

<p>CARNEGIE FORUM 305 WEST PINE STREET LODI, CALIFORNIA</p>	<p><b>AGENDA</b> <b>LODI</b> <b>PLANNING COMMISSION</b></p>	<p>REGULAR SESSION WEDNESDAY, MAY 11, 2016 @ 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 – “April 13, 2016”
3. PUBLIC HEARINGS
  - a. Request for Planning Commission approval of a Use Permit for a 120 ft tall wireless lattice tower for CCT Telcomm at 1106 East Turner Road near Cluff Ave. (Applicant: CCT Telcomm; File 2016-11 U; CEQA Determination: Exempt per Section 15303)
  - b. Request for Planning Commission approval of a Use Permit to allow a Type-41 On-Sale Beer and Wine for the Lodi Stadium 12 Movie Theater at 109 North School Street. (Applicant: Santa Rosa Entertainment Group, File 2016-13 U; CEQA Determination: Exempt per Section 15321)
  - c. Request Planning Commission recommend that the Lodi City Council repeal Lodi Municipal Code (LMC) Chapter 9.19 - Political Sign Regulations in its entirety; further recommends repealing and reenacting LMC Chapter 17.34 – Signs in its entirety; and further recommends repealing and reenacting LMC Section 10.44.040 – Parking for Certain Purposes Prohibited – Display of “for Sale” signs on Vehicles, Vessels or Trailers-Restrictions in its entirety. (Applicant: City of Lodi; File 2016-15 Z; CEQA Determination: Exempt per Section 15321)

**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
  - a. Update of Downtown Police Service Calls
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.

**LODI PLANNING COMMISSION  
REGULAR COMMISSION MEETING  
CARNEGIE FORUM, 305 WEST PINE STREET  
WEDNESDAY, APRIL 13, 2016**

1. CALL TO ORDER / ROLL CALL

The Regular Planning Commission meeting of April 13, 2016 was called to order by Vice Chair Hennecke at 7:00 p.m.

Present: Planning Commissioners – Cummins, Kirsten (7:28 p.m.), Kiser, Olson, Slater and Vice Chair Hennecke

Absent: Planning Commissioners – Chair Heinitz

Also Present: City Planner Craig Hoffman, Deputy City Attorney John Fukasawa and Administrative Secretary Kari Chadwick

2. MINUTES

“March 9, 2016”

MOTION / VOTE:

The Planning Commission, on motion of Commissioner Slater, Kiser second, approved the minutes of March 9, 2016 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, Chair Heinitz called for the public hearing to consider the request of the Planning Commission for approval of a Use Permit to allow a Type-42 On-Site Beer and Wine sales at House of Coffees at 235 Ham Lane. (Applicant: Ms. Jennifer Loreteen; File 2016-07 U; CEQA Determination: Exempt per Section 15321)

City Planner Craig Hoffman gave a brief report based on the staff report. He added that the original notice for this item went out with a Type 42 ABC License and the applicant has chosen to use a Type 41 ABC License. Since the Type 41 license is what is considered a lesser use the item can still be heard. A Type 41 is a license that has food services and there will not be any fears of this turning into a bar. Staff is recommending approval of the project as conditioned. He pointed out that an anonymous letter was received and has been provided on blue sheet.

Vice Chair Hennecke asked about the distance from the doorway that patrons can smoke. Mr. Hoffman stated that he wasn't sure, but the applicant spoke from the audience and stated twenty feet.

Commissioner Slater asked if the parking is going to be sufficient. Mr. Hoffman stated that there should be plenty of parking.

Commissioner Kiser asked about the lack of food for sale at the business and the fact that the food sales need to out sale alcohol. Mr. Hoffman stated that everything that is non-alcoholic counts toward the food sales that will include coffee.

Hearing Opened to the Public

- Jennifer Loreteen, applicant, came forward to answer questions.
- Commissioner Kiser asked if staff will be trained by ABC. Ms. Loreteen stated that all the staff members will be going through training.

- Commissioner Olson applauded the idea. She asked if food items will be served as well as coffee. Ms. Loreteen stated that there will be made ahead food items that will be offered. She gave an example of a pre-made Panini's that will just be pressed at the shop. Ms. Olson stated her concern with the under-age employees and under-age clientele and asked how Ms. Loreteen saw that dynamic working. Ms. Loreteen stated that she is pursuing this because of the feedback from her clientele. They have expressed the desire to be able to stop while on an evening walk or after dinner and have a beer or glass of wine while their children have a smoothie. Ms. Olson asked if a type 41 license allows for tastings. Ms. Loreteen stated that she does not plan on having any tastings.
- Vice Chair Hennecke asked about the outside seating and the smoking locations. Ms. Loreteen stated that there will not be any smoking allowed in the outdoor seating area. She added that this is not intended to be a place for people to come and get drunk. She intends for this to be a coffee shop that offers beer or wine for those that would like to have one instead of a coffee.
- Commissioner Slater asked about the types of craft beer will be served. Ms. Loreteen stated that she is looking to bring in small breweries and possibly have four taps, but she does not have a specific vendor in mind yet. Mr. Slater asked about the types of wines. Ms. Loreteen stated that she is planning on only having local wines. Mr. Slater asked if there will be special events or tastings. Ms. Loreteen stated that she has not planned on having any at this time. Mr. Slater asked how late alcohol will be offered. Ms. Loreteen stated that she only plans on being open until 10 pm at the latest and that will only be on Friday and Saturday nights. She added that if the demand only warrants staying open until 9 pm she will make that adjustment.
- Commissioner Slater asked Mr. Hoffman if the condition for reviewing the project has been added to this Use Permit. Mr. Hoffman stated that it has. He also added that he added a condition that will allow for special events, so long as there isn't a nuisance problem.
- Commissioner Kiser asked if there will be a problem with the large crowd of students that frequent the shop in the morning. Ms. Loreteen stated that she does not anticipate any problems with the high school students because she doesn't plan on serving alcohol until 4:00 p.m., but would like to be able to serve alcohol at lunch if the need arose.

