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| <p>CARNEGIE FORUM<br/>305 WEST PINE<br/>STREET<br/>LODI, CALIFORNIA</p> | <p><b>AGENDA</b><br/><b>LODI</b><br/><b>PLANNING COMMISSION</b></p> | <p>REGULAR SESSION<br/>WEDNESDAY,<br/>SEPTEMBER 23, 2015<br/>@ 7:00 PM</p> |
|---|---|--|

For information regarding this agenda please contact:

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

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

1. ROLL CALL

2. MINUTES – “August 26, 2015”

3. PUBLIC HEARINGS

- a. Request for Planning Commission approval of a Use Permit to allow an electronic readerboard sign for Zion Lutheran Church at 105 South Ham Lane. (Applicant: David Ford - Fairmont Sign Company; File 2015-26 U; CEQA Determination: Exempt per Section 15301)
- b. Request for Planning Commission approval of a Use Permit to allow a personal fitness training studio within an existing commercial building in the downtown area, located at 115 South School Street. (Applicant: Ian and Trina Maeser; File 2015-27 U; CEQA Determination: Categorical Exemption Pursuant to CEQA Guidelines Section 15332 In-Fill Development Projects)
- c. Request for Planning Commission to include a procedure in the zoning code to allow a reasonable accommodation request for persons with disabilities seeking equal access to housing under the Federal Fair Housing Act and the California Fair Employment and Housing Act (the Acts) in the application of zoning laws and other land use regulations, policies and procedures in all zones and make recommendation to the City Council. (Applicant: City of Lodi; File 2015-28 Z; CEQA Determination: Exempt per Section 15321)

**NOTE: The above items are quasi-judicial hearings and require disclosure of ex parte communications as set forth in Resolution No. 2006-31**

4. PLANNING MATTERS/FOLLOW-UP ITEMS

- a. Downtown Vision and Direction
- b. Vintage Sports Grill Use Permit Three Month Review (2015-16U)
- c. Alcohol Beverage Control Discussion with Paul A. Fuentes, Supervising Agent in Charge

5. ANNOUNCEMENTS AND CORRESPONDENCE

6. ACTIONS OF THE CITY COUNCIL

7. ACTIONS OF THE SITE PLAN AND ARCHITECTURAL REVIEW COMMITTEE

8. ART IN PUBLIC PLACES

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

## 10. COMMENTS BY THE PLANNING COMMISSIONERS & STAFF (NON-AGENDA ITEMS)

## 11. ADJOURNMENT

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

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

### Right to Appeal:

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

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

# August 26, 2015 Minutes

Minutes were not ready at the time  
of packet preparation

They will be made available prior to  
the start of the meeting

Item 3a



**CITY OF LODI  
PLANNING COMMISSION  
Staff Report**

**MEETING DATE:** September 23, 2015

**APPLICATION NO:** Use Permit: 2015-26 U

**REQUEST:** Request for Planning Commission approval of a Use Permit to allow an electronic readerboard sign for Zion Lutheran Church at 105 South Ham Lane. (Applicant: David Ford - Fairmont Sign Company; File 2015-26 U; CEQA Determination: Exempt per Section 15301)

**LOCATION:** 105 South Ham Lane  
APN 035-110-11

**APPLICANTS:** Fairmont Sign Company  
David Ford  
124 Allimore Court  
Roseville, California 95747

**PROPERTY OWNER** Zion Lutheran Church  
Keith Mettler, Congregational President  
105 South Ham Lane  
Lodi, CA 95242

**RECOMMENDATION**

Staff recommends the Planning Commission approve the request Zion Lutheran Church of Lodi for a Use Permit to allow an electronic readerboard sign at 105 South Ham Lane, subject to conditions in the attached resolution. The applicants are looking to utilize the electronic readerboard to announce church events.

**PROJECT/AREA DESCRIPTION**

**General Plan Designation:** Low Density Residential  
**Zoning Designation:** RLD – Low Density Residential  
**Property Size:** 4.67 acres – 203,425 sq ft.

The adjacent zoning and land use characteristics:

|              | ADJACENT ZONING DESIGNATIONS AND LAND USES |                               |                   |
|--------------|--|-------------------------------|-------------------|
|              | GENERAL PLAN                               | ZONING CLASSIFICATION         | EXISTING LAND USE |
| <b>North</b> | Low Density Residential                    | RLD – Low Density Residential | Residences        |
| <b>South</b> | Low Density Residential                    | RLD – Low Density Residential | Residences        |
| <b>East</b>  | Low Density Residential                    | RLD – Low Density Residential | Residences        |
| <b>West</b>  | Public                                     | PQP – Public / Quasi Public   | Lodi High School  |

## SUMMARY

The City Building records identify the construction of the existing church in 1950 and the construction of the existing monument sign in 1962. Since that time, school services and other additions to the property have taken place.

The applicant is requesting to make modifications to the existing monument sign on the church property.

- The existing monument sign was constructed in 1962
- The sign is 7 feet in height and 10 feet in width. The sign portion of the monument is approximately 4 feet by 8 feet.

The applicant is proposing to remove the 4 feet by 8 feet section of the sign and replaced by an electronic readerboard. The overall sign height and structure does not change. The electronic readerboard area will be 2.5 feet in height by 8 feet in width.

Electronic readerboards are becoming increasingly popular on school and commercial sites. The technology makes it convenient to change the sign copy. It also allows the sign copy to change frequently or infrequently, and it allows the copy to be displayed in one or multiple colors.

The Planning Commission shall review an electronic readerboard per section 17.34.070 F of the municipal code.

*F. Programmable Electronic Signs. The following standards apply to programmable electronic signs:*

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

Electronic readerboards have the capacity to display multiple messages in multiple colors filling the entire sign face, or they may simply scroll colored text against a black (non-illuminated) background. The applicant proposes a sign display which would have a colored background with the flexibility to do fully colored messages and images. The lit bulbs can form a design, such as a firework or a balloon, which is commonly used with graduation announcements.

In the daytime, the sign is proposed to be illuminated to its maximum brightness so that it can be easily read in the daylight. Aside from street lamps, site is relatively dark at night. During dusk and night hours the illumination is reduced to avoid glare and offsite nuisance.

City staff believe an LED readerboard sign would be appropriate at the site with lower illumination at sunset and for the duration of nighttime hours

The sign would primarily display worship hours for Zion Lutheran Church. As school or community events take place, the sign copy could change to post information relating to those events. The applicant does not propose rapid flashing between messages. The sign will be set back such that it does not obstruct vehicular or pedestrian visibility.

Staff has reviewed the applicant's proposal and conditioned the project to eliminate any visual nuisances from flashing displays and messages from off-site parties. Staff will require a site visit to review sign brightness before full operation.

The discretionary Use Permit procedure enables the Planning Commission to impose conditions designed to avoid, minimize potentially adverse effects. Staff believes that the Planning Commission can make the required findings to approve the requested Use Permit. The required findings are as follows:

1. *The proposed use is allowed with a Use Permit within the applicable zoning district and complies with all applicable provisions of this Development Code.* **Comment:** The proposal involves the addition of an electronic readerboard to an existing monument sign. Section 17.34.070 F of the municipal code provides guidelines for the review of an electronic readerboard sign. These provisions are met by the Zion Lutheran Church readerboard application and conditions of approval.
2. *The proposed use is consistent with the General Plan and any applicable specific plan.* **Comment:** The General Plan land use designation for this area is Low Density Residential which allows a church use subject to approval of a use permit. The monument sign for the church was approved in 1962 and has been a part of the property for over 50 years. The monument sign helps provide information to the community for upcoming events. A church use with signage is consistent with the General Plan.
3. *The location, size, design and operating characteristics of the use or development is compatible with and shall not adversely affect or be materially detrimental to the health, safety, or welfare of persons residing or working in the area, or be detrimental or injurious to public or private property or improvements.* **Comment:** The project meets building design and setbacks in order to be consistent with surrounding uses. The monument sign is out of the public right of way and set back to avoid visibility issues with vehicle traffic. No aspect of the proposed use has been identified that would create new detrimental impacts.
4. *The location, size, design, and operating characteristics of the proposed use would be compatible with the existing and future land uses in the vicinity.* **Comment:** The proposed use complies with all requirements as set forth for the issuance of this Use Permit, in that the site is adequate in size, shape and topography for the proposed use, consisting of an existing site design. The proposed use, as conditioned, will not have an adverse effect upon the use, enjoyment or valuation of property in the neighborhood because the proposed use will be located within an existing monument sign and the size and shape of the sign will not be altered.
5. *The proposed project has been reviewed in compliance with the California Environmental Quality Act (CEQA) and the Lodi Environmental Review Guidelines.* **Comment:** The project was found to be Categorical Exempt according to the California Environmental Quality Act, §15301, Class 1. The project Class 1 consists of the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures,

facilities, mechanical equipment, or topographical features, involving negligible or no expansion of use beyond that existing at the time of the lead agency's determination. No significant environmental impacts are anticipated and no mitigation measures are required.

Staff sent a copy of the application to various City departments for comment and review. Their comments and requirements have been incorporated into the attached resolution. The Community Development Department is of the opinion that the proposed project is consistent with the surrounding land uses and zoning. We, therefore, are recommending that the Use Permit be approved, subject to the attached resolution.

**ENVIRONMENTAL ASSESSMENT:**

The project was found to be Categorically Exempt according to the California Environmental Quality Act, Article 19 §15301, Class 1. The project Class 1 consists of the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of use beyond that existing at the time of the lead agency's determination. No significant environmental impacts are anticipated and no mitigation measures are required.

**PUBLIC HEARING NOTICE:**

Legal Notice for the Use Permit was published in the Lodi News Sentinel on Saturday, September 12, 2015. Sixty-Seven (67) public hearing notices were sent to all property owners of record within a 300-foot radius of the project site as required by California State Law §65091 (a) 3. Public notice also was mailed to interested parties who expressed their interest of the project.

**RECOMMENDED MOTIONS**

Should the Planning Commission agree with staff's recommendation, the following motions are suggested:

"I move that the Planning Commission adopt a Resolution finding that the project is exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15301 and approve the Use Permit to allow an electronic readerboard sign for Zion Lutheran Church at 105 South Ham Lane subject to the findings and conditions of approval contained in the draft Resolution."

