridor
- DMU, Downtown Mixed Use
- CM, Commercial
- CS, Shopping Commercial
- Mixed Use Center
- Business Park
- IND, Industrial
- PD, Planned Development
- Open Space
- PQP, Public Quasi Public
- Water
- F-P, Flood Overlay
- City Limits



City of Lodi Development Code Update

Draft Initial Study/Negative Declaration



Prepared by:

City of Lodi
Planning Division
221 West Pine Street
Lodi, California 95240

September 2012

Draft

Initial Study/Negative Declaration

For

CITY OF LODI DEVELOPMENT CODE UPDATE

September 2012

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1. PROJECT TITLE:

City of Lodi Development Code Update

2. LEAD AGENCY NAME AND ADDRESS:

City of Lodi
221 West Pine Street
Lodi, CA 9540

3. CONTACT PERSONS:

Environmental document: Manny Bereket: 209-333-6711

4. PROJECT LOCATION

City of Lodi (Citywide Development Code)

5. PROJECT SPONSOR'S NAME AND ADDRESS:

City of Lodi, Community Development Department
221 W. Pine Street
Lodi CA 95240

6. PROJECT DESCRIPTION

The project involves the update of the City of Lodi Development Code and zoning map to achieve consistency with the 2010 General Plan that was adopted by the City Council in April 2010 as well as with changes to Federal and State laws that have occurred since the adoption of the existing Development Code. The Development Code update implements the policies of the 2010 General Plan by classifying and regulating the development and uses of land and structures within the City through the City’s zoning, subdivision, and other land use regulations. Figure 1 shows the location of Lodi within the greater San Joaquin Valley region and Figure 2 shows the City’s boundaries.

The 2010 General Plan was the subject of a Final Environmental Impact Report (EIR) that was certified by the City Council in April 2010. As noted above, the Development Code update is being considered in order to ensure that the Code is consistent with the 2010 General Plan. Because the Development Code update is entirely consistent with the 2010 General Plan, this Negative Declaration tiers off of the 2010 General Plan FEIR(SCH#2009022075) in accordance with Section 15152 of the *CEQA Guidelines*. As such, the environmental analysis focuses on potential effects not examined in the 2010 General Plan FEIR.

Together, this Initial Study/Negative Declaration (IS/ND) and the 2010 General Plan FEIR constitute the environmental record for the proposed Development

Code update. The 2010 General Plan FEIR can be viewed at Lodi City Hall (221 West Pine Street, Lodi CA 95240) or on the City's website (http://www.lodi.gov/community_development/EIR%20pdfs/EIRs.html).

Article I contains basic information on the legal framework of the Development Code and describes the land uses and development-related activities that are regulated by the Development Code. It also provides information on how to use the code.

Article II contains chapters on different types of zoning districts (residential, commercial, etc.) that are applicable to public and private property within the City. These chapters list the specific types of land uses allowed in each zoning district and the type of land use/development permit that must be obtained prior to initiating each use. Article II also contains basic development standards for each zoning district and regulations for each land use.

Article III provides development standards that apply across zoning districts, including requirements for landscaping, off-street parking and loading, and signage. Article III also contains regulations for specific land uses and development types that may be allowed in a variety of zoning districts.

Article IV details each type of land use and development permit required by the Development Code and the City's requirements for the preparation, filing, processing, and approval of each permit application. This article also sets time limits for exercising a permit, and time extension procedures.

Article V comprises the City's subdivision ordinance. Article V provides site planning and design regulations for new subdivisions, and the procedural requirements for subdivision approval consistent with the mandates of the California Subdivision Map Act.

Article VI provides information on the Development Code's administration, amendments, enforcement, public hearings, and appeals. Article VII also contains provisions governing nonconforming structures, uses, and lots.

Article VIII contains definitions of the specialized and technical terms and phrases used in the Development Code.

The Development Code update is not intended to fundamentally alter the existing Code. Rather, its primary purposes are to:

- Ensure consistency with newly adopted 2010 General Plan
- Comply with Federal and State law (specific changes listed below)
- Incorporate existing Code interpretations
- Improve Code organization and usability

- Close loopholes and correct unclear language

Changes to the Development Code fall into three main categories:

1. Technical
 - Creation of consistent capitalization, punctuation and structure
 - Re-phrasing of language to improve consistency of text for legal purposes
 - Elimination of “loopholes” and ambiguity
2. Consistency
 - Text changes to ensure internal consistency
 - Update for consistency with Federal and State Law
 - New development standards
3. Policy Implementation
 - New chapters or sections

The Zoning Map, shown on Figure 3, has also been updated to be consistent with 2010 General Plan Land Use Map, to include:

- Mixed Use Corridor
- Downtown Mixed Use
- Mixed Use Center

Key elements that have been added to the Development Code to implement 2010 General Plan policies include:

- Development Standards for Downtown Mixed Use, Mixed Use Corridor, and Mixed Use Center Districts, including setbacks, height, parking and signage.
- Parking standards for senior housing developments.
- Density Bonus program.
- Updated antennas/wireless communications section for compliance with State regulations

The following changes have been made in accordance with State and Federal requirements:

- Allowing transitional/supportive housing by right in the residential districts.
- Regulations regarding large daycare uses within residential zones

7. SURROUNDING LAND USES AND SETTING:

Lodi is situated in the San Joaquin Valley between Stockton, 6 miles to the south; Sacramento, thirty-five miles to the north; and along State Route (SR) 99. The City

is located on the main line of the Union Pacific Railroad and is within 5 miles of I-5 via SR-12. The regional is depicted in Figure 2.1, Regional Location Map.

The Mokelumne River forms the northern edge of the city; Harney and Hogan lane southern edge. The Central California Traction Line (CCT) railroad (north of Kettleman Lane) and SR-99 (south of Kettleman Lane) form the eastern boundary. The western boundary extends approximately one-half mile west of Lower Sacramento Road. Lodi (exclusive of White Slough Water Pollution Control Facility) encompasses an area of 12.3 square miles. Figure 2 – 1: Regional Map illustrates the City’s location in regional context.

8. NECESSARY PUBLIC AGENCY APPROVALS:

The City of Calabasas is the lead agency with responsibility for approving the proposed Development Code update. No other public agency approvals are needed.