Public Portion of Hearing Closed

MOTION / VOTE:

The Planning Commission, on motion of Commissioner Cummins, Kiser second, finds that the project is exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15321, and approves a Use Permit to allow a Type-42 On-Site Beer and Wine sales at House of Coffees at 235 Ham Lane subject to the findings and conditions of approval contained in the draft resolution provided. The motion carried by the following vote:

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

- b) Notice thereof having been published according to law, an affidavit of which publication is on file in the Community Development Department, Chair Heinitz called for the public hearing to consider the request of the Planning to modify the zoning code to require multi-family structures in the Medium Density Residential and High Density Residential zoning designations to require design review and make recommendation to the City Council. (Applicant: City of Lodi; File 2016-08 Z; CEQA Determination: Exempt per Section 15321)

City Planner Craig Hoffman gave a brief PowerPoint presentation based on the staff report. Staff is recommending the Commission forward the recommendation for approval of the Zoning Code change to the City Council as stated in the attached resolution.

Commissioner Olson stated she is in favor of putting this back into the code. Commission Cummins and Kiser concurred.

Commissioner Kirsten arrived at 7:28 p.m.

Hearing Opened to the Public

- None

Public Portion of Hearing Closed

MOTION / VOTE:

The Planning Commission, on motion of Commissioner Olson, Kiser second, finds that the project is exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15321, and forwards the recommendation for approval to modify the zoning code to require multi-family structures in the Medium Density Residential and High Density Residential zoning designations to require design review to the City Council subject to the findings and conditions of approval contained in the draft resolution provided. The motion carried by the following vote:

Ayes: Commissioners – Cummins, Kiser, Olson, Slater and Vice Chair Hennecke

Noes: Commissioners – None

Absent: Commissioners - Chair Heinitz

Abstain: Commissioners - Kirsten

4. PLANNING MATTERS/FOLLOW-UP ITEMS

a) Update of Downtown Police Service Calls

- Mr. Hoffman stated that an update of call numbers has been provided and staff is available to answer any questions.

b) Discussion of Brownsfield Grant and Committee

- Mr. Hoffman gave a brief report regarding the meeting that took place on March 30<sup>th</sup>. He stated that there is a need to find property owners that want to participate in the process.
- Commissioner Olson asked if this is an EPA Grant. Mr. Hoffman stated that it is.
- Vice Chair Hennecke asked how the areas were picked. Mr. Hoffman stated that they are areas that are under-utilized or have the potential of having some type of contamination.
- Commissioner Cummins asked if the total grant is \$400,000. Mr. Hoffman confirmed that amount to be correct.
- Commissioner Slater stated that he attended the meeting and will be participating on the committee. Mr. Hoffman added that there is room for additional committee members.

- Vice Chair Hennecke asked if the property owners of the old Sunset Theater and Alexander's Bakery can be approached. Mr. Hoffman stated that it requires a property owner that wants to be an active participant.
- c) Mr. Hoffman shared the new look that La Quinta Inn would like to go with and stated that he will be bringing it back to the Commission for a new approval.
- Commissioner Slater asked if it will be going to SPARC first. Mr. Hoffman stated that it will not come to the Commission if it goes to SPARC, so if the Commission wants to see the new architecture it will have to come directly to Planning Commission.

5. ANNOUNCEMENTS AND CORRESPONDENCE

None

6. ACTIONS OF THE CITY COUNCIL

None

7. ACTIONS OF THE SITE PLAN AND ARCHITECTURAL REVIEW COMMITTEE

None

8. ART IN PUBLIC PLACES

Commissioner Kirsten gave a brief report regarding the most recent meetings.

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

None

10. COMMENTS BY STAFF AND COMMISSIONERS (NON-AGENDA ITEMS)

Commissioner Slater asked about Papapavlo's. Mr. Hoffman stated that the family is still working on the financing, but is still looking to move the project forward.

Commissioner Olson stated her frustration that the Chair has missed the last few meetings. Commissioner Cummins concurred and asked what can be done. Commissioner Kiser concurred. Vice Chair Hennecke stated his agreement, but added that is why there is a Vice Chair position and everyone is going to miss some meetings. He added that it is the job of the City Council to review attendance and make any determinations when Commission members are up for reappointment. Ms. Olson and Mr. Cummins stated that they don't want him off the Commission; they just want to determine if being the Chair is good timing for him right now. Commissioner Slater stated that he would prefer a nudge to Mr. Heinitz before a formal discussion takes place in an open forum. Commissioner Cummins would like to see it on the next agenda for discussion.

MOTION / VOTE:

The Planning Commission, on motion of Commissioner Hennecke, Slater second, to pull attendance records for all Planning Commissioners for the last two years. The motion carried by the following vote:

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

Noes: Commissioners – None

Absent: Commissioners - Chair Heinitz

Deputy City Attorney John stated that he would like to give each of the Commissioners his card, so if there are any questions or concerns regarding items that will be heard at the meeting. He prefers to have the concerns in advance, so that he can research the items.

11. ADJOURNMENT

There being no further business to come before the Planning Commission, the meeting was adjourned at 7:51 p.m.

ATTEST:

Kari Chadwick  
Planning Commission Secretary

DRAFT

Item 3a



**CITY OF LODI  
PLANNING COMMISSION  
Staff Report**

**MEETING DATE:** May 11, 2016

**APPLICATION NO:** Use Permit: 2016-011 U

**REQUEST:** Request for Planning Commission approval of a Use Permit for a 120 ft tall wireless lattice tower for CCT Telcomm at 1106 East Turner Road near Cluff Ave. (Applicant: CCT Telcomm; File 2016-11 U; CEQA Determination: Exempt per Section 15303)

**LOCATION:** 1106 East Turner Road near Cluff Ave.  
APN 049-030-24

**APPLICANT:** CCT Telcomm  
c/o Mr. Steve Fetzer  
1106 East Turner Road  
Lodi, CA 95240

**PROPERTY OWNER:** CCT Telcomm  
c/o Mr. Steve Fetzer  
1106 East Turner Road  
Lodi, CA 95240

**RECOMMENDATION**

Staff recommends that the Planning Commission approve the Use Permit request to allow a 120 ft wireless lattice tower for CCT Telcomm at 1106 East Turner Road near Cluff Ave., subject to the conditions in the attached draft resolution.

**PROJECT/AREA DESCRIPTION**

**General Plan Designation:** Industrial  
**Zoning Designation:** Industrial  
**Property Size:** 0.84 acres – 36,407 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>	Industrial	M - Industrial	Waste Management transfer station
<b>South</b>	Industrial	M - Industrial	Industrial buildings
<b>East</b>	Industrial	M - Industrial	California Rock
<b>West</b>	Industrial	M - Industrial	Industrial buildings

**REQUEST**

The site is located at 1106 E. Turner Road near the corner of Cluff Avenue.