**ALTERNATIVE PLANNING COMMISSION ACTIONS:**

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

Respectfully Submitted,

Concur,

Craig Hoffman  
Senior Planner

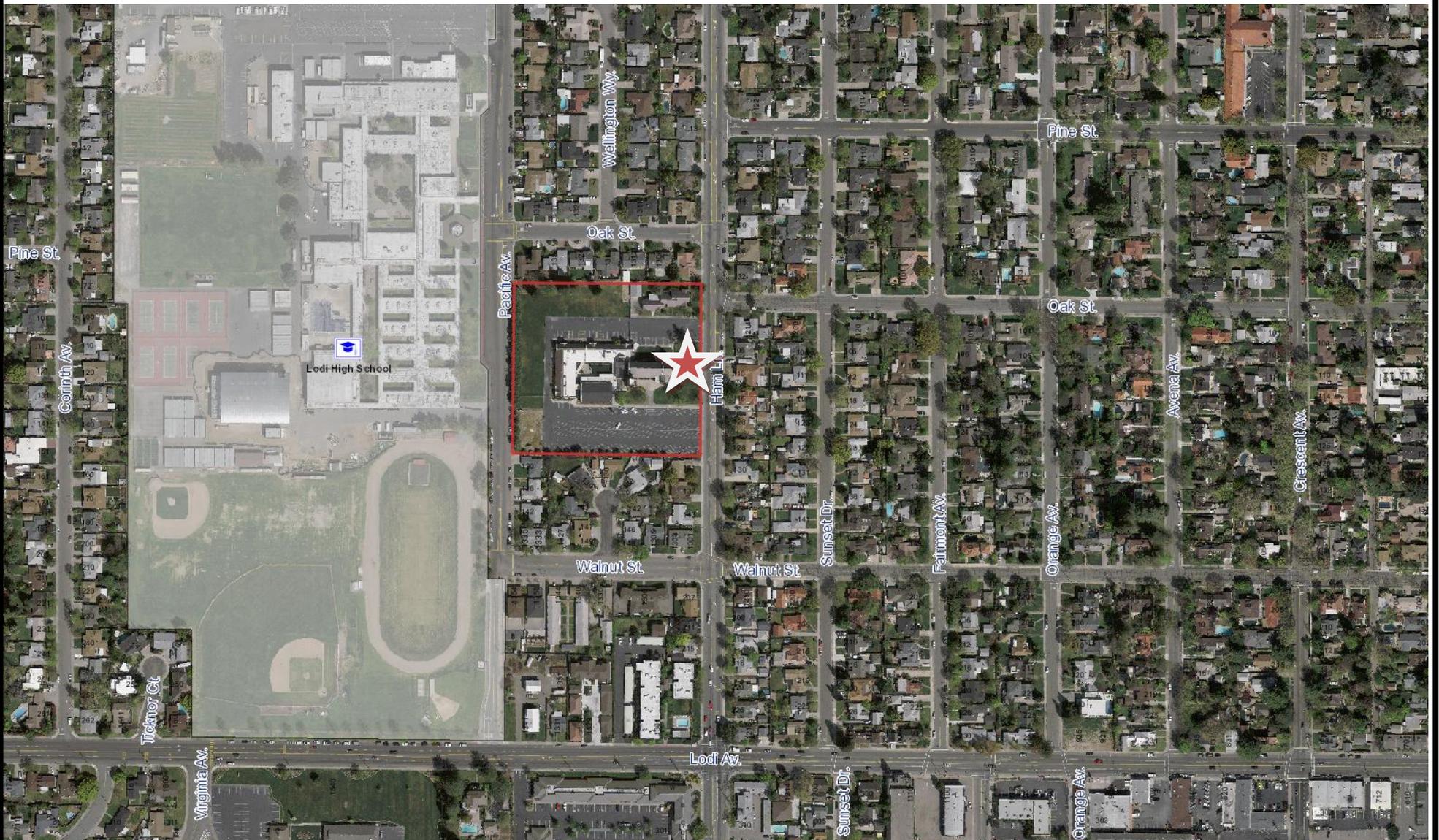
Stephen Schwabauer  
Community Development Director

**ATTACHMENTS:**

- A. Vicinity / Aerial Map
- B. Existing and Proposed Signage
- C. Draft Resolution

# VICINITY MAP

NORTH



SOUTH

## 105 South Ham Lane

# Zion Lutheran Church | Monument Sign

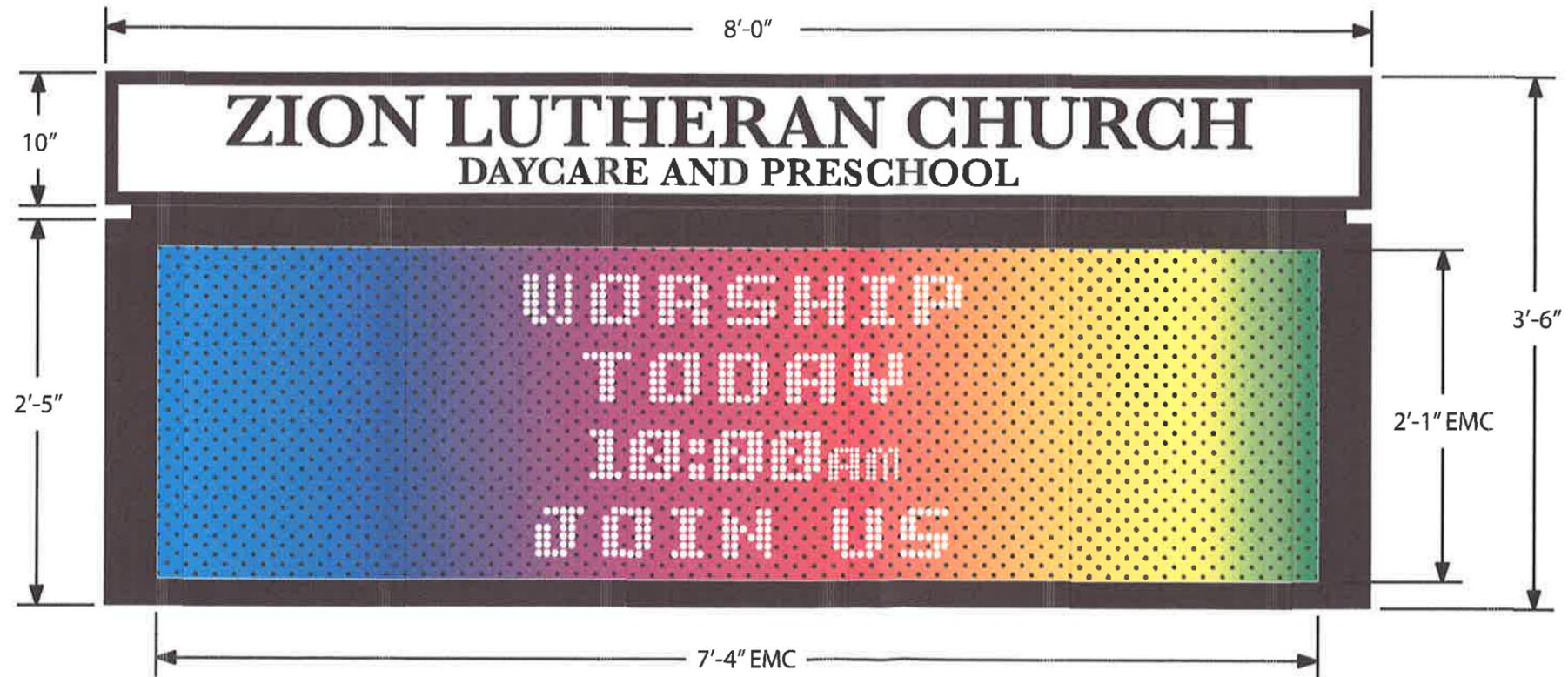
NOTE: Renderings below utilize sample dimensions.



EXISTING SIGNAGE



PROPOSED SIGNAGE



**QTY 1: D/F LED Illuminated Cabinet w/ Vinyl Copy and D/F Full Color 20mm EMC**  
To be mounted to existing brick base with a vandal cover.



**FAIRMONT**  
SIGN COMPANY

3750 East Outer Drive  
Detroit, MI 48234  
t: 313.368.4000 f: 313.368.9335  
www.fairmontsign.com

Client:

Zion Lutheran Church  
105 South Ham Lane  
Lodi, CA 95242

Date:

4/22/15

File:

Accounts/Misc Accounts/  
Zion Lutheran Church

Designer:

RNB

Scale:

NA

Job#

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Sheet#

1 of 1

Revision #

2

Date:

5-27-15

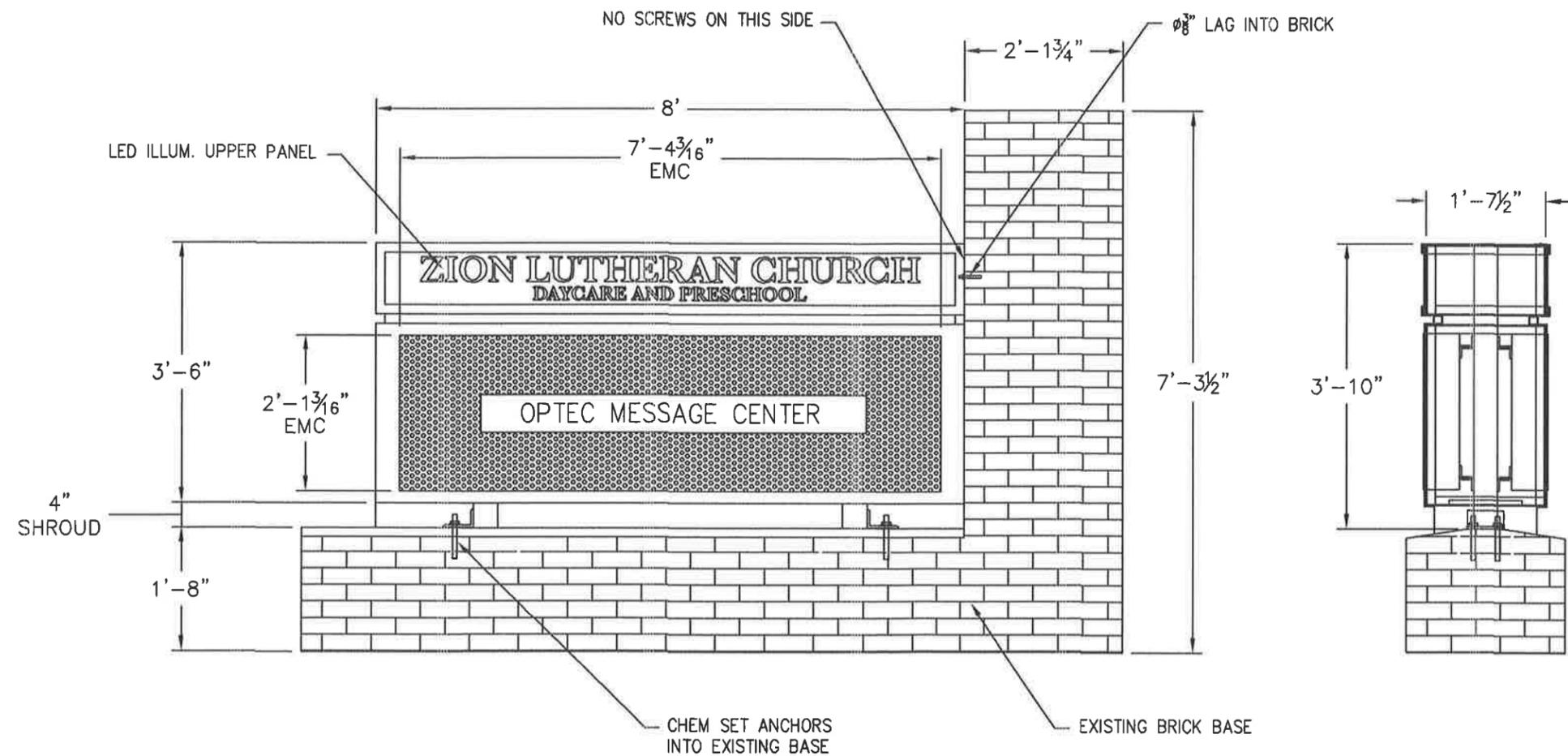
Revision Description:

Customer  
Approval:

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Sign Company  
3750 E. OUTER DR., DETROIT, MI 48234  
PHONE: 313-368-4000 FAX: 313-368-1649