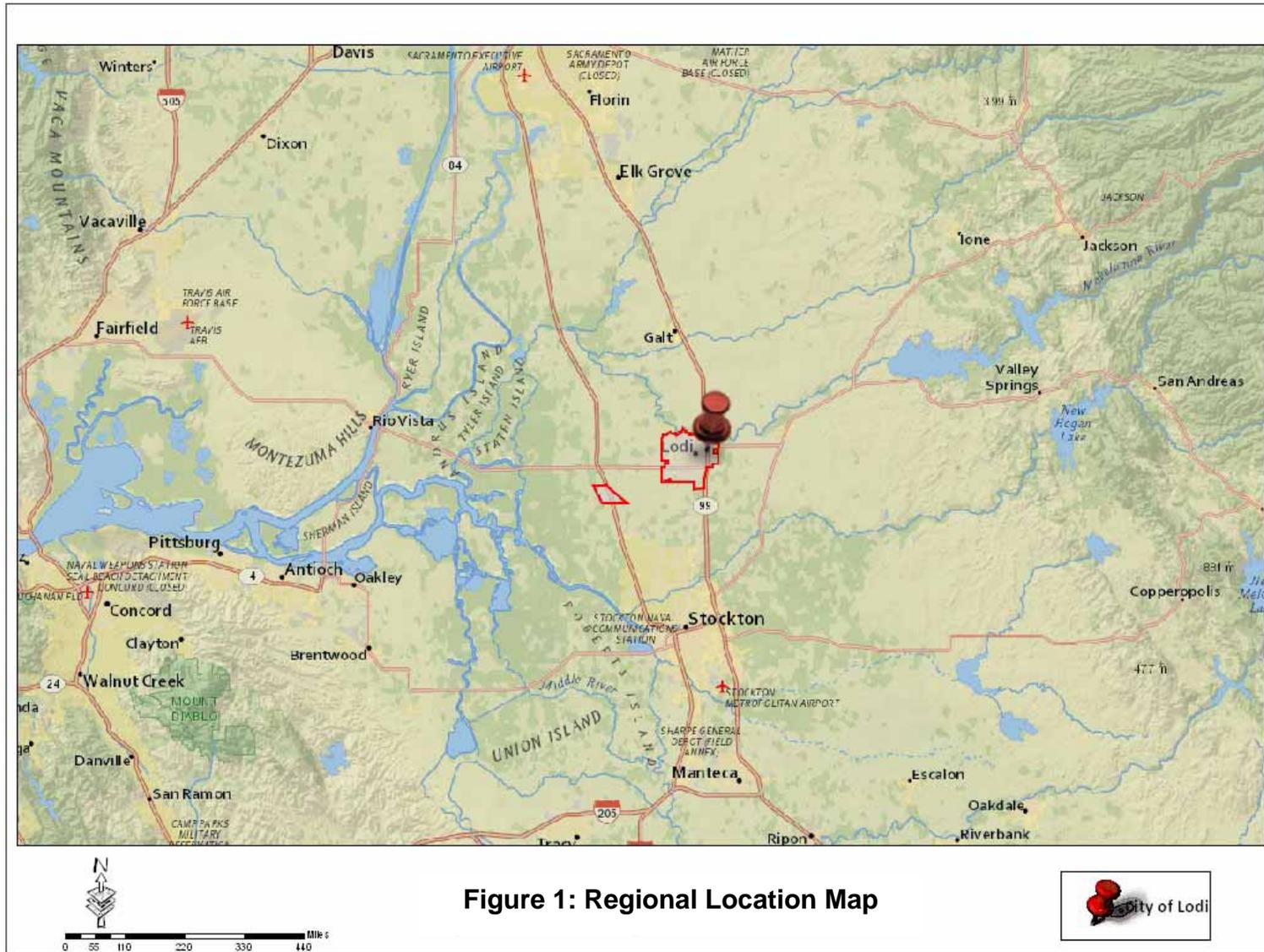
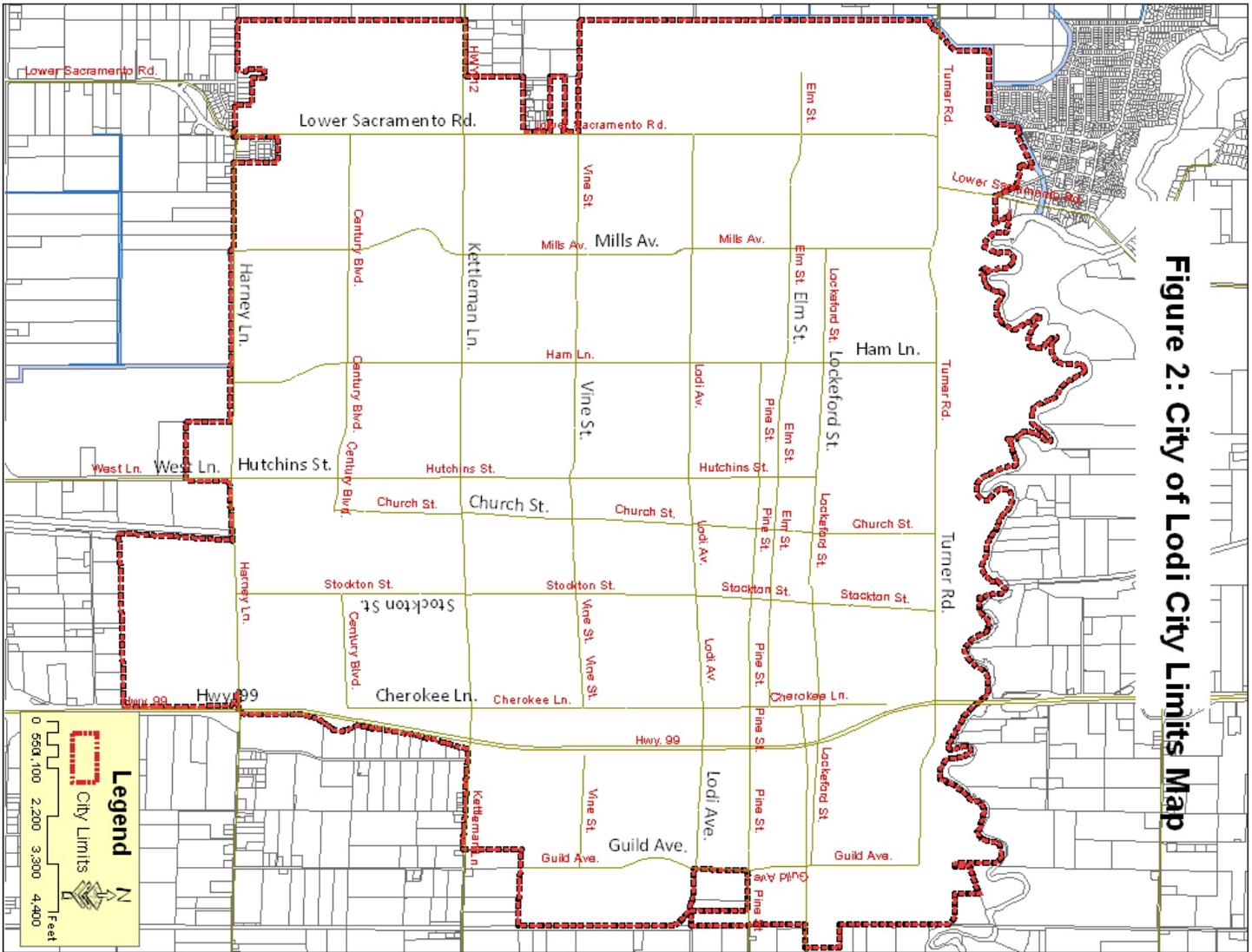