The applicant's proposal is for a new 120 ft. tall lattice tower to support the existing CCT Telecomm business.

The tower is needed to support current wireless data and voice infrastructure for the Central Valley and Lodi area. The tower will help provide better coverage with redundancy and more choices for high speed internet. The tower is adjacent to the CCT office building and data lines can easily be extended to the tower from the building.

The tower has been designed to allow for co-location and also an expansion of CCT facilities. This tower would provide wireless coverage in a 6 mile radius, covering the Lodi area.

This tower is on private property. (Attachment A and B)

The General Plan land use designation is Industrial and the zoning designation is Industrial.

Telecommunication facilities are allowed subject to conditions of approval and review by agencies.

The tower would be 1,000 feet to the closest residential use and 1,150 feet to the closest wireless tower.

Staff reviewed the project for height conformance with the County Airport Land Use plans. The project is outside of any airport influence areas. Staff has sent the proposed plans to County staff and no comments or conditions were provided. Attachment C contains the County maps.

## **ANALYSIS**

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

1. *The proposed use is allowed with a Use Permit within the applicable zoning district and complies with all applicable provisions of this Development Code.* **Comment:** The existing property is zoned Industrial and is intended to provide for a range of uses, emphasizing high quality development, and manufacturing, production, wholesaling and services. A telecommunication facility is allowed subject to a use permit in this zone. The project has been conditioned to be consistent with the zoning code and the use will not be detrimental to the welfare of persons or properties working, residing, or otherwise existing in the adjacent neighborhood areas.
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 Industrial, which permits the proposed use. The conditions for the restriction of the conditional use are consistent with the General Plan, will not affect neighborhood compatibility; and will not cause the operation of the conditional use to be detrimental to the welfare of persons or properties working, residing, or otherwise existing in the adjacent industrial 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 project and 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 an industrial area with all the required off-street parking provided on the subject site. The project meets the requirements of the zoning code for setbacks, height, parking, landscaping and floor area

limits. 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 existing use complies with all requirements as set forth for the issuance of a Use Permit, in that the site is adequate in size, shape and topography for the proposed use, consisting of an existing building. Second, the site is located in a 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.
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 §15303. Class 3 consists of construction and location of limited numbers of new, small facilities. In urbanized areas, the exemption applies to up to four buildings not exceeding 10,000 square feet in floor area on sites zoned for such use where all necessary public services and facilities are available.

The project is consistent with the General Plan, is located in the City limits, is less than 5-acres in size and is surrounded by existing urban uses. The project site is not a habitat for any rare or endangered species of plant or wildlife, and the project will not create a significant environmental impact. The project would not result in any significant effects relating to traffic, noise, air quality, or water quality, and 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. In staff's opinion, the proposed modification would not produce any adverse impacts on the adjacent properties in terms of noise, parking, litter, disorderly behavior, or other objectionable influences. If, in the future, concerns arise, and the Director/Police Department determines it necessary, the Use Permit can be subject to review by the Planning Commission to consider the business's operation for compliance with the conditions of the Use Permit.

#### **ENVIRONMENTAL ASSESSMENT:**

The project is found to be categorically exempt from CEQA review under 14 CCR §15303. Class 3 consists of construction and location of limited numbers of new, small facilities. In urbanized areas, the exemption applies to up to four buildings not exceeding 10,000 square feet in floor area on sites zoned for such use where all necessary public services and facilities are available.

The project is consistent with the General Plan, is located in the City limits, is less than 5-acres in size and is surrounded by existing urban uses. The project site is not a habitat for any rare or endangered species of plant or wildlife, and the project will not create a significant environmental impact. The project would not result in any significant effects relating to traffic, noise, air quality, or water quality, and 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, April 30, 2016. Fourteen (14) public hearing notices were sent to all property owners of record within a

300-foot radius of the project site as required by California State Law §65091 (a) 3. Public notice also was mailed to interested parties who expressed their interest of the project.

**RECOMMENDED MOTIONS**

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

"I move that the Planning Commission adopt a Resolution finding that the project is exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15303, and adopt a Resolution approving the Use Permit to allow a 120 ft tall wireless lattice tower for CCT Telcomm at 1106 East Turner Road 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  
City Planner

Stephen Schwabauer  
Community Development Director

**ATTACHMENTS:**

- A. Vicinity / Aerial Map
- B. Site and Elevation plans
- C. ALUC maps
- D. Draft Resolution