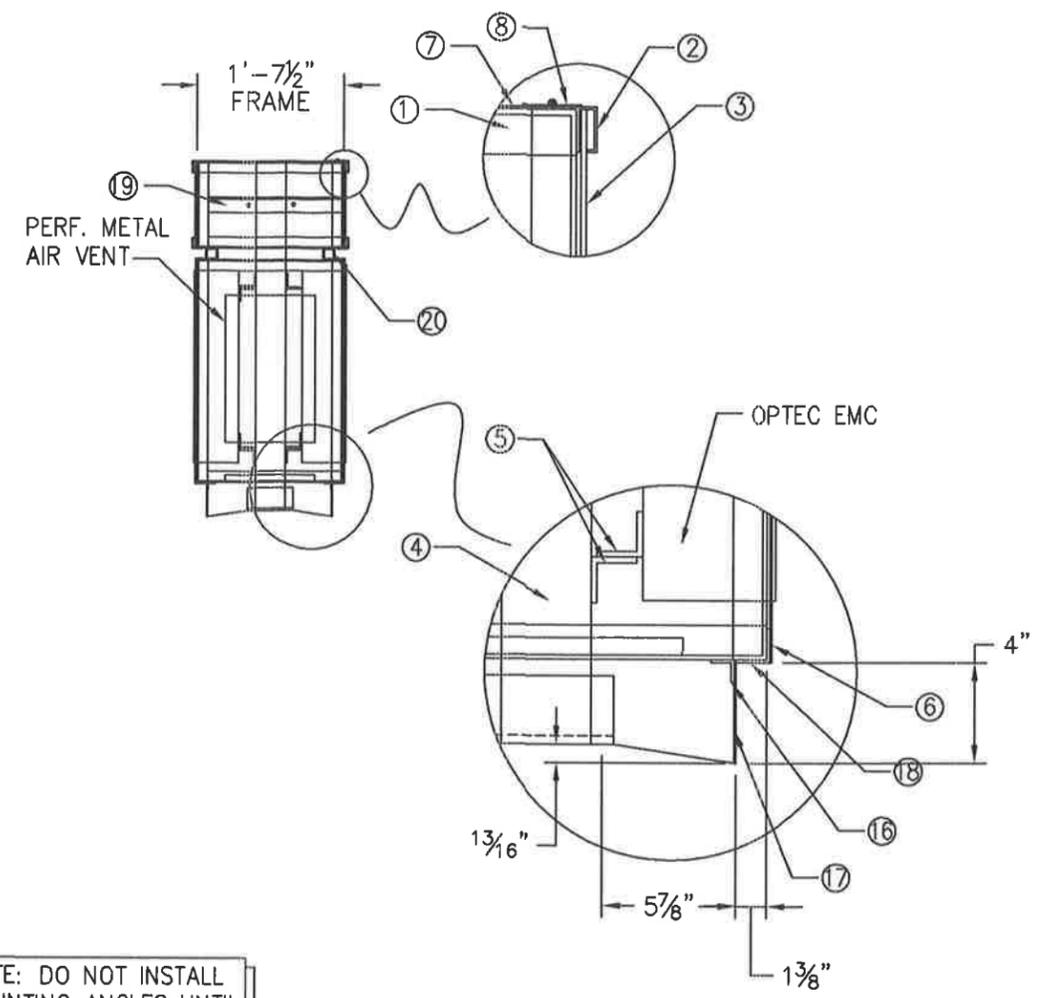
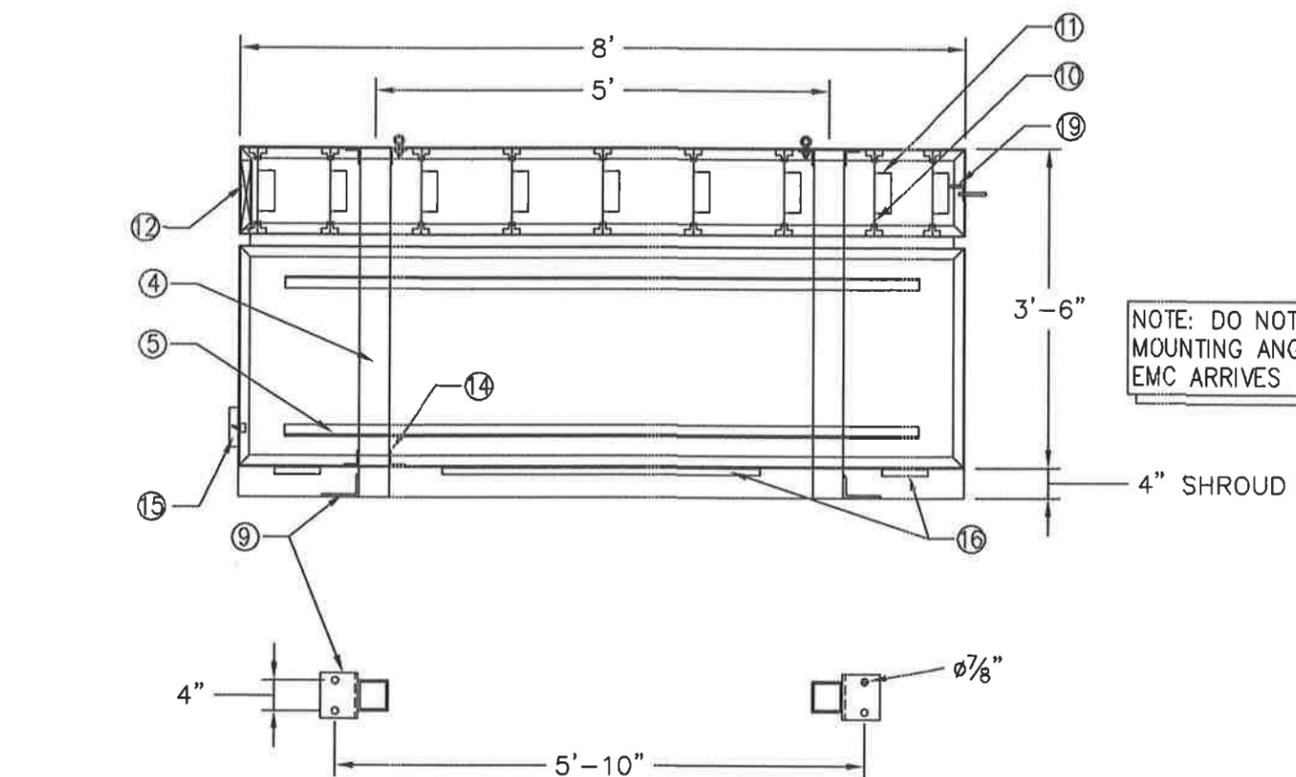
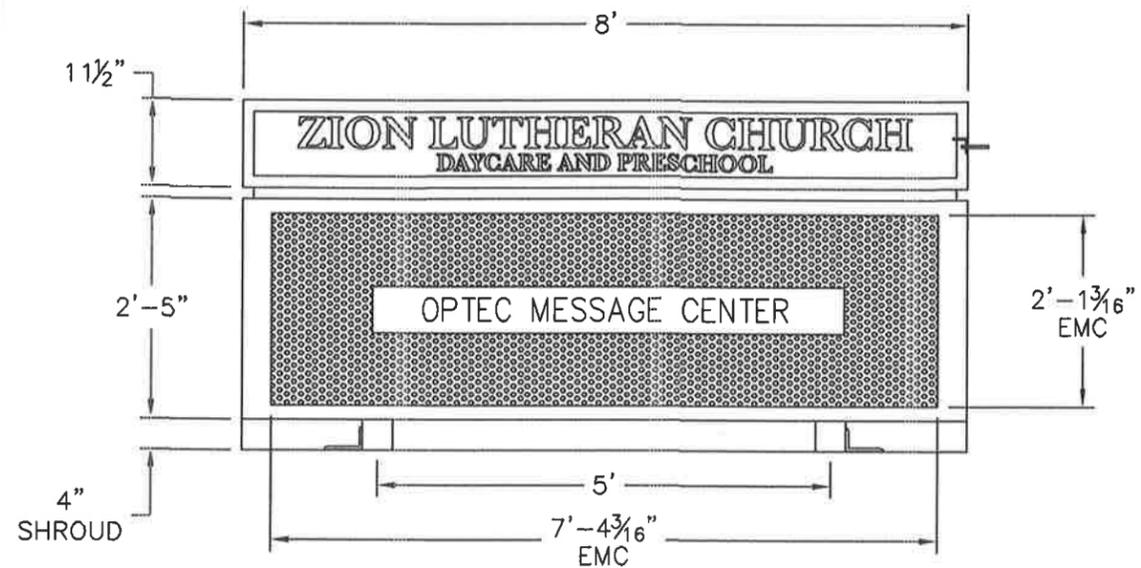
CUSTOMER APPROVAL \_\_\_\_\_ DATE \_\_\_\_\_  
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| DATE | REVISION | INIT |
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| *    | *        | *    |
| *    | *        | *    |

CUSTOMER/LOGO **ZION REFORMED CHURCH OF LODI**  
ADDRESS 105 S HAM LN  
CITY, STATE LODI CA

DWG TITLE: ELEVATION  
DESCRIPTION: CUSTOM MONUMENT W/ EMC  
FILE NAME: PROJ\MISC\ZION\84468  
BLOCK NAME:

WO# : 84468  
DATE: 7/23/15  
DRAWN BY: FT  
SHEET #: 1 OF #: 2



NOTE: DO NOT INSTALL MOUNTING ANGLES UNTIL EMC ARRIVES

MATERIAL LIST

| ITEM | QTY | DESCRIPTION  |
|------|-----|--|
| 1    |     | 1 1/2"x1 1/2"x3/16" ALUM. ANGLE FRAME                        |
| 2    |     | 1 1/2" ALUM. F-RETAINER PAINT TBD                            |
| 3    | 2   | 3/16" CLEAR PLASTIC W/ 2ND SURFACE VINYL                     |
| 4    | 2   | 4"x4"x1/4" ALUM. POLE - 3'-9" LG.                            |
| 5    |     | 2"x2"x1/4" ALUM. ANGLE TO MOUNT EMC                          |
| 6    |     | .090" ALUM. FACE W/ CAM CUT OPENING FOR EMC                  |
| 7    |     | .090" ALUM. SKIN TYP. PAINT TBD                              |
| 8    |     | HINGE (ONE FACE)   |
| 9    | 2   | 3"x5"x3/8"x6" LG ALUM. ANGLE                                 |
| 10   |     | BX-DS-MP MOUNTING TRACK (#71921)                             |
| 11   | 9   | BX-DS-PL-865 65K SYLVANIA BOX LED PLUS DS (#73502)           |
| 12   | 1   | OT96W/24/UNV SYLVANIA POWER SUPPLY @ 0.91A EACH (#51522)     |
| 13   |     | N/A  |
| 14   |     | 2"x2"x1/4" ALUM. ANGLE WELDED TO ALUM. ANGLE FRAME           |
| 15   |     | CUT OFF SWITCH W/ LOCKING COVER                              |
| 16   |     | 1"x1"x1/8" ALUM. ANGLE TO ATTACH SHROUD                      |
| 17   |     | .090" ALUM. SHROUD (ENDS TO BE ANGLED)                       |
| 18   |     | 1 1/2"x1 1/2"x1/8" ALUM. ANGLE GLUED TO BACK OF CAM CUT FACE |
| 19   |     | 2"x2"x1/4" ALUM. ANGLE FOR SIDE ANCHORS                      |
| 20   |     | 1 1/2"x1 1/2"x3/16" ALUM. TUBE REVEAL                        |

ELECTRICAL SPECS

| ITEM | QTY | DESCRIPTION  |
|------|-----|--|
| 11   | 9   | BX-DS-PL-865 65K SYLVANIA BOX LED PLUS DS (#73502)       |
| 12   | 1   | OT96W/24/UNV SYLVANIA POWER SUPPLY @ 0.91A EACH (#51522) |
|      |     | VOLTS      AMPS      WATTS      CIRCUITS                 |
|      |     | 120           .91           109           1              |