Figure 1: Regional Location Map

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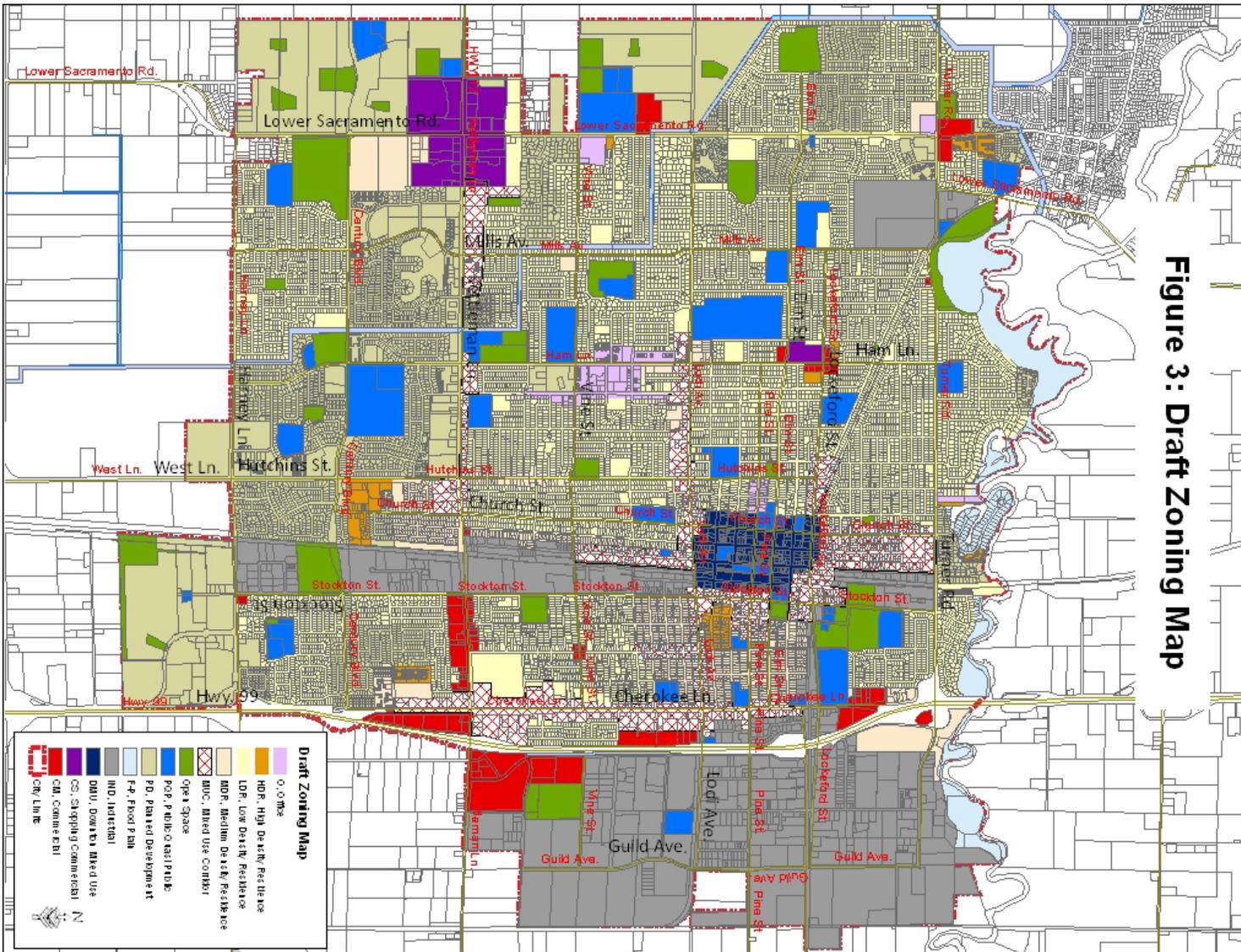


Figure 3: Draft Zoning Map

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9. ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED

The environmental factors checked below would be potentially affected by this project as indicated by the checklist on the following pages.

Environmental Factors Potentially Affected		
<input type="checkbox"/> Aesthetics	<input type="checkbox"/> Agriculture Resources	<input type="checkbox"/> Air Quality
<input type="checkbox"/> Greenhouse Gas Emissions	<input type="checkbox"/> Biological Resources	<input type="checkbox"/> Cultural Resources
<input type="checkbox"/> Geology/Soils	<input type="checkbox"/> Hazards & Hazardous Materials	<input type="checkbox"/> Hydrology/Water Quality
<input type="checkbox"/> Land Use/Planning	<input type="checkbox"/> Mineral Resources	<input type="checkbox"/> Noise
<input type="checkbox"/> Population/Housing	<input type="checkbox"/> Public Services	<input type="checkbox"/> Recreation
<input type="checkbox"/> Transportation/Traffic	<input type="checkbox"/> Utilities/Services Systems	
<input type="checkbox"/> Mandatory Findings of Significance		

10. ENVIRONMENTAL DETERMINATION

- I find that the proposed project could not have a significant effect on the environment, and a Negative Declaration will be prepared.
- I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A Mitigated Negative Declaration will be prepared.
- I find that the proposed project MAY have a significant effect on the environment, and an Environmental Impact Report is required.
- I find that the proposed project MAY have a “potentially significant impact” or “potentially significant unless mitigated” impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measure based on the earlier analysis as described on attached sheets. An Environmental Impact Report is required, but it must analyze only the effects that remain to be addressed.
- I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or Negative Declaration pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or Negative Declaration, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

Konradt Bartlam, Community Development Director

Date

**NOTICE OF AVAILABILITY AND NOTICE TO OF INTENT TO ADOPT A
NEGATIVE DECLARATION FOR THE CITY OF LODI DEVELOPMENT CODE
UPDATE**

Notice is hereby given that the City of Lodi has performed a comprehensive evaluation of the potential impacts for the proposed Development Code Update in accordance with the *CEQA Guidelines*. This Notice is to advise interested individuals that the City of Lodi intends to adopt a Negative Declaration for the project described below.

The initial study prepared by the City was undertaken for the purpose of determining whether the proposed Development Code Update may have a significant effect on the environment. On the basis of the initial study, Community Development Department staff has concluded that the proposed Development Code Update will not have a significant effect on the environment, and therefore has prepared a proposed Negative Declaration 12-ND-02. The initial study reflects the independent judgment of the City.

In accordance with provisions of the CEQA Guidelines, the Draft Negative Declaration tiers off of the 2009 General Plan Final Environmental Impact Report (FEIR) (SCH# 2009022075 that was certified by the City Council in April 2010. Together, this Draft Negative Declaration and the 2009 General Plan FEIR constitute the environmental record for the proposed Development Code Update. The 2010 General Plan FEIR can be viewed at Lodi City Hall (221 West Pine Street, Lodi Ca 95240) or on the City's website http://www.lodi.gov/com_dev/EIRs.html

FILE NUMBER: 12-ND-02

PROJECT TITLE: City of Lodi Development Code Update

PROJECT LOCATION: The Lodi Master Plans study area includes the current city boundaries. Lodi (exclusive of White Slough Water Pollution Control Facility) encompasses an area of 12.3 square miles.