# VICINITY MAP

North



South

## 1106 E Turner Road

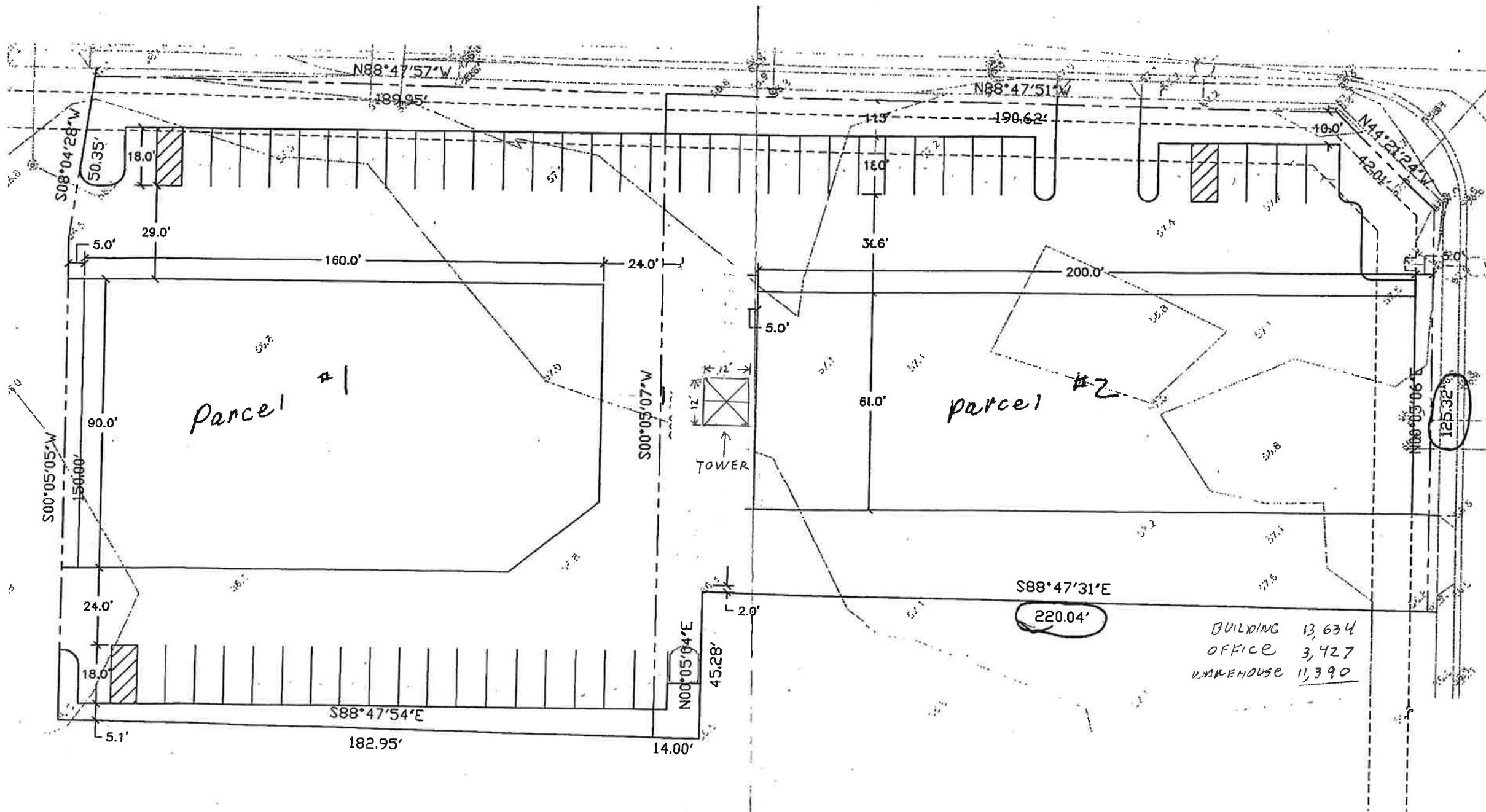
# VICINITY MAP

North



South

## 1106 E Turner Road

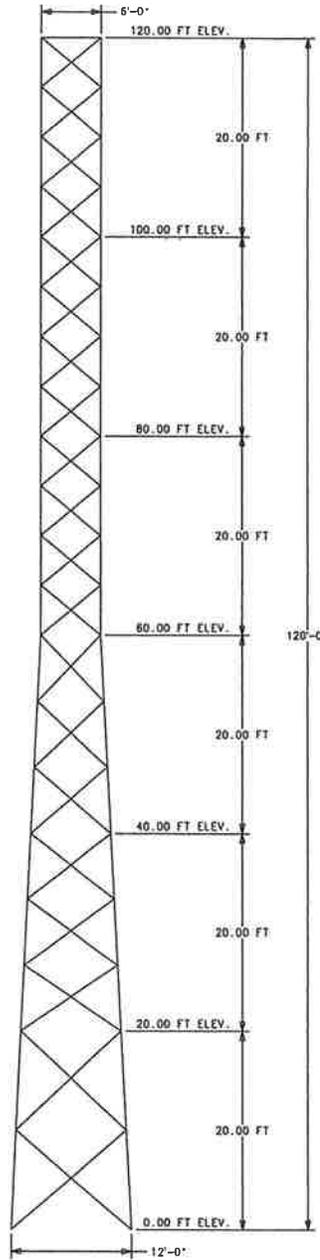


BUILDING	13,634
OFFICE	3,427
WAREHOUSE	11,390

### MEMBER TYPE & SIZE CHART

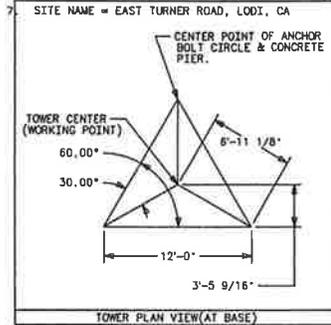
<b>SECTION 1 ELEVATION = 100.00 FT TO 120.00 FT</b>	
LEG	= PIPE 2.88 O.D. X 0.203 WALL THK.
DIAGONAL	= 4 1.75 X 1.75 X 0.188
HORIZONTAL	= 4 2.50 X 2.50 X 0.188
APPROXIMATE SECTION WEIGHT = 900#	
<b>SECTION 2 ELEVATION = 80.00 FT TO 100.00 FT</b>	
LEG	= PIPE 2.88 O.D. X 0.203 WALL THK.
DIAGONAL	= 4 1.75 X 1.75 X 0.188
APPROXIMATE SECTION WEIGHT = 850#	
<b>SECTION 3 ELEVATION = 60.00 FT TO 80.00 FT</b>	
LEG	= PIPE 3.50 O.D. X 0.216 WALL THK.
DIAGONAL	= 4 1.75 X 1.75 X 0.188
APPROXIMATE SECTION WEIGHT = 950#	
<b>SECTION 4 ELEVATION = 40.00 FT TO 60.00 FT</b>	
LEG	= PIPE 4.00 O.D. X 0.226 WALL THK.
DIAGONAL	= 4 1.75 X 1.75 X 0.188
APPROXIMATE SECTION WEIGHT = 1050#	
<b>SECTION 5 ELEVATION = 20.00 FT TO 40.00 FT</b>	
LEG	= PIPE 4.50 O.D. X 0.237 WALL THK.
DIAGONAL	= 4 2.00 X 2.00 X 0.188
APPROXIMATE SECTION WEIGHT = 1250#	
<b>SECTION 6 ELEVATION = 0.00 FT TO 20.00 FT</b>	
LEG	= PIPE 5.56 O.D. X 0.258 WALL THK.
DIAGONAL	= 4 2.50 X 2.50 X 0.188
APPROXIMATE SECTION WEIGHT = 1600#	

APPROXIMATE TOWER WEIGHT = 6500#



**NOTES:**

- MAXIMUM DESIGN REACTIONS AT BASE:  
 SHEAR = 8.89 KIPS/LEG  
 VERTICAL DOWNWARD = 118.52 KIPS/LEG  
 VERTICAL UPWARD = 107.18 KIPS/LEG
- TOWER DESIGN CRITERIA: EIA/TIA - 222G
- THIS STRUCTURE HAS BEEN DESIGNED FOR THE FOLLOWING LOADING:  
 EXPOSURE CATEGORY = C  
 STRUCTURE CLASSIFICATION = 2  
 TOPOGRAPHY CATEGORY = 1  
 EARTHQUAKE SPECTRAL ACCELERATIONS:  
 $S_B = 2.01, S_1 = 1.00$   
 A. CASE 1 WIND = 85 MPH ICE = 0.00 IN  
 CASE 2 WIND = 80 MPH ICE = 0.00 IN  
 B. ANTENNA LOADING IS PER THE ANTENNA MOUNTING TABLE SHOWN BELOW.
- FINISH: GALVANIZED PER ASTM A-123
- HARDWARE GALVANIZED PER ASTM A153.
- THIS QUOTE/PERMIT DRAWING SHALL NOT BE USED FOR CONSTRUCTION.
- SITE NAME = EAST TURNER ROAD, LODI, CA