**FAIRMONT**  
Sign Company  
3750 E. OUTER DR., DETROIT, MI 48234  
PHONE: 313-368-4000 FAX: 313-368-1649

CUSTOMER APPROVAL \_\_\_\_\_ DATE \_\_\_\_\_  
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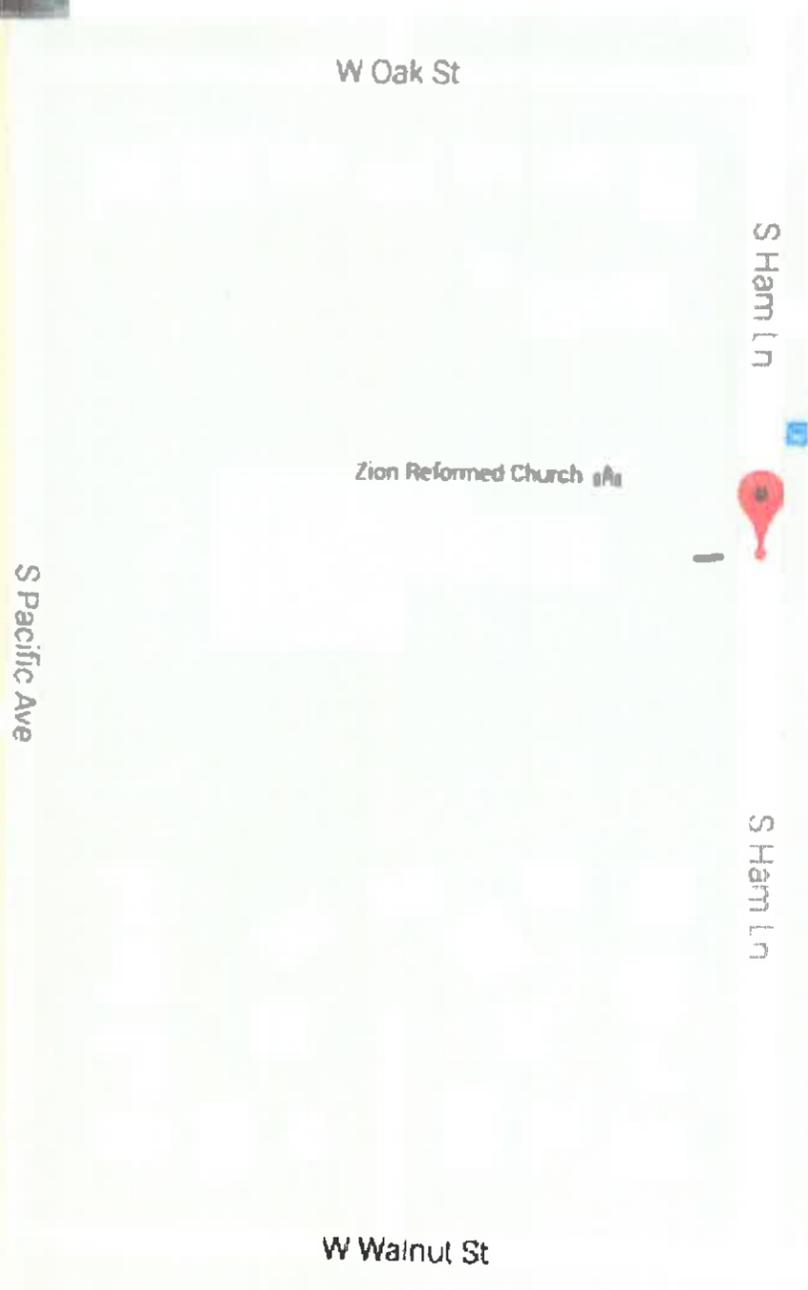
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CUSTOMER/LOGO: **ZION REFORMED CHURCH OF LODI**  
ADDRESS: 105 S HAM LN  
CITY, STATE: LODI CA

DWG TITLE: ELEVATION  
DESCRIPTION: CUSTOM MONUMENT W/ EMC  
FILE NAME: PROJ\MISC\ZION\84468  
BLOCK NAME:

WO#: 84468  
DATE: 7/23/15  
DRAWN BY: FT  
SHEET #: 2 OF #: 2

# Zion Lutheran Church | Monument Sign



**FAIRMONT**  
SIGN COMPANY

3750 East Outer Drive  
Detroit, MI 48234  
t: 313.368.4000 f: 313.368.9335  
www.fairmontsign.com

Client:

Zion Lutheran Church  
105 South Ham Lane  
Lodi, CA 95242

Date:  
4/22/15

File:  
Accounts/Misc Accounts/  
Zion Lutheran Church

Designer:  
RNB

Scale:  
NA

Job#                      Sheet#  
00000                      1 of 1

Revision #              Date:  
2                              5-27-15

Revision Description:

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Customer  
Approval:

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**RESOLUTION NO. P.C. 15-XX**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LODI APPROVING THE REQUEST OF ZION LUTHERAN CHURCH OF LODI FOR A USE PERMIT TO ALLOW AN ELECTRONIC READERBOARD SIGN AT 105 SOUTH HAM LANE**

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

**WHEREAS**, the project proponents are Fairmont Sign Company, David Ford, 124 Allimore Court, Roseville, California 95747; *and*

**WHEREAS**, the project parcel is owned by Zion Lutheran Church, Keith Mettler, Congregational President, 105 South Ham Lane, Lodi, CA; and

**WHEREAS**, the project is located at 105 South Ham Lane, APN 035-110-11; and

**WHEREAS**, the property has a General Plan designation of Low Density Residential and is zoned RLD – Low Density Residential; and

**WHEREAS**, based upon the facts and analysis presented in the staff report, and public testimony received and subject to the conditions of approval listed below, the Planning Commission finds that the establishment, maintenance or operation for the requested use or building applied for, will not, under the circumstances of this particular case, be detrimental to the health, safety, morals, comfort, convenience and general welfare of the persons residing or working in the neighborhood of such proposed use, or be injurious or detrimental to property and improvements in the neighborhood or to the general welfare of the City; and

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

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

1. The project was found to be Categorically Exempt according to the California Environmental Quality Act, §15301, Class 1 consists of the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of use beyond that existing at the time of the lead agency's determination. No significant environmental impacts are anticipated and no mitigation measures are required.
2. The proposal involves the addition of an electronic readerboard to an existing monument sign. Section 17.34.070 F of the municipal code provides guidelines for the review of an electronic readerboard sign. These provisions are met by the Zion Lutheran Church readerboard application and conditions of approval.
3. The General Plan land use designation for this area is Low Density Residential which allows a church use subject to approval of a use permit. The monument sign for the church is part of the original approval for the property. The monument sign helps provide information to the community for upcoming events. A church use with signage is consistent with the General Plan.
4. The project meets building design and setbacks in order to be consistent with surrounding uses. The monument sign is out of the public right of way and set back to avoid visibility issues with vehicle traffic. No aspect of the proposed use has been identified that would create new detrimental impacts.

5. The proposed use complies with all requirements as set forth for the issuance of this Use Permit, in that the site is adequate in size, shape and topography for the proposed use, consisting of an existing site design.
6. The proposed use, as conditioned, will not have an adverse effect upon the use, enjoyment or valuation of property in the neighborhood because the proposed use will be located within an existing monument sign and the size and shape of the sign will not be altered.
7. The proposed electronic readerboard will not have an adverse effect on the public health, safety, and general welfare to neighboring properties. The sign will be set back such that it does not obstruct vehicular or pedestrian visibility.

**NOW, THEREFORE, BE IT DETERMINED AND RESOLVED** by the Planning Commission of the City of Lodi that Use Permit Application No. 2015-26 U is hereby approved, subject to the following conditions:

Community Development - Planning

1. The applicant/project proponent and/or property owner and/or developer and/or successors in interest and management shall, at their sole expense, defend, indemnify and hold harmless the City of Lodi, its agents, officers, directors and employees, from and against all claims, actions, damages, losses, or expenses of every type and description, including but not limited to payment of attorneys' fees and costs, by reason of, or arising out of, this Use Permit approval. The obligation to defend, indemnify and hold harmless shall include, but is not limited to, any action to arbitrate, attack, review, set aside, void or annul this Use Permit approval on any grounds whatsoever. The City of Lodi shall promptly notify the developer of any such claim, action, or proceeding and shall cooperate fully in the defense.
2. The applicant/project proponent and/or property owner and/or developer and/or successors in interest and management shall operate the project in strict compliance with the approvals granted herein, City standards, laws, and ordinances, and in compliance with all State and Federal laws, regulations, and standards. In the event of a conflict between City laws and standards and a State or Federal law, regulation, or standard, the stricter or higher standard shall control. Material violation of any of those laws in connection with the use may be cause for revocation of this Use Permit.
3. Starting from the effective date the business commences operations, this Use Permit shall be subject to a six-month and one-year review by Community Development Department and/or the Police Department. If the Community Development Department/Police Department determines it necessary, the Use Permit shall be subject to review by the Planning Commission to consider the compliance with the conditions of the Use Permit, and in response to any legitimate complaints thereafter. Further, the City reserves the right to periodically review the area for potential problems. The Use Permit may be subject to review and revocation by the City of Lodi after a public hearing and following the procedures outlined in the City of Lodi Municipal Code. Additional reviews may be prescribed by the Community Development Department, the Police Department and/or Planning Commission as needed during and after the one year probationary period.
4. If operation of this use results in conflicts pertaining to parking, noise, traffic, loitering, public safety or other impacts, at the discretion of the Community Development Department, this conditional use permit may be referred to the Planning Commission for subsequent review at a public hearing. If necessary, the Commission may modify or add conditions of approval to mitigate such impacts, or may revoke said conditional use permit bound upon applicable findings.
5. The City Council, Lodi Police Department, the Planning Commission and City staff may, at any time, request that the Planning Commission conduct a hearing on this Use Permit for

the purpose of amending or adding new conditions to the Use Permit or to consider revocation of the Use Permit if the Use Permit becomes a serious policing problem.

6. In the event of graffiti or other extraneous markings occurring, the applicant/operator and/or successors in interest and management shall remove or cover said markings, drawings, or signage within 24 hours of such occurrence, weather permitting. Paint utilized in covering such markings shall be of a color that matches, as closely as possible, the color of the adjacent surfaces.
7. Any change in operational characteristics, expansion in area or other modification to the approved plans shall require an amendment to this Use Permit or the processing of a new Use Permit.
8. The content of programmable electronic signs not be used for off-site commercial messages.
9. The electronic readerboard may be used for civic events for the Lodi community.
10. The electronic readerboard shall not include flashing messages. Messages may scroll off the screen.
11. The electronic readerboard shall hold messages for at least 5 seconds. The sign copy will not rapidly flash or change so that it does not cause a visual distraction or nuisance.
12. The applicant and staff shall conduct a site visit prior to the sign becoming fully operational to fine tune the daytime and nighttime illumination. The sign shall be programmed for automatic dimming during dark hours.
13. The sign shall be turned off from 11:00 pm to 6:00 am.

Community Development - Building - General Comments:

14. The addition of a reader board sign to the existing monument sign, shall require a building permit. All plan submittals shall be based on the City of Lodi Building Regulations and currently adopted 2013 California Building code. Please review our policy handouts for specific submittal procedures.
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.

I certify that Resolution No. 15-XX was passed and adopted by the Planning Commission of the City of Lodi at a regular meeting held on September 23, 2015 by the following vote:

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

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

Item 3b.



**CITY OF LODI  
PLANNING COMMISSION  
Staff Report**

**MEETING DATE:** September 23, 2015

**APPLICATION NO:** Use Permit: 2015-27 U

**REQUEST:** Request for Planning Commission approval of a Use Permit to allow a personal fitness training studio within an existing commercial building in the downtown area, located at 115 South School Street. (Applicant: Ian and Trina Maeser; File 2015-27 U; CEQA Determination: Categorical Exemption Pursuant to CEQA Guidelines Section 15332 In-Fill Development Projects)

**LOCATION:** 115 S. School Street  
APN 043-260-02 and 03

**APPLICANTS:** Maeser Fitness  
Ian and Trina Maeser  
1511 South Mills Ave #140  
Lodi, CA 95242

**PROPERTY OWNER** Downtown Lodi Partners, LLC  
4350 E Camelback Road, Ste A - 100  
Phoenix, AZ 85018

**RECOMMENDATION**

Staff recommends that the Planning Commission approve the Use Permit to allow a personal fitness training studio within an existing commercial building in the downtown area, located at 115 South School Street, subject to the conditions outlined in the attached resolution.

**PROJECT/AREA DESCRIPTION**

**General Plan Designation:** Downtown Mixed Use  
**Zoning Designation:** DMU – Downtown Mixed Use  
**Property Size:** The old Woolworths building sits on about a half-acre.