PROJECT DESCRIPTION: The project involves the update of the City of Lodi Development Code and zoning map to achieve consistency with the 2010 General Plan that was adopted by the City Council in April 2010 as well as with changes to Federal and State laws that have occurred since the adoption of the existing Development Code. The Development Code update implements the policies of the 2010 General Plan by classifying and regulating the development and uses of land and structures within the City through the City's zoning, subdivision, and other land use regulations.

PUBLIC REVIEW PERIOD: As mandated by State law, the minimum public review period for this document is 20 days. The proposed Negative Declaration will be circulated for a 20-day public review period, beginning on **Wednesday, September 19, 2012** and

ending on **Monday, October 8, 2012**. Copies of the Draft Negative Declaration and Draft Development Code documents are available for review at the following locations:

- **Community Development Department**, 221 West Pine Street, Lodi, CA 95240
- **Lodi Public Library**, 201 West Locust Street, Lodi, CA 95240

The Negative Declaration and Draft Development Code Update are also available for review on the internet at the following web address:
http://www.lodi.gov/com_dev/EIRs.html

Any person wishing to comment on the Initial Study and proposed Negative Declaration must submit such comments in writing **no later than 5:30 pm on Monday, October 08, 2012** to the City of Lodi at the following address:

Community Development Director
City of Lodi
P. O. Box 3006
Lodi, CA 95241

Facsimiles at (209) 333-6842 will also be accepted up to the comment deadline (please mail the original). For further information, contact Immanuel Bereket, Associate Planner, at (209)333-6711.

Konradt Bartlam, Community Development Director
City of Lodi
P. O. Box 3006
Lodi, CA 95241

A public hearing will be scheduled before the Planning Commission and City Council to receive comments on the document and to adopt the Negative Declaration. This meeting will be separately noticed when the date and time are set.

Konradt Bartlam, Community Development Director

Date

Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less-Than-Significant Impact	No Impact
1 AESTHETICS . <i>Would the Project:</i>				
a. Have a substantial adverse effect on a scenic vista?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. Substantially degrade the existing visual character or quality of the site and its surroundings?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d. Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

a-d) The updated provisions of the Development Code would implement 2010 General Plan policies and the impacts of implementing the Development Code would be similar to those identified in the 2010 General Plan FEIR. As identified in the FEIR, impacts to scenic vistas, scenic resources, visual character, and light/glare conditions could occur. However, proposed General Plan policies identified in the FEIR would reduce such impacts to below a level of significance. Moreover, land use and development standards contained in Article II and site planning and design standards contained in Development Code Article III would further reduce the potential for aesthetic impacts.

The proposed Development Code also includes an update of the antennas/wireless communications facilities section's (Development Code Section 17.36.140) standards for compliance with State and Federal regulations. This section would ensure that proposed facilities would not affect scenic resources by prohibiting such facilities within residential districts (other than in public rights-of-way) and by providing standards requiring use of subdued colors, non-reflective materials, landscape screening, and architecturally compatible elements.

Overall aesthetic impacts would be similar to those described in the 2030 General Plan FEIR and, with implementation of General Plan policies and Development Code standards, would be **less than significant**.

Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less-Than-Significant Impact	No Impact
<p>2 AGRICULTURE RESOURCES: <i>In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. Would the Project:</i></p>				
<p>a. Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program in the California Resources Agency, to non-agricultural use?</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>b. Conflict with existing zoning for agricultural use, or a Williamson Act contract?</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>c. Conflict with existing zoning for, or cause rezoning of forest land (as defined in PRC Sec. 4526), or timberland zoned Timberland Production (as defined in PRC Sec. 51104 (g)?</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>d. Result in loss of forest land or conversion of forest land to non-forest use?</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>e. Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use?</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

a-e) The updated provisions of the Development Code would implement 2010 General Plan policies and the impacts of implementing the Development Code would be similar to those identified in the 2010 General Plan FEIR. The proposed project would have no effect on Prime Farmland, Unique Farmland, or Farmland of Statewide Importance as farming, gardening, and similar uses would be allowed in all zoning districts by right. **No impact** would occur with respect to this issue.

Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less-Than-Significant Impact	No Impact
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3 AIR QUALITY.

Would the Project:

a. Conflict with or obstruct implementation of the applicable air quality plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b. Violate any air quality standard or contribute substantially to an existing or Projected air quality violation?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. Result in a cumulatively considerable net increase of any criteria pollutant for which the Project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d. Expose sensitive receptors to substantial pollutant concentrations?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e. Create objectionable odors affecting a substantial number of people?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

a) Growth regulated by, and the impacts of, the Development Code would be similar to those identified in the 2010 General Plan FEIR. Generally, a project would conflict with or potentially obstruct implementation of an air quality plan if it would contribute to population growth in excess of that forecasted in the air quality management plan (California Air Resources Control Board, 2007). The proposed update to the Development Code would not result in an increase of population for the City beyond that forecast in the 2010 General Plan FEIR. Consequently, as noted in the FEIR, the Development Code update is not expected to generate population in excess of that envisioned in the local Air Quality Management Plan (AQMP). **No impact** would occur.

b-d) As noted above under item a, the proposed Development Code update would not facilitate development beyond that forecast in the 2010 General Plan FEIR. Therefore, no impacts beyond those identified in the FEIR would occur and both temporary and long-term air quality impacts would be **less than significant**.

e) Growth regulated by the Development Code update generally would not be expected to create odors or expose people to odors. Zoning districts contained in Article II of the Development Code and site planning and design standards contained in Article III would further reduce the potential for odor impacts by ensuring that incompatible uses are not located in proximity to each other or that compatibility issues are addressed through site design. **No impact** would occur with respect to odors.

Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less-Than-Significant Impact	No Impact
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4 GREENHOUSE GAS EMISSIONS.

Would the Project:

- | | | | | |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a. Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b. Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

a-b) Growth regulated by the Development Code update generally would not be expected to create odors or expose people to odors. Zoning districts contained in Article II of the Development Code and site planning and design standards contained in Article III would further reduce the potential for odor impacts by ensuring that incompatible uses are not located in proximity to each other or that compatibility issues are addressed through site design. **No impact** would occur with respect to odors.

Issues	Potentially Significant Impact	Potentially Significant With Mitigation Incorporated	Less-Than-Significant Impact	No Impact
5				
BIOLOGICAL RESOURCES				
<i>Would the proposal:</i>				
a. Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d. Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of wildlife nursery sites?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e. Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f. Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Conservation Community Plan, or other approved local, regional, or state habitat conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

a-e) Growth regulated by the Development Code would be consistent with that identified in the 2010 General Plan FEIR. Therefore, as discussed in the FEIR, implementation of 2010 General Plan policies would reduce biological resource impacts to a **less than significant** level.

f) Similar to the 2010 General Plan, the Development Code update would not facilitate development that would conflict with an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or State habitat conservation plan. **No impact** would occur.

Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less-Than-Significant Impact	No Impact
6 CULTURAL RESOURCES				
<i>Would the Project:</i>				
a. Cause a substantial adverse change in the significance of a historical resource as defined in §15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. Directly or indirectly destroy a unique paleontological resource or unique geologic feature?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d. Disturb any human remains, including those interred outside of formal cemeteries.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

a-d) Updates to the Development Code with regards to cultural resources involve no technical changes. No consistency or policy changes are proposed. Therefore, cultural resource impacts associated with development regulated by the Development Code would be similar to those identified in the 2010 General Plan FEIR. As discussed in the FEIR, implementation of 2010 General Plan policies would reduce cultural resource impacts to a less than significant level. Therefore, as with the 2010 General Plan, impacts associated with the Development Code would be **less than significant**.

Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less-Than-Significant Impact	No Impact
7 GEOLOGY AND SOILS.				
<i>Would the Project:</i>				
a. Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:				
i. Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.	☐	☐	■	☐
ii. Strong seismic ground shaking?	☐	☐	■	☐
iii. Seismic-related ground failure, including liquefaction?	☐	☐	■	☐
iv. Landslides?	☐	☐	■	☐
b. Result in substantial soil erosion, or the loss of topsoil?	☐	☐	■	☐
c. Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the Project, and potentially result in on-or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	☐	☐	■	☐
d. Be located on expansive soils, as defined in Table 18-1-13 of the Uniform Building Code (1994), creating substantial risks to life or property?	☐	☐	■	☐
e. Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?	☐	☐	■	☐

a-d) There are no mapped surface or subsurface faults that traverse the city and the city is not listed within a State designated Alquist-Priolo Earthquake Fault Zone. Any future construction will be required to employ building standards set forth in the City's Building Code, including specific provisions for seismic design of structures. In addition, the General Plan FEIR concluded that impacts associated with seismic-related ground shaking would be reduced to less than significant due to mandatory compliance with building codes, policies contained in the General Plan, and mitigation measures included in the General Plan EIR. These mitigation measures require site-specific geologic investigation of seismic and geotechnical hazards potential for new development projects within the city. The proposed project would not change or have any effect on these existing regulations or mitigation measures; no new impacts associated with ground shaking or liquefaction would occur.

As discussed in the *Safety Element* of the 2010 General Plan, development regulated by the 2010 is subject to California Building Code, Fire Code, Municipal Code and other accepted safety practices. The final version of the 2010 General Plan includes policies that address potential impacts by requiring site-specific studies for projects. Development regulated by the Development Code would be similar to that forecast in the 2010 General Plan FEIR; thus, impacts would also be similar and would be **less than significant**. In addition, the Development Code includes various standards that would further reduce the potential for geologic impacts.

e) In coordination with the 2030 General Plan, the Development Code would regulate development in areas where septic systems are used. However, any proposed new septic systems would be subject to applicable regulatory requirements, including percolation tests to ensure that such systems can be operated without significant environmental effects. In addition, 2010 General Plan directs the City to continue monitoring the operation of existing septic systems and extend sanitary sewer service into areas where service is lacking if the provision of sewer service is determined to be technically warranted, economically feasible, and environmentally beneficial. Impacts would be **less than significant**.

Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less-Than-Significant Impact	No Impact
8 HAZARDS AND HAZARDOUS MATERIALS. <i>Would the Project:</i>				
a. Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d. Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e. For a Project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the Project result in a safety hazard for people residing or working in the Project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f. For a Project within the vicinity of a private airstrip, would the Project result in a safety hazard for people residing or working in the Project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g. Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
h. Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

a-d) Numerous Federal, State and local regulations regarding use, storage, transportation, handling, processing and disposal of hazardous materials and waste have been adopted since the passage of the Federal Resource Conservation and Recovery Act (RCRA) of 1976. The goal of RCRA is to assure adequate tracking of hazardous materials from generation to proper disposal. California Fire Code (CFC) Articles 79, 80 et al., which augment RCRA, are the primary regulatory guidelines

used by the City and the County of San Joaquin to govern the storage and use of hazardous materials. The CFC also serves as the principal enforcement document from which corresponding violations are written.

Senate Bill 1082 (1993) established the “Unified Hazardous Waste and Hazardous Materials Management Regulatory Program.” The Unified Program consolidates, coordinates, and makes consistent the following hazardous materials and hazardous waste programs (Program Elements):

- Hazardous Waste Generation (including onsite treatment under Tiered Permitting)
- Aboveground Petroleum Storage Tanks (only the Spill Prevention Control and Countermeasure Plan or "SPCC")
- Underground Storage Tanks (USTs)
- Hazardous Material Release Response Plans and Inventories
- California Accidental Release Prevention Program (Cal ARP)
- Uniform Fire Code Hazardous Material Management Plans and Inventories

The Federal government and the State of California have adopted a series of regulatory requirements pertaining to lead exposure. A discussion of all lead-related regulations can be found on the Department of Health Services website (<http://www.dhs.ca.gov/childlead/html/GENregs.html>).

The following databases were checked for known hazardous materials contamination in the project area:

- Comprehensive Environmental Response, Compensation, and Liability Information System (CERCLIS) database
- Geotracker search for leaking underground fuel tanks, Spills-Leaks-Investigations- Cleanups (SLIC) and Landfill sites
- Cortese list of Hazardous Waste and Substances Sites
- The Department of Toxic Substances Control’s Site Mitigation and Brownfields Database.

The abovementioned databases list a number of sites in and around the City. Potential hazard impacts could occur due to the presence of soil and/or groundwater contamination. However, as discussed in the 2010 General Plan EIR, numerous Federal, State, and local regulations regarding use, storage, transportation, and disposal of hazardous materials and waste are in place and the 2010 General Plan contains policies that aim to minimize adverse impacts to health and quality of life associated with exposure to hazardous materials. Continued compliance with existing regulatory requirements and General Plan policies would address contamination impacts on a case-by-case basis. As development regulated by the Development Code would be similar to that forecast in the 2010 General Plan FEIR, impacts would be **less than significant**.

e, f) The City limits are outside of the Part 77 Horizontal Surface zone of the Lodi Airpark and Kingdon Executive Airport. Part 77 Horizontal Surface zone consists of the airport’s

primary, horizontal, conical, approach and transitional surfaces. Therefore, **no impact** is anticipated.

g, h) The City's newly adopted 2010 General Plan identifies both urban and wildland fire hazards exist in the Lodi Planning Area, creating the potential for injury, loss of life, and property damage. Urban fires primarily involve the uncontrolled burning of residential, commercial, and/or industrial structures due to human activities. Factors that exacerbate urban structural fires include substandard building construction, highly flammable materials, delayed response times, and inadequate fire protection services. The City of Lodi is not characterized by substantial areas of wildlands. The topography of the City is relatively homogenous and steep slopes that could contribute to wildland fires are not common. The City's General Plan indicates that less than one percent of the City and its immediate vicinity has "Moderate" fire hazard potential. Growth regulated by the Development Code would be consistent with that forecast in the 2010 General Plan FEIR. As such, impacts to emergency response would be similar as well. Site planning and project design standards contained in the Development Code would ensure that emergency response access is maintained for individual properties within the City. Impacts would be **less than significant**.

Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less-Than-Significant Impact	No Impact
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9 HYDROLOGY AND WATER QUALITY

Would the Project:

a. Violate any water quality standards or waste discharge requirements?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b. Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (i.e., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c. Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d. Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e. Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f. Otherwise substantially degrade water quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g. Place housing within a 100-year flood hazard area, as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
h. Place within a 100-year floodplain structures which would impede or redirect flood flows?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
i. Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
j. Inundation by seiche, tsunami, or mudflow?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

a, b) Growth regulated by the Development Code would be consistent with the General Plan and with the forecasts contained in the 2010 General Plan FEIR. Any future development would be required to comply with applicable water quality standards and

waste discharge requirements. Therefore, any future development would not affect groundwater supplies or recharge. **No impact** would occur with respect to these issues.

c-f) Future development would incrementally alter drainage patterns within Lodi by adding impervious surfaces. However, Development Code does not propose alteration of any water course or specific modification to drainage patterns. As indicated in the General Plan Final Program EIR, all future development would be required to incorporate adequate drainage that would transport runoff to local basins and nearby storm channels. Additionally, the General Plan *Growth Management Element* and *Safety Element* policies and policy actions further protect community members from drainage and flooding harm. All future developments would be subject to the requirements of the City of Lodi's Stormwater and Urban Runoff Pollution Control Ordinance, which address provisions that apply to the discharge, deposit, or disposal of any stormwater and/or runoff to the storm drain system and/or receiving waters within any area covered by the National Pollutant Discharge Elimination System (NPDES) municipal stormwater permit. The FEIR concluded that implementation of these policies and regulations would reduce impacts to below a level of significance. Therefore, because development regulated by the Development Code would be consistent with that forecast in the FEIR, impacts associated with Development Code implementation would be **less than significant**.

g-i) In coordination with the 2030 General Plan, the proposed Development Code would regulate development within the 100-year flood zone. However, as discussed in the 2010 General Plan FEIR, 2010 General Plan requires developments to incorporate adequate mitigation measures to achieve an acceptable level of risk from potential flooding hazards. The FEIR concludes that this and other policies would reduce flood hazards to a less than significant level. Because development regulated by the Development Code would be consistent with forecasts contained in the 2010 General Plan FEIR, flooding impacts associated with Development Code implementation would also be **less than significant**.

j) Lodi is not subject to risks relating to seiche or tsunamis. Lodi is located inland from the Pacific Ocean and as such, is not subject to tsunami hazards. The project limits are relatively flat and fully urbanized and therefore not susceptible to mudflows. The potential for exposure to such risks would be the same as that identified for the 2030 General Plan and, with implementation of 2010 General Plan policies and existing City regulations, would be reduced to a **less than significant** level.

Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less-Than-Significant Impact	No Impact
10 LAND USE AND PLANNING.				
<i>Would the Project:</i>				
a. Physically divide an established community?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	■
b. Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the Project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating on environmental effect?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	■
c. Conflict with any applicable habitat conservation plan or natural community conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	■

j) The proposed update to the Development Code is specifically intended to achieve consistency with the 2010 General Plan and other relevant plans. The Development Code would not facilitate any roads or other facilities that would divide an established community. No adopted habitat conservation plans or natural community conservation plans apply in Lodi. Allowing transitional/supportive housing by right within the Residential Multi-Family (RM) zone and emergency shelters within the Commercial Limited (CL) zone could have the potential to create land use conflicts relating to visual compatibility and noise; however, implementation of Development Code standards on such development would effectively address any potential conflicts as all projects would be required to comply with applicable development standards and noise restrictions. **No impact** relating to land use and planning would occur.

Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less-Than-Significant Impact	No Impact
11 MINERAL RESOURCES				
<i>Would the Project:</i>				
a. Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the State?	☐	☐	☐	■
b. Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?	☐	☐	☐	■

a-b) The 2010 General Plan prohibits the extraction of mineral resources that could result in significant environmental impacts. Because development regulated by the Development Code would be consistent with that regulated by the 2010 General Plan and forecast in the 2010 General Plan FEIR, it would not entail construction of structures or facilities for the purposes of extraction or exploration of mineral resources. **No impact** to mineral resources would occur.

Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less-Than-Significant Impact	No Impact
12 NOISE				
<i>Would the Project result in:</i>				
a. Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. A substantial permanent increase in ambient noise levels in the Project vicinity above levels existing without the Project?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d. A substantial temporary or periodic increase in ambient noise levels in the Project vicinity above levels existing without the Project?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e. For a Project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the Project expose people residing or working in the Project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f. For a Project within the vicinity of a private airstrip, would the Project expose people residing or working in the Project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

a-c) As discussed in Section 4.9 of the 2030 General Plan FEIR, all future developments could result in the exposure of future developments and residents to higher noise levels that could exceed the City's Noise Standards. The General Plan Program EIR concluded that with adherence to the City's Noise Ordinance, impacts would be reduced to a **less than significant** level. Future development pursuant to the proposed project would also be subject to mitigation measures detailed in the General Plan FEIR. The Development Code would not change any General Plan policies associated with reduction of noise impacts. Impact would be less than significant.

d) As discussed in the 2010 General Plan FEIR, construction activity throughout City could temporarily expose residents and businesses to temporary elevated noise levels. Similar impacts could occur as a result of Development Code implementation. However, the proposed Development Code specifies that no construction activities should take place before seven a.m. or after seven p.m. on any day. Through limitation of construction activity to times of day when people are less sensitive to noise, impacts would be reduced to a **less than significant** level.

e, f) There is no airport located within two (2) miles of the City limits. The closest airport to the City limits is the Lodi Airpark, located approximately four (4) miles southwest of

the Project site, and supports twenty to thirty (20-30) operations per day. The airport's noise "footprint" does not extend beyond the immediate airport boundary. Therefore, the City is not subject to excessive noise levels associated with airport operations. **No impact** would occur with respect to these issues.

Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less-Than-Significant Impact	No Impact
13 POPULATION AND HOUSING <i>Would the Project:</i>				
a. Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (e.g., through extension of roads or other infrastructure)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

a-c) Development regulated by the proposed Development Code would be consistent with that regulated by the 2010 General Plan. Consequently, anticipated population growth under the Development Code would be consistent with the forecasts contained in the 2010 General Plan FEIR. No exceedance of SCAG population forecasts for the City is anticipated. Impacts would be **less than significant**. The new zoning map is consistent with the adopted 2030 General Plan land use map. Therefore, though individual residences could be displaced over time, the Development Code would not facilitate displacement of substantial numbers of people or housing. Impacts would be **less than significant**.

Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less-Than-Significant Impact	No Impact
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14 PUBLIC SERVICES

Would the Project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:

a. Fire protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Police protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. Schools?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d. Parks?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e. Other public facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

a-i) The Lodi Fire Department (LFD) provides fire protection, basic life support (BLS), fire prevention, technical rescue, and hazardous materials response services to the City of Lodi. Growth regulated by the proposed Development Code would be consistent with that regulated by the 2010 General Plan and forecast in the 2010 General Plan FEIR. Therefore, because it was determined that implementation of proposed 2010 General Plan policies would reduce potential impacts to below a level of significance, impacts associated with the Development Code would also be **less than significant**.

a-ii) The Lodi Police Department provides law enforcement and animal services to the City of Lodi. As discussed in the 2010 General Plan, forecast growth within Lodi would incrementally increase demand for police protection service. However, forecast growth would not create the need for new police protection facilities; therefore, significant impacts relating to police protection service are not anticipated. Because growth regulated by the proposed Development Code would be consistent with that regulated by the 2010 General Plan and forecast in the 2010 General Plan FEIR, impacts associated with the Development Code would also be **less than significant**.

a-iii) The Lodi Unified School District provides public education for grades preschool through twelve on a traditional calendar system. The proposed Development Code would facilitate similar levels of growth as were forecast in the 2030 General Plan FEIR, but would not create any new impact to schools beyond that noted in the FEIR. Section 65995(h) of the California Government Code (Senate Bill 50, chaptered August 27, 1998) states that payment of statutory fees "...is deemed to be full and complete mitigation of the impacts of any legislative or adjudicative act, or both, involving, but not limited to, the planning, use, or development of real property, or any change in governmental organization or reorganization." Therefore, pursuant to CGC §65995(h) and as identified in the 2010 General Plan FEIR, impacts relating to school capacity would be **less than**

significant assuming that future developers within Lodi continue to pay State-mandated school impact fees.

a-iv) The City of Lodi operates a total of 27 parks, natural open space areas, and sports field. Park facilities in Lodi range from mini-parks and tot lots to larger regional parks and natural open space areas. Growth regulated by the proposed Development Code would create similar demand as that forecast for the 2010 General Plan, but would not create any impacts beyond those identified in the 2010 General Plan FEIR. Consequently, similar to the 2010 General Plan, impacts relating to parks and recreation would be **less than significant**.

a-v) As discussed above, growth regulated by the proposed Development Code is consistent with that forecast for the 2010 General Plan FEIR, significant impacts relating to libraries are not anticipated. Impacts relating to other services would be **less than significant**.

	Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less-Than-Significant Impact	No Impact
15	RECREATION				
	a. Would the Project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	b. Does the Project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

a-b) Please see the discussion above under Item XIII. a.iv. Impacts relating to recreation would be **less than significant**. Growth regulated by the proposed Development Code would create similar demand as that forecast for the 2010 General Plan, but would not create any impacts beyond those identified in the 2010 General Plan FEIR. Consequently, similar to the 2010 General Plan, impacts relating to parks and recreation would be **less than significant**.

Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less-Than-Significant Impact	No Impact
16 TRANSPORTATION/TRAFFIC				
<i>Would the Project:</i>				
a. Cause an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d. Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e. Result in inadequate emergency access?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f. Result in inadequate parking capacity?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g. Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

a-b) As discussed in Section 3.2.13 of the 2010 General Plan FEIR, traffic growth regulated by the 2010 General Plan could not result in deficiencies to the local circulation system based on General Plan level of service standards. Growth regulated by the proposed Development Code would be similar to, but would not exceed, that regulated by the 2010 General Plan. Therefore, although Development Code implementation could create significant impacts as described above, it would not create any impacts beyond those identified in the 2030 General Plan FEIR. Therefore, impacts would be **less than significant**.

c) Implementation of the proposed Development Code would have no effect on air traffic patterns. **No impact** would occur.

d, e) Article III of the proposed Development Code includes specific site planning and project design standards intended to address such issues as traffic hazards and emergency access. As such, impacts relating to traffic hazards and emergency access would be **less than significant**.

f) Article III of the proposed Development Code includes specific parking standards for the range of land uses that could be regulated by the Code. Implementation of these standards as individual projects are proposed would address parking demand and reduce impacts to a **less than significant** level.

f) The purpose of the Development Code is to implement the policies of the 2010 General Plan, including Circulation Element policies relating to alternative transportation. As such, the Development Code would not conflict with such policies and **no impact** would occur.

Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less-Than-Significant Impact	No Impact
17 UTILITIES AND SERVICE SYSTEMS				
<i>Would the Project:</i>				
a. Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d. Have sufficient water supplies available to serve the Project from existing entitlements and resources, or are new or expanded entitlements needed?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e. Result in a determination by the wastewater treatment provider which serves or may serve the Project that it has adequate capacity to serve the Project's Projected demand in addition to the provider's existing commitments?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f. Be served by a landfill with sufficient permitted capacity to accommodate the Project's solid waste disposal needs?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g. Comply with federal, state, and local statutes, and regulations related to solid waste?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

a, b e) The City owns and operates the wastewater collection system within its corporate limits. The collection system includes separate domestic and industrial sewers and related pumping facilities. Untreated wastewater is piped to the City's treatment plant through pipes, utilizing both gravity flow and lift stations, where appropriate. The City also owns the treatment facilities at the White Slough Water Pollution Control Facility (WSWPCF) located approximately 6 miles southwest of the City. The City has adopted and maintains a *Wastewater Master Plan* to estimate future infrastructure and service demands within Lodi. Because growth regulated by the Development Code is consistent with that regulated by the 2010 General Plan, sufficient plant capacity would continue to be available and impacts relating to wastewater service would be **less than significant**.

c) The proposed project does not involve any development activity. The project implements General Plan policies and programs. The project would not facilitate any substantial new development activity beyond that analyzed in the General Plan FEIR. The General Plan Program EIR included a mitigation measure which requires all new development to undertake a site-specific sewer evaluation prior to issuance of grading permits or otherwise determined as necessary by the City. Because growth regulated by the Development Code is consistent with that regulated by the 2010 General Plan,

sufficient plant capacity would continue to be available and impacts relating to wastewater service would be **less than significant**.

d) City of Lodi Water supplies and distributes potable water. According to the City's Urban Water Management Plan (UWMP), the City currently has a net surplus in water supply given the City's current water entitlements and current water demand. In addition, year 2010 Projections show the City with a net surplus in water supply. The UWMP analyzed future growth within the City based on land use assumptions depicted in the City's General Plan. The proposed Project consists of activation of a well and would contribute to the City's water supply. The proposed project does not involve any development activity. The project implements General Plan policies and programs at a development level that does not exceed that which was analyzed in the General Plan EIR. Review of future projects will continue to be carried out to ensure that the projects are consistent with all General Plan Policies and Policy Actions. Impacts on water supplies or water supply infrastructure would be **less than significant**.

f, g) As indicated in the General Plan EIR, The increased solid waste due to implementation of the General Plan could be accommodated within the existing landfill capacity. Adoption of the proposed Master Plans will not facilitate any substantial new development activity beyond that analyzed in the General Plan EIR, and thus will not lead to any significant solid waste production beyond that previously indicated. Furthermore, compliance with the City's Source Reduction and Recycling Element (SRRE) program, whereby all future development projects must divert solid waste to meet state diversion goals associated with AB 939, as well as State and County waste reduction programs and policies, would reduce the volume of solid waste entering landfills. Review of future projects will continue be carried out to ensure that the projects are consistent with all General Plan Policies and Policy Actions and the SRRE program. Adherence to such requirements would reduce potential impacts associated with solid waste to a less than significant impact level. Growth regulated by the proposed Development Code would be consistent with that regulated by the 2030 General Plan and forecast in the 2010 General Plan FEIR. Therefore, the Development Code would not create any impacts beyond those identified in the 2010 General Plan FEIR and impacts would be **less than significant**.