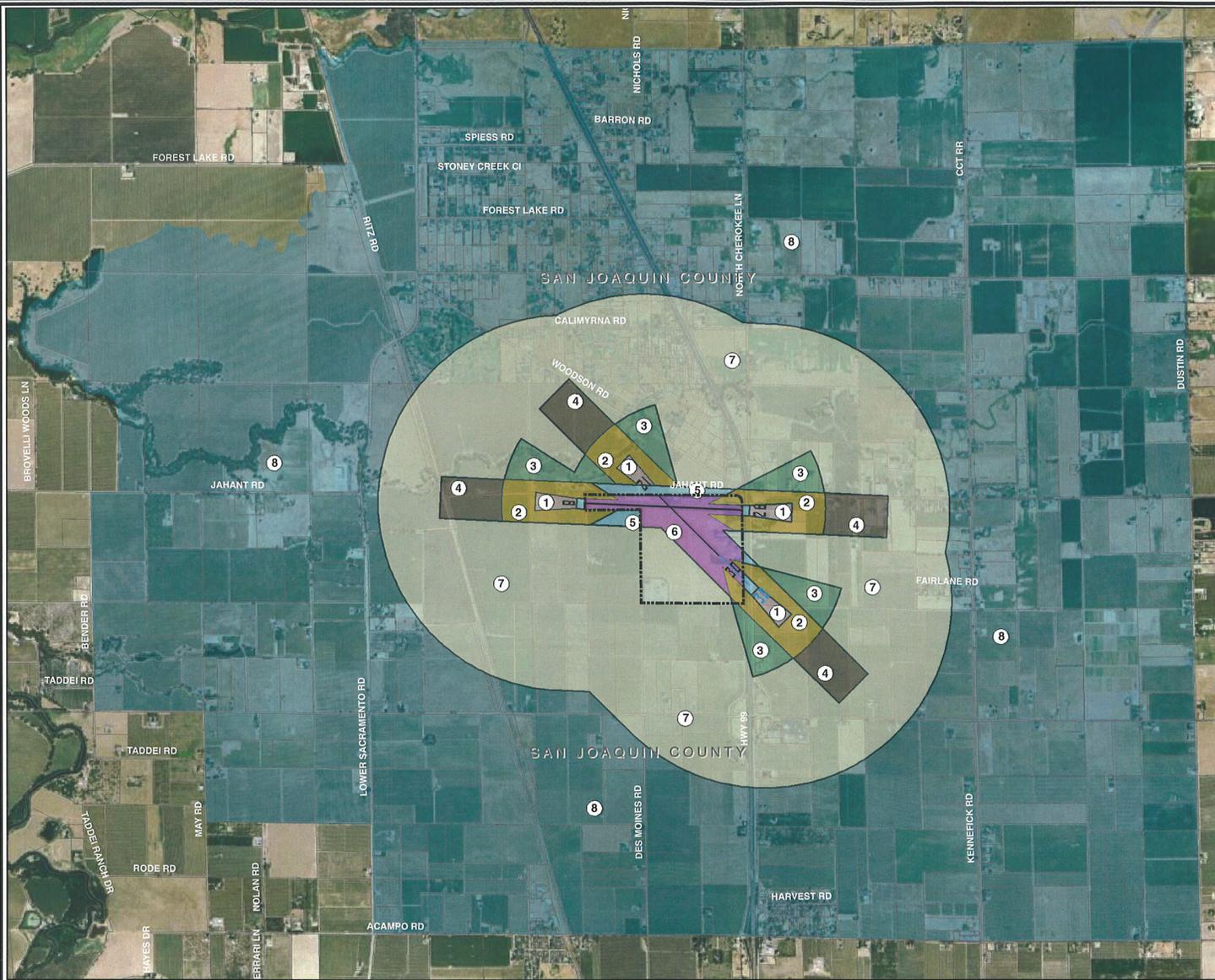


**ANTENNA MOUNTING TABLE**

ANTENNA TYPE & MODEL NO.	SIZE (DECIMAL FEET)	FREQUENCY	QTY.	*MOUNTING HEIGHT (DECIMAL FEET)	MOUNTING AZIMUTH
6-PANEL (4' X 1')		N/A		120.00 FT	N/A
1-3' SOLID DISH		N/A		120.00 FT	N/A
3-Cross Arm, 10' Dou		N/A		120.00 FT	N/A
6-PANEL (4' X 1')		N/A		110.00 FT	N/A
2-3' SOLID DISH		N/A		110.00 FT	N/A
2-Ubiquiti AirFiber		N/A		110.00 FT	N/A
3-Cross Arm, 10' Dou		N/A		110.00 FT	N/A
6-PANEL (4' X 1')		N/A		100.00 FT	N/A
2-Ubiquiti AirFiber		N/A		100.00 FT	N/A
3-Cross Arm, 10' Dou		N/A		100.00 FT	N/A