The adjacent zoning and land use characteristics:

|              | ADJACENT ZONING DESIGNATIONS AND LAND USES |                       |                   |
|--------------|--|-----------------------|-------------------|
|              | GENERAL PLAN                               | ZONING CLASSIFICATION | EXISTING LAND USE |
| <b>North</b> | Downtown Mixed Use                         | Downtown Mixed Use    | Retail/Services   |
| <b>South</b> | Downtown Mixed Use                         | Downtown Mixed Use    | Retail/Services   |
| <b>East</b>  | Downtown Mixed Use                         | Downtown Mixed Use    | Retail/Services   |
| <b>West</b>  | Downtown Mixed Use                         | Downtown Mixed Use    | Retail/Services   |

**SUMMARY**

The applicant requests approval of a Use Permit for a fitness training studio within an existing commercial building.

The training studio would run group classes of 20 to 25 people in 8 to 10 sessions per day. Classes are based upon high intensity interval training using minimal equipment. Equipment will consist of rowers, spin bikes, resistance bands, kettlebells, light dumbbells and body weight. There will be a retail space for health type products and adjacent juice bar.

The fitness studio would occupy a 3,100 sq. ft. tenant space.

Proposed class times:

|            |   |
|------------|---|
| Monday –   | 5 AM, 6 AM, 7 AM, 8 AM, 12 PM, 4 PM, 5 PM, 6 PM, 7 PM |
| Tuesday–   | 5 AM, 6 AM, 7 AM, 8 AM, 12 PM, 4 PM, 5 PM, 6 PM, 7 PM |
| Wednesday– | 5 AM, 6 AM, 7 AM, 8 AM, 12 PM, 4 PM, 5 PM, 6 PM, 7 PM |
| Thursday–  | 5 AM, 6 AM, 7 AM, 8 AM, 12 PM, 4 PM, 5 PM, 6 PM, 7 PM |
| Friday–    | 5 AM, 6 AM, 7 AM, 8 AM, 12 PM, 5 PM, 6 PM             |
| Saturday - | 7 AM 8 AM, 9 AM                                       |
| Sunday -   | Closed  |

All the morning classes are during off peak parking hours.

## **ANALYSIS**

Land Use Compatibility: The project site has a General Plan Land Use Designation of Downtown Mixed Use and is zoned DMU - Downtown Mixed Use, which permits the proposed use subject to a Use Permit. A personal fitness studio/facilities in the DMU zoning district requires discretionary review and approval of a Use Permit per Lodi Development Code § 17.22.030.

A Use Permit allows the comprehensive review of sensitive uses and ensures the proper integration of these uses into the community. These uses may only be suitable in specific locations, and only if such land uses are designed or constructed in a manner on a site that is consistent with zoning regulations and with the required findings for a Use Permit outlined in §17.40.040(F) of the City of Lodi Development Code. A Use Permit review allows the opportunity to address any specific issues related to the proposal and to prevent or mitigate any adverse impacts to the surrounding area.

Parking: The project site is within the downtown area. Parking is provided by city lots, on-street parking and private parking lots. The proposed training studio is within in area that is very active and parking can be limited at times on School Street and surrounding side streets. The proposal will generate approximately 25 additional parking spaces per hour and could create an overlap of clients needing 50 parking spaces as classes end and new training sessions begin.

Staff is not concerned with the early morning training classes, but is concerned about the noon and afternoon classes.

Staff is requiring the applicant to prepare a customer parking plan to ensure parking conflicts do not occur. As part of this Use Permit staff is requiring that fitness customers park in the Downtown parking structure for the 12 PM, 4 PM and 5 PM training sessions. Parking along Sacramento Street and Church Street may also be available. Until the applicant can provide parking alternatives, the Downtown parking structure will be the primary parking location.

In the long term, this use may reduce vehicle trips by encouraging downtown employees to use this fitness center.

The proposed use has been reviewed and analyzed to ensure that traffic impacts and parking deficiencies will not arise.

Noise: All fitness activities will occur within the building envelope; therefore, staff does not anticipate any adverse noise impacts upon the surrounding area. If the facility becomes a concern regarding noise, a condition has been added to allow for review of the permit by the Community Development Department or, if needed, returned to the Planning Commission for additional conditions or even revocation of the permit.

Signage: No signage is proposed as part of this application; however, any signage would be required to conform to sign standards established by the Lodi Municipal Code Section 17.34, and would require plan submittal for review and approval by Community Development Department prior to installation.

The discretionary Use Permit procedure enables Planning and other city staff to impose conditions designed to avoid, minimize or mitigate potentially adverse effects of a certain use upon the community or other properties in the vicinity. Staff believes that the Planning Commission can make the required findings, in accordance with Lodi Development Code § 17.40.040(F), to approve the requested Use Permit. The required findings are as follows:

1. *The proposed use is allowed with a Use Permit within the applicable zoning district and complies with all applicable provisions of this Development Code.* **Comment:** The proposed project site is within the Woolworth's building located within the Downtown Mixed Use zoning district, which permits personal fitness studios subject to Use Permit approval, including any specific condition required for the proposed use in the district in which it would be located. The use will conform to the parking requirement for a fitness studio by having customers park in the Downtown parking structure
2. *The proposed use is consistent with the General Plan and any applicable specific plan.* **Comment:** The General Plan land use designation for the project site is Downtown Mixed Use, which permits the proposed use. The project has operational conditions that govern day to day operational aspects necessary to ensure that parking and traffic impacts do not interfere with the primary daytime land uses in the area. The conditions for the restriction of the conditional use are consistent with the General Plan, will not effect neighborhood compatibility; and will not cause the operation of the conditional use to be detrimental to the welfare of persons or properties working, residing, or otherwise existing in the adjacent neighborhood areas.
3. *The location, size, design and operating characteristics of the use or development is compatible with and shall not adversely affect or be materially detrimental to the health, safety, or welfare of persons residing or working in the area, or be detrimental or injurious to public or private property or improvements.* **Comment:** The proposed use is within a 3,100 sq ft tenant. There are no changes to the site and the proposed use is consistent with the Zoning Code and the General Plan policies. As such, the subject site is adequate in size and shape to accommodate the proposed use within the downtown area. Further, the project will not have a negative effect on the public health, safety, or welfare; or be materially injurious to persons, properties or improvements in the vicinity.
4. *The location, size, design, and operating characteristics of the proposed use is compatible with the existing and future land uses in the vicinity.* **Comment:** The proposed use complies with all requirements as set forth for the issuance of this Use Permit, in that the site is adequate in size, shape and topography for the proposed use, consisting of an existing building. Second, the site is located in an industrial area that is accessible from public

streets. Existing street networks are adequate in size and shape to accommodate the quantity and quality of traffic generated by the proposed use without any significant impacts to the street system. Third, the proposed use, as conditioned, will not have an adverse effect upon the use, enjoyment or valuation of property in the neighborhood because the proposed use will be located within an existing building with no additions to the footprint of the building.

5. *The proposed project is in compliance with the California Environmental Quality Act (CEQA) and the Lodi Environmental Review Guidelines.* **Comment:** The project is found to be categorically exempt from CEQA review under 14 CCR §15332. Class 32 consists of projects characterized as in-fill development meeting the following conditions: (a) the project is consistent with the applicable general plan designation and all applicable general plan policies as well as with the applicable zoning designation and regulations, (b) the proposed development occurs within city limits on a project site of no more than five (5) acres substantially surrounded by urban uses, (c) the project site has no value as habitat for endangered, rare or threatened species, (d) approval of the proposed project would not result in any significant effects relating to traffic, noise, air quality, or water quality, and (e) the site of the proposed project can be adequately served by all required utilities and public services.

Staff believes the Commission can make the required findings to approve the Use Permit as proposed. The use of a fitness training studio is appropriate for the proposed location in that it would occupy an existing vacant industrial building. A fitness facility is a use that generally promotes and encourages healthy living within the community. In staff's opinion, the proposed use would not produce any adverse impacts on the adjacent properties in terms of noise, parking, litter, disorderly behavior, or other objectionable influences. The permit is conditioned to mitigate typical concerns related to fitness centers and other similar establishments. If, in the future, concerns arise, and the Director/Police Department determines it necessary, the Use Permit can be subject to review by the Planning Commission to consider the business's operation for compliance with the conditions of the Use Permit. The City further reserves the right to periodically review the area for potential problems

## **ENVIRONMENTAL ASSESSMENT**

The project is categorically exempt from CEQA review under 14 CCR §15332. Class 32 consists of projects characterized as in-fill development meeting the following conditions: (a) the project is consistent with the applicable general plan designation and all applicable general plan policies as well as with the applicable zoning designation and regulations, (b) the proposed development occurs within city limits on a project site of no more than five (5) acres substantially surrounded by urban uses, (c) the project site has no value as habitat for endangered, rare or threatened species, (d) approval of the proposed project would not result in any significant effects relating to traffic, noise, air quality, or water quality, and (e) the site of the proposed project can be adequately served by all required utilities and public services.

## **PUBLIC HEARING NOTICE:**

Legal Notice for the Use Permit was published in the Lodi News Sentinel on Saturday, September 12, 2015. Thirty-Six (36) public hearing notices were sent to all property owners of record within a 300-foot radius of the project site as required by California State Law §65091 (a) 3. Public notice also was mailed to interested parties who had expressed their interest in the project.

## **RECOMMENDED MOTION**

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

“I move that the Planning Commission adopt a Resolution finding that the project is exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15032 and approve the Use Permit for Ian and Trina Maeser to operate within the Downtown Mixed Use zone subject to the findings and conditions of approval contained in the draft Resolution.”

**ALTERNATIVE PLANNING COMMISSION ACTIONS:**

- Approve with modified conditions.
- Deny the Use Permit Amendment, providing reasons the required findings could not be met.
- Continue the request.

Respectfully Submitted,

Concur,

Craig Hoffman  
Senior Planner

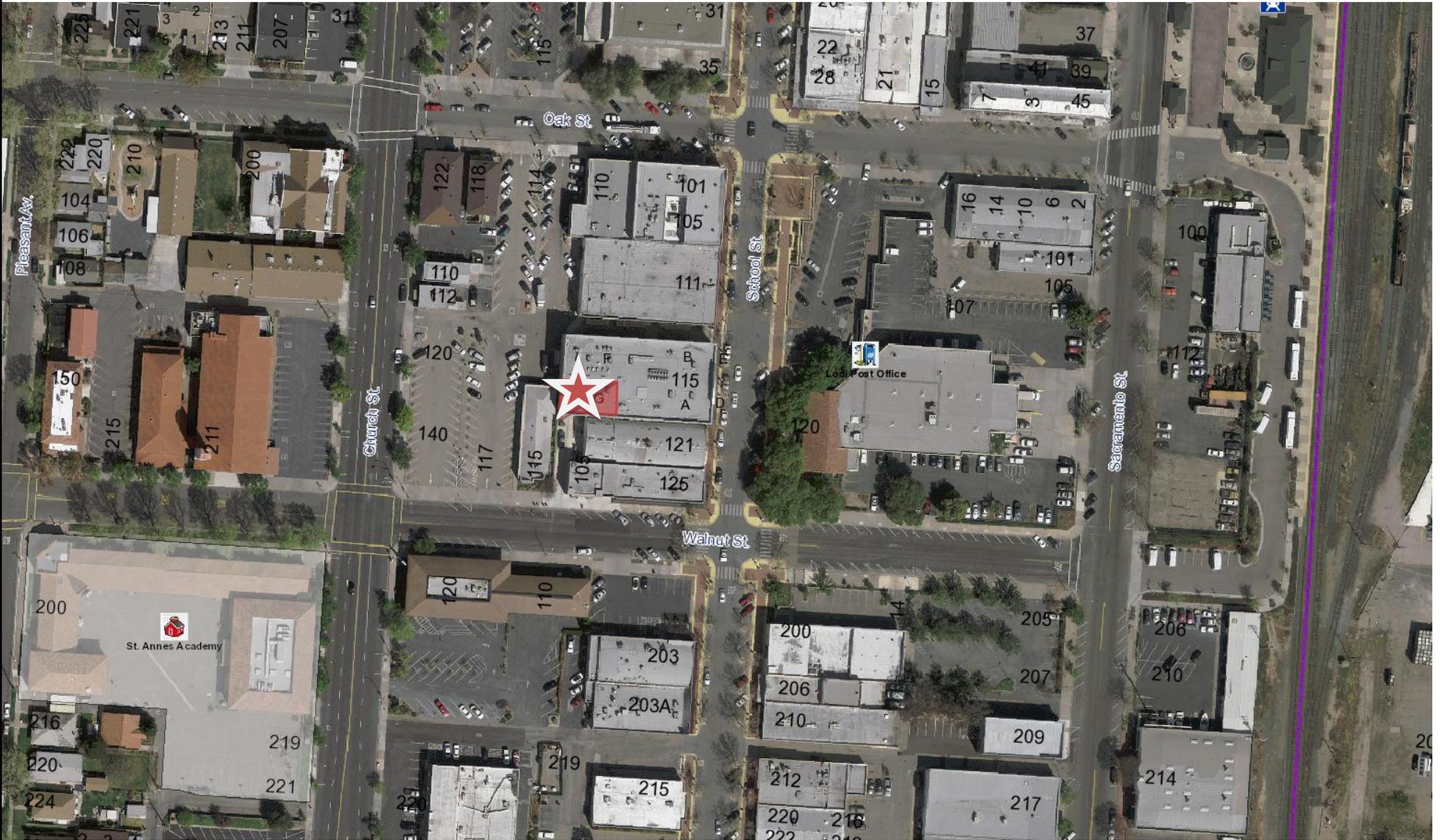
Stephen Schwabauer  
Community Development Director