Issues	Potential	Less Than	Less-	No
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	y Significan t Impact	Significant With Mitigation Incorporat ed	Than- Significan t Impact	Impact
18 MANDATORY FINDINGS OF SIGNIFICANCE				
a. Does the Project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Does the Project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a Project are considerable when viewed in connection with the effects of past Projects, the effects of other current Projects, and the effects of probable future Projects)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. Does the Project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

a) As discussed in Section IV, *Biological Resources* and Section V, *Cultural Resources*, the proposed Development Code does not have the potential to substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory. Impacts would be **less than significant**.

b) The proposed Development Code considers cumulative growth within Lodi and, as discussed throughout this Initial Study, significant cumulative impacts associated with developed regulated by the Development Code are not anticipated. Consequently, no cumulatively considerable impacts would occur and impacts would be **less than significant**.

c) As discussed in Section III, *Air Quality*; Section VI, *Geology and Soils*; Section VII, *Hazards and Hazardous Materials*; Section VIII, *Hydrology and Water Quality*; Section XI, *Noise*; and Section XV, *Transportation and Traffic*, the proposed Development Code would not create environmental effects that would adversely affect human beings. Impacts would be **less than significant**.

Documents Referenced

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- San Joaquin Valley Air Pollution Control District (SJVAPCD), *District Air Quality Plans and Related Reports, Particulate Matter, and Ozone*, 2003.
- San Joaquin Valley Air Pollution Control District (SJVAPCD), *Ambient Air Quality Standards and Valley Attainment Status*, 2005.
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- State of California, Health and Human Safety Code, Section 7050.5.
- State of California, Public Resources Code, Section 5097.5.
- United States, Department of the Interior, Fish & Wildlife Service. National Wetlands Inventory. *Wetlands Mapper*, Accessed March 28, 2011. Available online at <http://www.fws.gov/wetlands/data/Mapper.html>
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U.S. Department of Transportation, Federal Highway Administration. *The National Scenic Byways Program*. (<http://www.scenic.org/byways>).

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PLANNING COMMISSION RESOLUTION NO. 12-

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LODI RECOMMENDING TO THE CITY COUNCIL ADOPTION OF AN ORDINANCE APPROVING THE LAND USE AND DEVELOPMENT CODE, ZONING MAP AND TO CERTIFY THE NEGATIVE DECLARATION

WHEREAS, California Government Code section 65300 mandates that cities shall adopt a comprehensive, long-term general plan for the physical development of the City, and of any land outside its boundaries which in the City's judgment bears a relation to its planning; and

WHEREAS, on January 20, 2009, the City Council of the City of Lodi adopted a 2010 General Plan which contains an Implementation Program discussing the need to update the Zoning Ordinance to reflect the 2010 General Plan; and

WHEREAS, the City Council initiated the comprehensive update to the City's Development Code September 7, 2011 and entered into a Professional Services Agreement with Raney Planning and Management, Inc., (Consultant) of Sacramento to facilitate a comprehensive updating of the current Zoning Ordinance, pursuant to Resolution No. 2011-188; and

WHEREAS, City Staff and the Consultant have been working diligently since that time to complete the update of the General Plan; and

WHEREAS, the City of Lodi has prepared a draft Development Code, which was released for public review on July 11, 2012; and

WHEREAS, City staff presented the draft Development Code to the Commission on three different public hearing occasions (July 11, August 8, and September 12, 2012) to review the Draft Land Use and Development Code and accept public comments and input; and

WHEREAS, the General Plan Update effort has involved an extensive public participation, including stakeholder meetings, preparation and circulation of the draft document, numerous meetings with individual parties and groups, a project web-site, and three duly noticed public hearings where members of the public made comments and provided directions; and

WHEREAS, the Land Use and Development Code Update reflects the input of residents, stakeholders, and public officials, and implements the General Plan's visions and desire for the community, is adopted in the public's interest, and is otherwise consistent with federal and state law; and

WHEREAS, pursuant to the California Environmental Quality Act, a Negative Declaration was prepared that tiers off of the 2010 General Plan Final Environmental Impact Report (FEIR) that was certified by the City Council in April 2010. Together, the Negative Declaration and the 2010 General Plan FEIR constitutes the environmental record for the proposed Land Use and Development Code and Zoning Map Update. The City Council has considered the Negative Declaration prepared for the Land Use and Development Code Update; and

The Negative Declaration was available for public review from Wednesday, September 19, 2012 to Monday, October 8, 2012. A notice of availability was published in the newspaper, posted on the City's web page, and mailed to public agencies. A copy of the Negative Declaration was made available on the City's web page, at the public counter and at the public library.

WHEREAS, this Planning Commission has reviewed the proposed policy changes set forth in the draft Development Code; and

WHEREAS, on Wednesday, October 10, 2012 this Planning Commission held a duly and properly noticed public hearing on the proposed Development Code; and

WHEREAS, this Planning Commission had considered the report prepared by Staff, all public comments, the policies set forth in the proposed Development Code, reviewed the proposed Negative Declaration.

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 hereby 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 proposed Development Code is consistent with all of the applicable objectives, policies, general land uses, programs, and actions of all applicable elements of the General Plan.
2. The proposed Development Code will not be detrimental to the public convenience, health, safety, or general welfare of the City.
3. The proposed Development Code is internally consistent with other applicable provisions of the policies.
4. The Planning Commission hereby finds that adopting the Development Code will enhance the economic opportunities and be consistent with the 2010 General Plan.

NOW, THEREFORE, BE IT RESOLVED, DETERMINED, AND ORDERED as follows:

1. The foregoing recitals are true and correct and incorporated herein by reference.
2. Based on the foregoing, the Planning Commission hereby recommends that the City Council adopt a Resolution approving a Development Code, amend the Zoning Map and Certify the Negative Declaration as an adequate environmental documentation.
3. This Planning Commission recommends that the City Council adopt the proposed Development Code and Zoning Map, attached to this Resolution as Exhibit A.

Dated: October 10, 2012

I hereby certify that Resolution No. 12- was passed and adopted by the Planning Commission of the City of Lodi at a regular meeting held on Wednesday, October 10, 2012, by the following vote:

AYES: Commissioners:

NOES: Commissioners:

ABSENT: Commissioners:

ATTEST: _____
Secretary, Planning Commission

Attachments:

Exhibit A -

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 10/10/2012
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 28, 2012	Shirtsleeve	Receive Information on the City of Lodi Geographical Information System (PW)
September 19, 2012	Regular	Public Hearing to Consider and Approve the Recommendation of the Planning Commission to Rezone Property Located at 515 South Lower Sacramento Road from R-1, C-S, and R-C-P to Planned Development (PD)-35 (CD)