\* = CENTERLINE OF ANTENNA , N/A = NOT AVAILABLE

07SP13-3LA1-10/20/08



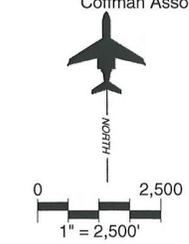
### LEGEND

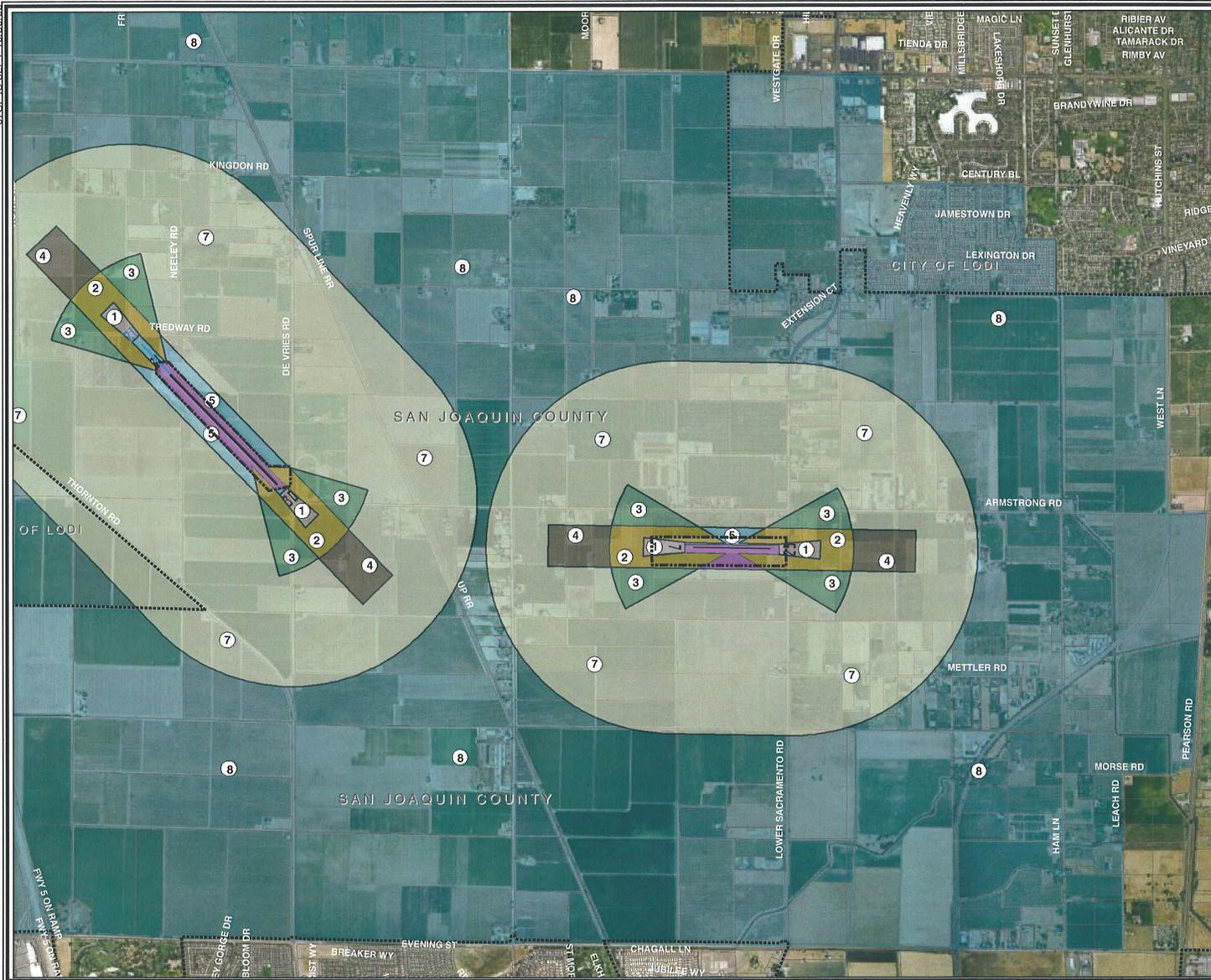
- Airport Property
- Municipal Boundary

### COMPATIBILITY ZONES

- ① Runway Protection Zone
- ② Inner Approach/Departure Zone
- ③ Inner Turning Zone
- ④ Outer Approach/Departure Zone
- ⑤ Sideline Safety Zone
- ⑥ Airport Property
- ⑦ Traffic Pattern Zone
- ⑧ Airport Influence Area

Source: Aerial Photography dated 2006.  
 San Joaquin Geographic Information System, February 2008.  
 Coffman Associates Analysis.





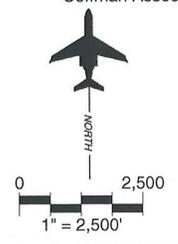
### LEGEND

- Airport Property
- Municipal Boundary

### COMPATIBILITY ZONES

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Source: Aerial Photography dated 2006.  
 San Joaquin Geographic Information System, February 2008.  
 Coffman Associates Analysis.



**RESOLUTION NO. P.C. 16-XX**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LODI APPROVING THE REQUEST OF CCT TELCOMM FOR A USE PERMIT TO ALLOW A 120 FT TALL WIRELESS LATTICE TOWER FOR CCT TELCOMM AT 1106 EAST TURNER ROAD.**

**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 CCT Telcomm, c/o Mr. Steve Fetzer, 1106 East Turner Road Lodi, CA 95240; and

**WHEREAS**, the project parcel is owned by CCT Telcomm, c/o Mr. Steve Fetzer, 1106 East Turner Road Lodi, CA 95240, CA; and

**WHEREAS**, the project is located at 1106 East Turner Road near Cluff Ave., APN 049-030-24; and

**WHEREAS**, the property has a General Plan designation of Industrial and is zoned Industrial and

**WHEREAS**, a telecommunication facility requires the approval of a Use Permit by the Planning Commission; and; 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 is found to be categorically exempt from CEQA review under 14 CCR §15303. Class 3 consists of construction and location of limited numbers of new, small facilities. In urbanized areas, the exemption applies to up to four buildings not exceeding 10,000 square feet in floor area on sites zoned for such use where all necessary public services and facilities are available.

The project is consistent with the General Plan, is located in the City limits, is less than 5-acres in size and is surrounded by existing urban uses. The project site is not a habitat for any rare or endangered species of plant or wildlife, and the project will not create a significant environmental impact. The project would not result in any significant effects relating to traffic, noise, air quality, or water quality, and the site of the proposed project can be adequately served by all required utilities and public services.

2. The existing property is zoned Industrial and is intended to provide for a range of uses, emphasizing high quality development, and manufacturing, production, wholesaling and services. A telecommunication facility is allowed subject to a use permit in this zone. The project has been conditioned to be consistent with the zoning code and the use will not be detrimental to the welfare of persons or properties working, residing, or otherwise existing in the adjacent neighborhood areas.