**ATTACHMENTS:**

- A. Vicinity / Aerial Map
- B. Floor Plan
- C. Applicant's Project Description
- D. Draft Resolution

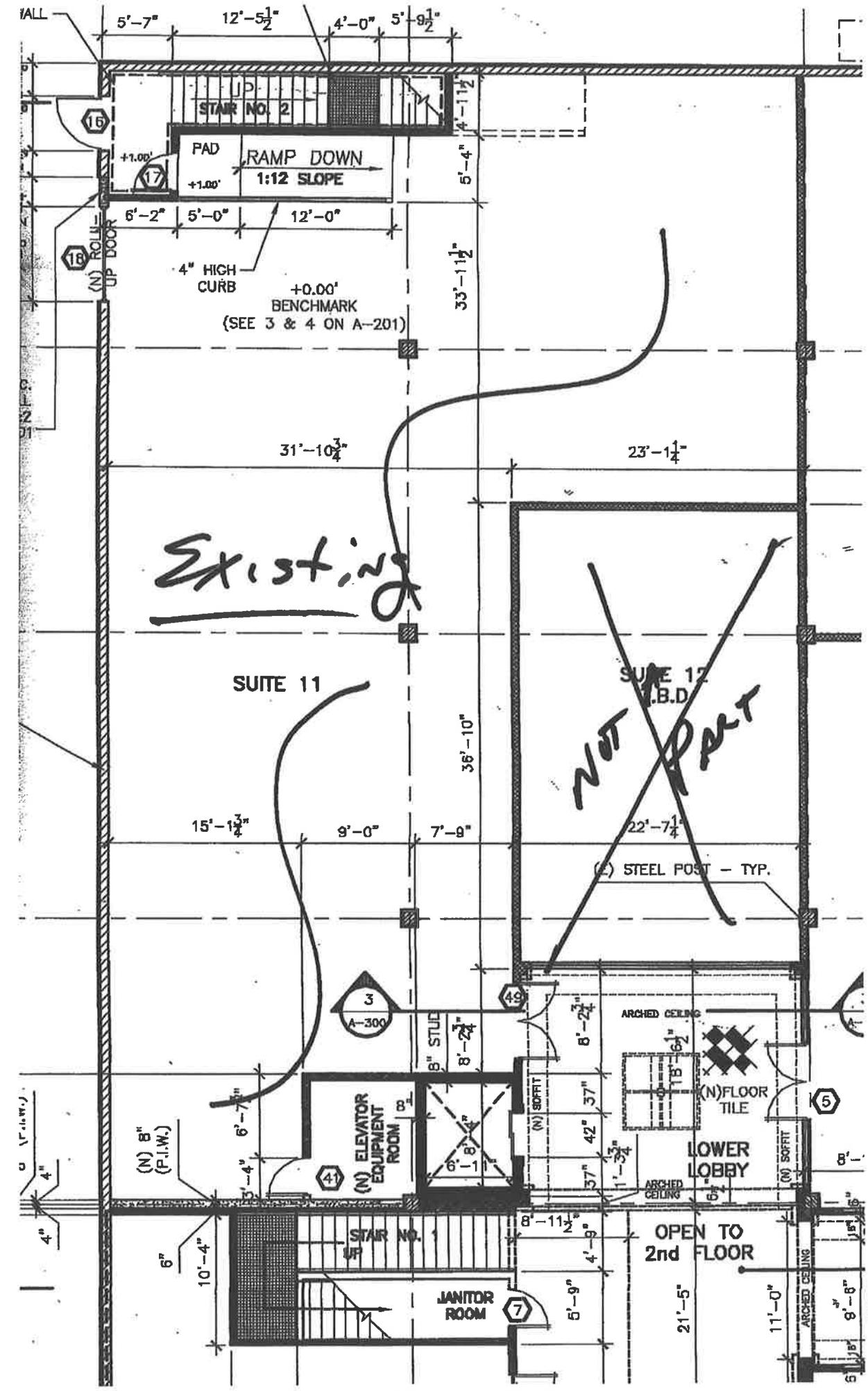
# VICINITY MAP

NORTH



SOUTH

## 115 South School Street



*Existing*

~~SUITE 12  
I.B.D.  
NOT PART~~

SUITE 11

SUITE 12  
I.B.D.

LOWER LOBBY

OPEN TO  
2nd FLOOR

RAMP DOWN  
1:12 SLOPE

+0.00'  
BENCHMARK  
(SEE 3 & 4 ON A-201)

(N) ELEVATOR  
EQUIPMENT  
ROOM

JANITOR  
ROOM

ARCHED CEILING

ARCHED CEILING

ARCHED CEILING

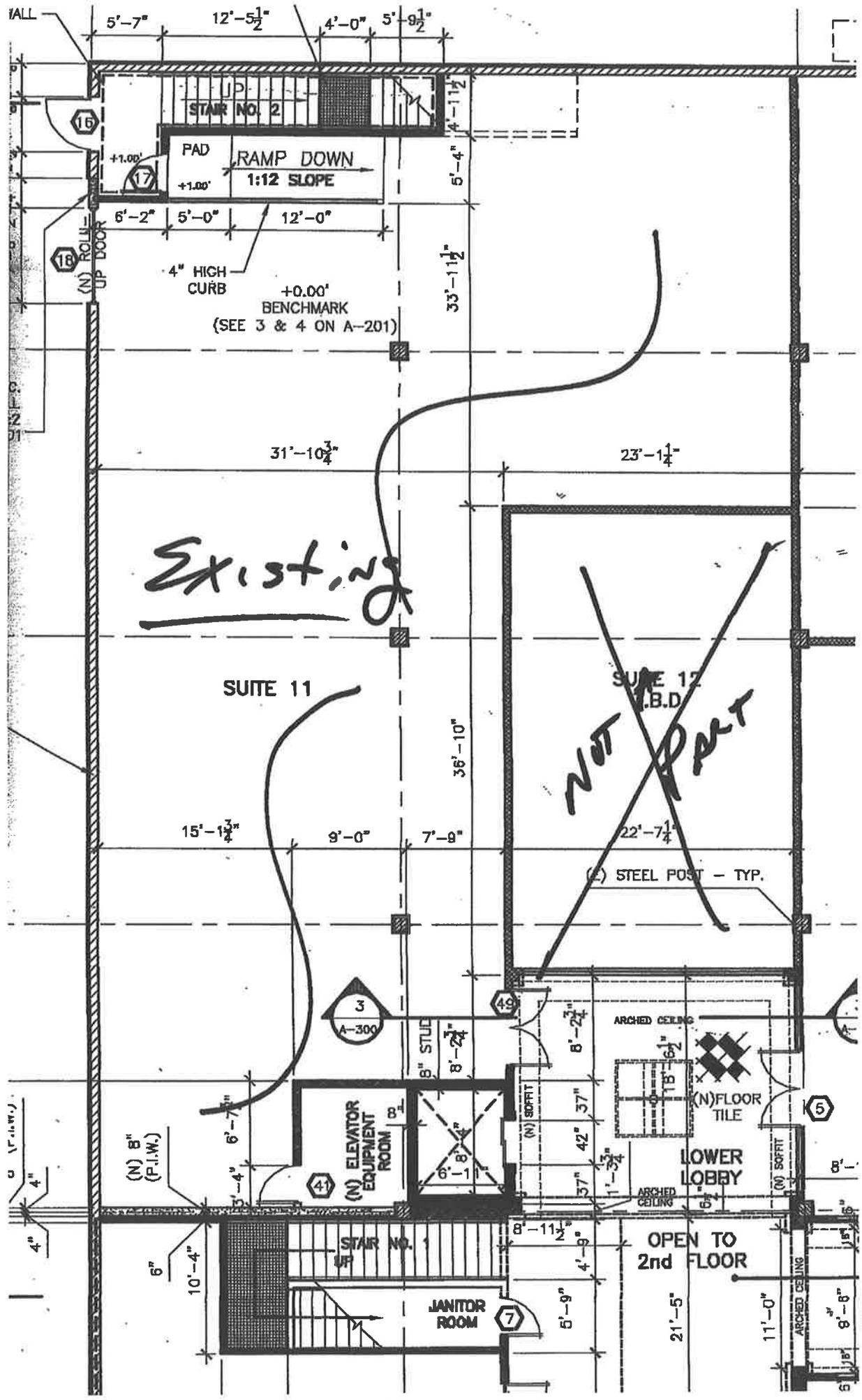
(L) STEEL POST - TYP.

(N) 8"  
(P.I.W.)

(N) SOFFIT

(N) SOFFIT

(N) FLOOR  
TILE



*Existing*

~~SUITE 12  
I.B.D.  
NOT PART~~

SUITE 11

SUITE 12  
I.B.D.

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ROOM

JANITOR  
ROOM

ARCHED CEILING

ARCHED CEILING

ARCHED CEILING

(L) STEEL POST - TYP.

(N) 8"  
(P.I.W.)

(N) SOFFIT

(N) SOFFIT

(N) FLOOR  
TILE

**Project Description:**

A small functional training studio designed to run small, group classes, about 8-10 per day with an average of about 20-25 people. Classes are based around high intensity interval training using minimal equipment. Equipment will consist of rowers, spin bikes, TRX, kettlebells, light dumbbells and body weight. There will also be a small retail space in the front to sell health type products and an adjacent juice bar. We are looking to have a fun, upbeat and modern training studio that will bring in a lot of healthy and positive foot traffic.

**Proposed Class Times:**

Monday: 5 AM, 6 AM, 7 AM, 8 AM, 12 PM, 4 PM, 5 PM, 6 PM, 7 PM  
Tuesday: 5 AM, 6 AM, 7 AM, 8 AM, 12 PM, 4 PM, 5 PM, 6 PM, 7 PM  
Wednesday: 5 AM, 6 AM, 7 AM, 8 AM, 12 PM, 4 PM, 5 PM, 6 PM, 7 PM  
Thursday: 5 AM, 6 AM, 7 AM, 8 AM, 12 PM, 4 PM, 5 PM, 6 PM, 7 PM\*  
Friday: 5 AM, 6 AM, 7 AM, 8 AM, 12 PM, 5 PM, 6 PM  
Saturday: 7 AM, 8 AM, 9 AM  
Sunday: CLOSED

\*Hours are subject to change during Farmer's Market.