3. The General Plan land use designation for the project site is Industrial, which permits the proposed use. The conditions for the restriction of the conditional use are consistent with the General Plan, will not affect neighborhood compatibility; and will not cause the operation of the conditional use to be detrimental to the welfare of persons or properties working, residing, or otherwise existing in the adjacent industrial areas.
4. The proposed project and 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 an industrial area with all the required off-street parking provided on the subject site. The project meets the requirements of the zoning code for setbacks, height, parking, landscaping and floor area limits. Further, the project will not have a negative effect on the public health, safety, or welfare; or be materially injurious to persons, properties or improvements in the vicinity.
5. The existing use complies with all requirements as set forth for the issuance of a Use Permit, in that the site is adequate in size, shape and topography for the proposed use, consisting of an existing building.
6. The site is located in a 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.
7. The proposed use, as conditioned, will not have an adverse effect upon the use, enjoyment or valuation of property in the neighborhood.
8. 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.

**NOW, THEREFORE, BE IT DETERMINED AND RESOLVED** by the Planning Commission of the City of Lodi that Use Permit Application No. 2016-11 is hereby approved, subject to the following conditions:

Community Development-Planning

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

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

4. 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.
5. 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.
6. The tower shall allow for the co-location of other wireless facilities that may include other wireless carriers.
7. The tower builder / applicant will apply for FAA permits if needed. Typical requirements could include tower lighting.
8. The applicant shall obtain Operational Permits from the Lodi Fire Department, Fire Prevention Bureau. The Fire Department may be contacted at 310 W. Elm Street, Lodi, CA 95240. Phone Number (209) 333-6739.
9. The installation of the new Wireless Tower 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.
10. Any fees due the City of Lodi for processing this Project shall be paid to the City within thirty (30) calendar days of final action by the approval authority. Failure to pay such outstanding fees within the time specified shall invalidate any approval or conditional approval granted. No permits, site work, or other actions authorized by this action shall be processed by the City, nor permitted, authorized or commenced until all outstanding fees are paid to the City.
11. No variance from any City of Lodi adopted code, policy or specification is granted or implied by this approval.

I certify that Resolution No. 16-XX was passed and adopted by the Planning Commission of the City of Lodi at a regular meeting held on May 11, 2016 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:** May 11, 2016

**APPLICATION NO:** Use Permit: 2016-13 U

**REQUEST:** Request for Planning Commission approval of a Use Permit to allow a Type-41 On-Sale Beer and Wine for the Lodi Stadium 12 Movie Theater at 109 North School Street. (Applicant: Santa Rosa Entertainment Group, File 2016-13 U; CEQA Determination: Exempt per Section 15321)

**LOCATION:** 109 North School Street  
Lodi, CA 95240  
APN: 043-024-15

**APPLICANT:** Santa Rosa Entertainment Group  
Daniel Tocchini  
917 College Ave.  
Santa Rosa, CA 95404

**PROPERTY OWNER:** Lodi City Center 12 LLC  
2800 W. March Lane Suite, 360  
Stockton, CA 95219

**RECOMMENDATION**

Staff recommends the Planning Commission approve the request of Santa Rosa Entertainment Group for a Use Permit to allow the sale of beer and wine Alcoholic Beverage Control (ABC) Type 41 license (eating place) at 109 North School Street, subject to conditions in the attached resolution.

**PROJECT/AREA DESCRIPTION**

**General Plan Designation:** Downtown Mixed Use  
**Zoning Designation:** Downtown Mixed Use  
**Property Size:** 1.21 acres – 52,664 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>	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

**BACKGROUND**

The project site is the Lodi Stadium 12 Movie Theater in the downtown area. The movie theater is in the process of a major renovation and part of a rebranding to meet the growing demand from

customers for increased amenities. The renovation includes reducing the amount of theater seats from 2,400 seats to 1,200 luxury recliners, an expanding food menu with beer and wine selections.

The movie theater has currently upgraded 3 of the 12 theaters with new carpet and motorized luxury recliners. Customers are able to purchase tickets on line and reserve seats. All seating is by reservation and open seating is being transitioned out. In purchasing movie tickets, specific seats are now reserved.

The lobby area is also part of the theater upgrade with new carpet, upgraded features and the concession stand will be expanded to include more food choices including paninis, wraps, specialty sausages, pizzas and more food entrees.

The applicant has also applied for a Type 41 ABC license to allow the sale of beer and wine.

- Beer, wine and specialty foods would be purchased at a designated end of the concession stand.
- No sales or service would take place in the individual auditoriums.
- Alcoholic beverages will be sold in distinctive containers, making them identifiable.
- Customers will be limited to number of alcoholic beverages sold.
- All employees selling alcohol will go through the ABC LEAD program.
- The Theater will work with ABC to ensure all rules and regulations are complied with.
- The beer will be both from taps and bottles. Beer is typically craft beers.

The Santa Rosa Entertainment Group currently has 11 movie theater locations. The Healdsburg theater has an ABC license and has been serving alcohol (beer and wine) for the past five year.

The applicant is currently working on ABC permits for theaters in Lodi, Clovis, Camarillo and Santa Rosa. This is part of a company and industry trend.

Typical hours of operation at the theater - 7 days a week from 10:00 am to 11:30 pm.

The Type 41 ABC license allows minors to work around and in the vicinity of alcohol sales and service.

## **ANALYSIS**

The City has spent a great deal of resources on the downtown area and part of that revitalization is the intersection of Elm and School Streets. This is the site of the Lodi Stadium 12 Theater and heart of the downtown family entertainment area.