**Downtown Benefit:**

The fitness studio will not only draw in business to local shops, but it will also generate sales tax for the city by selling health products and drinks from the added juice bar and supplement shop. The majority of the classes will be during off peak hours, not affecting downtown parking. The fitness studio will be an added bonus to individuals who work downtown, with the ease of accessibility to stay in shape. We are excited to bring in new and fun, healthy aspects to downtown Lodi and contribute a positive revenue stream towards the city.

**RESOLUTION NO. P.C. 15-XX**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LODI APPROVING A USE PERMIT (2015-27 U) TO ALLOW A PERSONAL FITNESS STUDIO WITHIN AN EXISTING COMMERCIAL BUILDING LOCATED AT 115 SOUTH SCHOOL STREET**

**WHEREAS**, the Planning Commission of the City of Lodi has heretofore held a duly noticed public hearing, as required by law, on the requested Use Permit, in accordance with the Lodi Development Code, Section 17.40; and

**WHEREAS**, the project site is located at 115 S. School Street, Lodi, CA 95242 (APN 043-260-02 and 03); and

**WHEREAS**, project proponent is Maeser Fitness, Ian and Trina Maeser, 1511 South Mills Ave #140, Lodi, CA; and

**WHEREAS**, the project property owner is Downtown Lodi Partners, LLC, 4350 E Camelback Road, Ste A – 100, Phoenix, AZ 85018; and

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

**WHEREAS**, the requested Use Permit to allow a personal fitness studio and training facility within an existing commercial building located at 115 S. School Street; and

**WHEREAS**, pursuant to City of Lodi Zoning Ordinance § 17.42.020, this resolution becomes effective ten (10) business days from its adoption in the absence of the filing of an appeal; and

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

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

1. The project is found to be categorically exempt from CEQA review under 14 CCR §15332. Class 32 consists of projects characterized as in-fill development meeting the following conditions: (a) the project is consistent with the applicable general plan designation and all applicable general plan policies as well as with the applicable zoning designation and regulations, (b) the proposed development occurs within city limits on a project site of no more than five (5) acres substantially surrounded by urban uses, (c) the project site has no value as habitat for endangered, rare or threatened species, (d) approval of the proposed project would not result in any significant effects relating to traffic, noise, air quality, or water quality, and (e) the site of the proposed project can be adequately served by all required utilities and public services.
2. The proposed project site is within the Woolworth's building located within the Downtown Mixed Use zoning district, which permits personal fitness studios subject to Use Permit approval, including any specific condition required for the proposed use in the district in which it would be located.
3. The use will conform to the parking requirement for a fitness studio by having customers park in the Downtown parking structure
4. The General Plan land use designation for the project site is Downtown Mixed Use, which permits the proposed use. The project has operational conditions that govern day to day operational aspects necessary to ensure that parking and traffic impacts do not interfere with the primary daytime land uses in the area.
5. The conditions for the restriction of the conditional use are consistent with the General Plan, will not affect neighborhood compatibility; and will not cause the operation of the conditional use to

be detrimental to the welfare of persons or properties working, residing, or otherwise existing in the adjacent neighborhood areas.

6. The proposed use is within a 3,100 sq ft tenant. There are no changes to the site and the proposed use is consistent with the Zoning Code and the General Plan policies. As such, the subject site is adequate in size and shape to accommodate the proposed use within the downtown area. Further, the project will not have a negative effect on the public health, safety, or welfare; or be materially injurious to persons, properties or improvements in the vicinity.
7. The proposed use complies with all requirements as set forth for the issuance of this Use Permit, in that the site is adequate in size, shape and topography for the proposed use, consisting of an existing building.
8. The site is located in an industrial area that is accessible from public streets. Existing street networks are adequate in size and shape to accommodate the quantity and quality of traffic generated by the proposed use without any significant impacts to the street system.
9. The proposed use, as conditioned, will not have an adverse effect upon the use, enjoyment or valuation of property in the neighborhood because the proposed use will be located within an existing building with no additions to the footprint of the building.
10. The availability of public facilities and utilities is adequate to serve the proposed use, in that the proposed health club facility will be located within an existing building where public facilities and services are provided, including sewer, water, electricity, phone, etc.
11. The subject site will have adequate pedestrian and vehicular circulation and parking available, in that there is an adequate vehicle access point. Pedestrian movements are facilitated by paved and continuous path of travel that connects to the public sidewalk and the sidewalk accesses adjacent properties.

**NOW, THEREFORE, BE IT DETERMINED AND RESOLVED** by the Planning Commission of the City of Lodi that Use Permit Application No. 2015-27 U is hereby approved, subject to the following conditions:

1. The property owner and/or developer and/or successors in interest and management shall, at their sole expense, defend, indemnify and hold harmless the City of Lodi, its agents, officers, directors and employees, from and against all claims, actions, damages, losses, or expenses of every type and description, including but not limited to payment of attorneys' fees and costs, by reason of, or arising out of, this development approval. The obligation to defend, indemnify and hold harmless shall include, but is not limited to, any action to arbitrate, attack, review, set aside, void or annul this development approval on any grounds whatsoever. The City of Lodi shall promptly notify the developer of any such claim, action, or proceeding and shall cooperate fully in the defense.
2. The property owner and/or developer and/or successors in interest and management shall operate the project in strict compliance with the approvals granted herein, City standards, laws, and ordinances, and in compliance with all State and Federal laws, regulations, and standards. In the event of a conflict between City laws and standards and a State or Federal law, regulation, or standard, the stricter or higher standard shall control.
3. The Lodi Police Department, the Planning Commission and/or City Staff 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.
4. Music and business related noise shall be maintained at a level that does not disturb neighboring tenants during all hours the fitness studio is open. No sound may emanate from the building, uses, or other operations which cause a disturbance or nuisance, or violate City noise standards.

5. The Use Permit shall be vested within six (6) months from the effective date of approval. A building permit for the tenant improvements allowed under this Use Permit shall have been obtained within twelve (12) months from the effective date of the Use Permit or the Use Permit shall expire; provided however that the Use Permit may be extended pursuant to the Lodi Municipal Code.
6. The applicant shall adhere to the operations plan approved by the Planning Commission. Any proposed changes to the operation that would intensify the use shall be subject to review by the Planning Commission.
7. On-site signage shall be allowed in accordance with the standards of the Lodi Municipal Code, and shall be submitted to the Community Development Department prior to installation for review and permitting.
8. The premises shall be kept clean and the operator of the establishment shall insure that no trash or litter originating from the site is deposited outside the tenant space, onto neighboring properties, or onto the public right-of-way. The exterior of all the premises shall be maintained in a neat and clean manner, and maintained free of graffiti at all times. Graffiti shall be removed within twenty-four hours after issuance of a notice of order.
9. 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.
10. The Use Permit approval is for a 3,100 sq ft fitness studio. This approval is not for a health club.
11. The applicant will prepare a customer parking plan to ensure parking conflicts do not occur. As part of this Use Permit staff is requiring that fitness customer's park in the Downtown parking structure for the 12 PM, 4 PM and 5 PM training sessions. Parking along Sacramento Street and Church Street may also be available. Until the applicant can provide parking alternatives, the Downtown parking structure will be the primary parking location. Parking plan shall be approved by staff and reviewed by the Commission.

Building - General Comments:

12. The change of use/occupancy from M/B to A-3 occupancy shall require a Tenant Improvement permit. All plan submittals shall be based on the City of Lodi Building Regulations and currently adopted 2013 California Building code. Please review our policy handouts for specific submittal procedures.
13. Assembly areas require an operational permit. Apply for required operational permits at the Lodi Fire Department. Approval of required operational permits required prior to building permit issuance. 2013 CFC, Section 105.6
14. Occupant load calculations shall be provided for the entire suite and individual rooms in the suite based on square footage divided by the appropriate occupant load factor from 2013 CBC, Table 1004.1.2. The occupant load factor for exercise rooms is 50 square feet gross floor area/person and shall include items such as restrooms, locker rooms, hallways, closets, etc. Office areas: 100 gross sqft/person, Mercantile: 30sqft/person, Stock, Storage, Shipping: 300sqft/person
15. If the occupant load of the suite exceeds 49, the plans shall show:
  - a) A minimum of two (2) exits that are separated by a minimum of 1/2 (1/3 in sprinklered buildings) of the diagonal distance of the area served. 2013 CBC, Section 1015.2.1
  - b) Exit doors shall swing in the direction of egress travel. 2013 CBC, Section 1008.1.2
  - c) The exit doors and exit access doors shall be equipped with panic hardware. 2013 CBC, Section 1008.1.10
  - d) A means of illuminating the egress path of travel in case of power failure, including path to the egress doors and the exterior landings. The emergency power system shall provide backup

power for the duration of at least 90 minutes and shall illuminate the path of travel at the rate of an average of 1 foot candle at floor level. 2013 CBC, Sections 1006.1 thru 1006.3.1

e) Show locations of required illuminated exit signs. 2013 CBC, Section 1011

f) Provide complete and adequate details and locations of the required tactile exit signs at the following locations:

1. Each grade-level exterior exit door shall be identified by a tactile exit sign with the word, "EXIT."
  2. Each exit access door from an interior room or area that is required to have a visual exit sign, shall be identified by a tactile exit sign with the words, "EXIT ROUTE." 2013 CBC, Section 1011.4
16. The occupancy classification for this space will change from an M/B to an A-3. Verify that this assembly occupancy is allowed in the building. Plans to specify and show that in each story, the building area shall be such that the sum of the ratios of the actual building area of each separated occupancy, divided by the allowable building area of each separated occupancy shall not exceed 1. 2013 CBC, Section 508.4.2
17. Amend plans to specify the occupancies of the adjoining suites. A two hour fire separation (1 hour in sprinklered building) is required between this A occupancy and any B or M occupancies to either side and above this suite as per 2013 CBC, Section 508.4 and Table 508.4. Plans to provide listing information for the existing horizontal and vertical fire barriers. Or provide complete and adequate construction details and listing information for retrofit of existing walls and floor/ceiling assembly to provide the required fire rated barriers, so as to completely separate the adjacent occupancies. 2013 CBC, Sections 508.4, 707, & 711
18. Plumbing fixtures shall be provided for the type of occupancy and in the minimum number specified by 2013 CPC, Table 422.1. Plumbing occupant load shall be calculated using the plumbing occupant load factor specified by 2013 CPC Table A for each area use. The required number of plumbing fixtures (water closets, urinals, lavatories and drinking fountains) shall be provided, as specified for A-3 occupancies by 2013 CPC, Table 422.1. It appears additional plumbing fixtures will be required.
19. Provide an active or passive space heating system capable of maintaining a minimum indoor temperature of 68 degrees F at a point 3 foot above the finished floor. 2013 CBC, Section 1204.1
20. The California Building Code (Title 24 Section 11B-202) requires that existing buildings, when alterations are made, shall be verified for compliance with disabled access requirements. These requirements shall apply only to the specific area of alteration and shall include an accessible entrance, an accessible route to the altered area, at least one accessible restroom for each sex, telephones and drinking fountains (if existing), and when possible additional items such as parking, storage and alarms.
21. If the construction costs of the alterations to the building are less than the current valuation threshold of \$146,303.00 and if the cost of the above listed accessibility upgrades are disproportionate (exceeds 20% of the project without the upgrades), then the required accessibility upgrades may be provided to the extent that is proportionate (20% of the valuation) as per 2013 CBC, Section 11B-202.4, Exception 8. In choosing which accessible elements to provide, priority should be given to those elements that will provide the greatest access.
22. In the event the use hereby permitted under this permit is: (a) found to be in violation of the terms and conditions of this permit; (b) found to have been obtained by fraud or perjured testimony; or (c) found to be detrimental to the public health, safety or general welfare, or a public nuisance; this may initiate a revocation procedures in accordance with the City of Lodi Municipal Code.
23. A copy of the approved Resolution shall be incorporated into the plans prior to the submittal for plan check. Failure to meet any conditions of approval for this development shall constitute a violation of the Use Permit.

24. 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.
25. No variance from any City of Lodi adopted code, policy or specification is granted or implied by the approval of this resolution.

**Dated: September 23, 2015**

I certify that Resolution No. 15-XX was passed and adopted by the Planning Commission of the City of Lodi at a regular meeting held on Wednesday, September 23, 2015 by the following vote:

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

**ATTEST:** \_\_\_\_\_  
Secretary, Planning Commission

Item 3c.



**CITY OF LODI**  
**PLANNING COMMISSION**  
Staff Report

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**MEETING DATE:** September 23, 2015

**APPLICATION NO:** Zoning Code: 2015-28 Z

**REQUEST:** Request for Planning Commission to include a procedure in the zoning code to allow a reasonable accommodation request for persons with disabilities seeking equal access to housing under the Federal Fair Housing Act and the California Fair Employment and Housing Act (the Acts) in the application of zoning laws and other land use regulations, policies and procedures in all zones and make recommendation to the City Council. (Applicant: City of Lodi; File 2015-28 Z; CEQA Determination: Exempt per Section 15321)

**LOCATION:** All Zoning Districts City-Wide

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

**RECOMMENDATION**

Staff recommends that the Planning Commission adopt the attached resolution recommending the City Council modify the existing zoning code to allow a reasonable accommodation request for persons with disabilities seeking equal access to housing under the Federal Fair Housing Act and the California Fair Employment and Housing Act (the Acts) in the application of zoning laws and other land use regulations, policies and procedures in all zones, subject to the provisions of other laws or ordinances.

**BACKGROUND / ANALYSIS**

The City of Lodi is currently updating the General Plan Housing Element. This is a document the Planning Commission will review in the upcoming months. As part of this update, staff is reviewing all State Law updates and changes that affect housing and any modifications to the Zoning Code that are needed.

Staff is requesting a modification to the zoning code that provides a procedure to request reasonable accommodation for persons with disabilities seeking equal access to housing under the Federal Fair Housing Act and the California Fair Employment and Housing Act (the Acts) in the application of zoning laws and other land use regulations, policies and procedures.

A request for reasonable accommodation may be made by any person with a disability, their representative or any entity, when the application of a zoning law or other land use regulation, policy or practice acts as a barrier to fair housing opportunities. A person with a disability is a person who has a physical or mental impairment that limits or substantially limits one or more major life activities, anyone who is regarded as having such impairment or anyone who has a

record of such impairment. This Chapter is intended to apply to those persons who are defined as disabled under the Act.

A request for reasonable accommodation may include a modification or exception to the rules, standards and practices for the siting, development and use of housing or housing- related facilities that would eliminate regulatory barriers and provide a person with a disability equal opportunity to housing of their choice.

A copy of the proposed ordinance is included as Attachment 1.

**ENVIRONMENTAL ASSESSMENTS:**

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

**PUBLIC HEARING NOTICE:**

Legal Notice for this item was published in the Lodi News Sentinel on Saturday, August 12, 2015.

**RECOMMENDED MOTIONS**

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

“I move that the Planning Commission adopt the attached resolution recommending the City Council amend the Zoning Code to allow a procedure to request reasonable accommodation for persons with disabilities.”

**ALTERNATIVE PLANNING COMMISSION ACTIONS:**

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

Respectfully Submitted,

Concur,

Craig Hoffman  
Senior Planner

Stephen Schwabauer  
Community Development Director

**ATTACHMENTS:**

1. Draft Resolution

## RESOLUTION NO. P.C. 15-XX

### A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LODI RECOMMENDING THE CITY COUNCIL AMEND THE ZONING CODE TO ALLOW A REASONABLE ACCOMMODATION REQUEST FOR PERSONS WITH DISABILITIES.

- WHEREAS,** the Planning Commission of the City of Lodi has heretofore held a duly noticed public hearing, as required by law, on the requested determination, in accordance with the California Government Code Section 65402.(a); and
- WHEREAS,** the project proponent is City of Lodi, 221 West Pine Street, Lodi, CA 95240; and
- WHEREAS,** the Federal Fair Housing Act and the California Fair Employment and Housing Act allows for persons with disabilities seeking equal access to housing a reasonable accommodation procedure to request a modification or exception to the rules, standards and practices for the siting, development and use of housing or housing- related facilities that would eliminate regulatory barriers and provide a person with a disability equal opportunity to housing of their choice; and
- WHEREAS,** A request for reasonable accommodation may be made by any person with a disability, their representative or any entity, when the application of a zoning law or other land use regulation, policy or practice acts as a barrier to fair housing opportunities; and
- WHEREAS,** A person with a disability is a person who has a physical or mental impairment that limits or substantially limits one or more major life activities, anyone who is regarded as having such impairment or anyone who has a record of such impairment; and
- WHEREAS,** all legal prerequisites to the adoption of this Resolution have occurred; and

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

1. The project was found to be Categorically Exempt according to the California Environmental Quality Act, Article 19 §15321, Class 21 (a) (2). The project is classified as an "Enforcement action by regulatory agencies" because it is the "adoption of an administrative decision or order enforcing or revoking the lease, permit, license, certificate, or entitlement for use or enforcing the general rule, standard, or objective." No significant environmental impacts are anticipated and no mitigation measures are required.
2. Modifications to the development code would allow a reasonable accommodation procedure to request a modification or exception to the rules, standards and practices for the siting, development and use of housing or housing- related facilities that would eliminate regulatory barriers and provide a person with a disability equal opportunity to housing of their choice.
3. The modifications to the zoning code will be consistent with State law.
4. Modifications to the development code would be subject to the provisions of other laws or ordinances and will not be detrimental to the health, safety or general welfare of persons residing or working in the City or be detrimental or injurious to the health, safety, peace or general welfare of the City.

**NOW, THEREFORE, BE IT DETERMINED AND RESOLVED** by the Planning Commission of the City of Lodi that the following proposed language be recommended for approval and adoption by the City Council and included in the municipal code as follows:

Reasonable Accommodation Ordinance  
City of Lodi

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE OF THE LODI CITY COUNCIL  
AMENDING LODI MUNICIPAL CODE TITLE 17, ARTICLE  
6 "DEVELOPMENT CODE ADMINISTRATION" BY  
ADDING CHAPTER 17.67, "REASONABLE  
ACCOMMODATION"

=====

WHEREAS, this chapter provides a procedure to request reasonable accommodation for persons with disabilities seeking fair access to housing under the Federal Fair Housing Act, Americans with Disabilities Act, and the California Fair Employment and Housing Act (the Acts) in the application of zoning laws and other land use regulations, policies and procedures.

BE IT ORDAINED BY THE LODI CITY COUNCIL AS FOLLOWS:

Section 1. Lodi Municipal Code Title 17, Article 6 – Development Code Administration, is hereby amended by adding Chapter 17.67 – Reasonable Accommodation, and shall read as follows:

Chapter 17.67

REASONABLE ACCOMMODATION

Sections:

- 17.67.010 Applicability.
- 17.67.020 Application Requirements.
- 17.67.030 Review Authority – Director of Community Development.
- 17.67.040 Review Procedure – Director of Community Development Review.
- 17.67.050 Decision and Findings.
- 17.67.060 Appeal of Decision.
- 17.67.070 Procedure of Appeal to City Manager.

17.67.010 Applicability.

A request for reasonable accommodation may be made by any person with a disability, their representative, or any entity, when the application of a zoning law or other land use regulation, policy or practice acts as a barrier to fair housing opportunities. This Chapter is intended to apply to those persons who are defined as disabled under the Acts or to persons who have a physical or mental impairment that limits or substantially limits one or more major life activities.

A request for reasonable accommodation may include a modification or exception to the rules, standards and practices for the siting, development and use of housing or housing-related facilities that would eliminate regulatory barriers and provide a person with a disability fair access to housing of their choice. Requests for reasonable accommodation shall be made in the manner prescribed by Section 17.67.020 (Application Requirements).

17.67.020 Application Requirements.

A. Application. In addition to any other information that is required under Title 17 of this code, requests for reasonable accommodation shall be submitted on an application form provided by the Community Development Department, or in the form of a letter addressed to the Director of Community Development (Director), and shall contain the following information:

1. The applicant's name, address and telephone number;
2. Address of the property for which the request is being made;
3. The current actual use of the property;
4. The basis for the claim that the individual is considered disabled under the Acts;
5. The zoning code provision, regulation or policy from which reasonable accommodation is being requested;
6. A description of why the reasonable accommodation is necessary to make the specific property accessible to the individual; and
7. Such other relevant and permissible information as may be requested by the Director of Community Development or designee.

B. Submission of confidential and protected healthcare information. Any confidential or protected healthcare information provided in support of the application shall be submitted separately under seal in an envelope marked, "Confidential Healthcare Information." Such confidential information shall be exempt from public disclosure.

17.67.30 Review Authority – Director of Community Development.

Requests for reasonable accommodation shall be reviewed by the Director of Community Development, or designee.

17.67.40 Review Procedure - Director of Community Development Review.

The Director of Community Development, or designee, shall make a written determination within 45 calendar days of receipt of an application and either grant, grant with modifications, or deny a request for reasonable accommodation in accordance with Section 17.67.050 (Findings and Decision).

17.67.050 Decision and Findings.

A. Decision. The written decision to grant or deny a request for reasonable accommodation will be consistent with the Acts and shall be based on consideration of the following factors:

1. Whether the housing, which is the subject of the request, will be used by an individual defined as disabled under the Acts.
2. Whether the request for reasonable accommodation is necessary to make specific housing available to an individual with a disability as defined under the Acts.
3. Whether the requested reasonable accommodation would impose an undue financial or administrative burden on the city.

4. Whether the requested reasonable accommodation would require a fundamental alteration in the nature of a city program or law, including but not limited to land use and zoning.
5. Potential impact on surrounding uses.
6. Physical attributes of the property and structures.
7. Alternative reasonable accommodations which may provide an equivalent level of benefit.

B. Conditions of Approval. In granting a request for reasonable accommodation, the Director may impose any conditions of approval deemed reasonable and necessary to ensure that the reasonable accommodation would comply with the findings required by Subsection A above.

#### 17.67.060 Appeal of Decision.

A. An appeal of any decision of the Director of Community Development or designee shall be filed in writing with the City Manager within ten (10) calendar days after service of notice of the written decision. Service shall be by regular postal service or personal delivery. The applicant shall set forth in the appeal the reason why the decision is not proper.

B. The City Manager shall direct an appeal to be heard within 15 business days, or as soon as practical, after a notice of appeal is filed with the City Manager as required by this section.

C. If no appeal is filed within the time allowed in subsection A above, the decision of the Director of Community Development or designee shall be considered final.

#### 17.67.070 Procedure of Appeal to City Manager.

A. Appeals to the City Manager:

1. The appeal of any decision of the Community Development Director or designee under this Chapter shall be in writing signed by the appellant, briefly set forth the reasons why such decision is not proper, state an address at which the appellant will receive notices, and filed with the City Manager.
2. The City Manager shall upon receipt of the appeal set the matter for hearing before a hearing officer. The hearing officer shall be an attorney or recognized mediator designated by the City Attorney. The hearing shall be scheduled for not more than 30 calendar days after receipt of the appeal unless a longer time is requested or consented to by the appellant.
3. The appellant (or a representative) shall have the right to present his or her case in person.
4. The hearing officer shall consider the case record as well as any statements offered by interested parties. The hearing will be conducted according to administrative rules relating to evidence and witnesses as set forth in Chapter 1.10 of this code.
5. The hearing officer may grant, grant with modifications, or deny the request for reasonable accommodation that is the subject of the appeal.

B. Any party dissatisfied with the decision of the hearing officer may file an action under the provisions for administrative mandamus (Code of Civil Procedure Section 1094.5) as it now exists or may later be amended.

**Dated: September 23, 2015**

I certify that Resolution No. 15-XX was passed and adopted by the Planning Commission of the City of Lodi at a regular meeting held on September 23, 2015 by the following vote:

**AYES:** Commissioners:

**NOES:** Commissioners:

**ABSENT:** Commissioners:

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

DRAFT