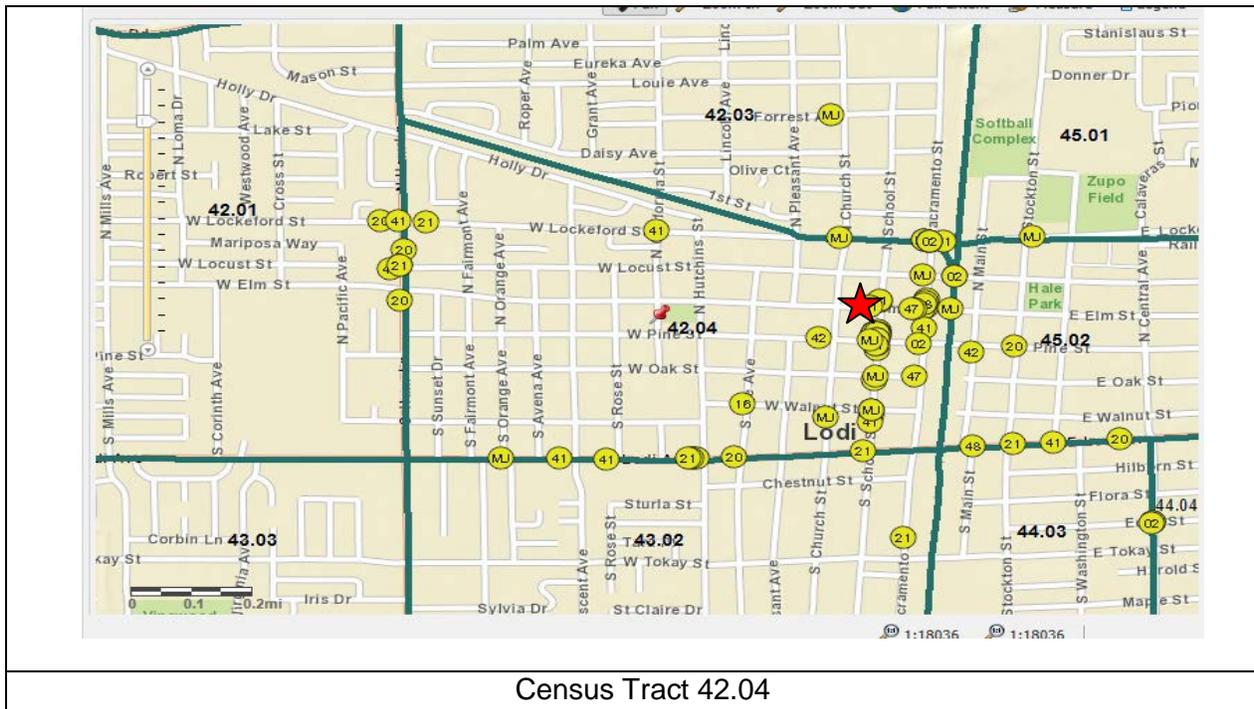
The City will not approve or support business activities that are detrimental to families coming downtown. Staff is protective of this corner and is not looking to approve an activity that could jeopardize the City investment and downtown business environment.

Staff has reviewed the application and overall vision for the Lodi Movie Theater renovation and support the request for a Type 41 ABC license.

Per Land Use Code Section 17.22.030, onsite consumption of alcohol is permitted in the Downtown Mixed Use (DMU) zoning designation, subject to a use permit. The City established the Use Permit requirement to gain local control over whether or not a license is appropriate for a particular location and place conditions upon the use. The State Department of Alcoholic Beverage Control primarily controls license issuance, based on concentration of licenses within a particular Census Tract.

The request involves the approval of a public convenience and necessity (PCN) and Use Permit in an area of the Downtown that historically is over-concentrated with alcohol licenses. In order to allow an additional ABC license, the Planning Commission must make a finding of necessity; and if determined necessary, then consider the appropriateness of conditions of approval for the Use Permit for the new use.

Planning staff is of the opinion that a public need and necessity is warranted in this case because the primary function of the establishment is a movie theater and the alcohol is a secondary use and does not involve off-site retail or wholesale distribution of alcohol.



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 a new ABC license in an existing building located within the Downtown Mixed Use (DMU) Zoning District, which allows sale of alcohol for on-site consumption in accordance with Development Code Section 17.22.030. The intent of the DMU zoning district is to provide for a range of uses, emphasizing high quality development, and to encourage revitalization of existing buildings. The proposal is consistent with this intent. The proposal will help the movie theater continue to be competitive in the movie industry and compete with other entertainment establishments.
2. *The proposed use is consistent with the General Plan and any applicable specific plan.* **Comment:** The General Plan land use designation for this area is Downtown Mixed Use, which provides for sale of alcohol. The proposed sale of beer and wine in conjunction with a movie theater operation is the type of business allowed by the General Plan. The sale of alcoholic beverages as part of a theater is required by the State Department of Alcoholic Beverage Control to be secondary to food sales. Sale of alcohol as an amenity in conjunction

with a movie theater is a way to meet the growing demand from customers for increased amenities, and is therefore 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 proposed sale of alcohol in conjunction with a movie theater operation is compatible with existing and future land uses in the immediate vicinity of the project area. The sale of alcohol in a movie theater is consistent with other commercial uses, such as the one proposed, in accordance with Land Use Policy subject to a discretionary review. The sale of alcoholic beverages for on-premise consumption is a way to meet the growing demand from customers for increased amenities and provides a convenience for customers of the business. The proposed use is located in the heart of the downtown area and is surrounded by other complementary uses that cater to the local and tourist trade. The establishment will offer theater patrons another option for alcohol and food service while viewing a movie.
4. *The location, size, design, and operating characteristics of the proposed use would be compatible with the existing and future land uses in the vicinity.* **Comment:** The proposed use complies with all requirements as set forth for the issuance of this Use Permit, in that the site is adequate in size, shape and topography for the proposed use, consisting of an existing building. Second, restaurants/bars, tasting rooms and other commercial uses with sale of alcohol operate in this area. 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. Fourth, the characteristics of the proposed sale of alcohol is a way to meet the growing demand from customers for increased amenities and provides a convenience for customers. In accordance with ABC requirements, receipts from alcohol sales shall not be in excess of food sales receipts. Lastly, it is found that the sale of alcoholic beverages as part of a movie theater is a convenience that does not typically create alcohol related problems.
5. *The proposed project has been reviewed in compliance with the California Environmental Quality Act (CEQA) and the Lodi Environmental Review Guidelines.* **Comment:** The project was found to be Categorical Exempt according to the California Environmental Quality Act, §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 for the use or enforcing the general rule, standard, or objective.” No significant environmental impacts are anticipated and no mitigation measures are required.

Staff sent a copy of the application to various City departments for comment and review. Their comments and requirements have been incorporated into the attached resolution. Conditions of approval are proposed to ensure the restaurant is not operated in a negative manner or without adequate oversight. If problems or concerns related to the sale of alcoholic beverages occur in the future, staff and/or the Planning Commission may initiate a public hearing where the Commission would have the ability to amend conditions or revoke the Use Permit.

#### **ENVIRONMENTAL ASSESSMENT:**

The project was found to be 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 the Use Permit was published in the Lodi News Sentinel on Saturday, April 30, 2016. Thirty (30) public hearing notices were sent to all property owners of record within a 300-foot radius of the project site as required by California State Law §65091 (a) 3. Public notice also was mailed to interested parties who expressed their interest of the project.

**RECOMMENDED MOTIONS**

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

"I move that the Planning Commission adopt a Resolution finding that the project is exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15321, and adopt a Resolution approving the Use Permit to allow the sale of beer and wine Alcoholic Beverage Control (ABC) Type 41 license at 109 North School Street (Lodi Movie Theater) 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  
City Planner

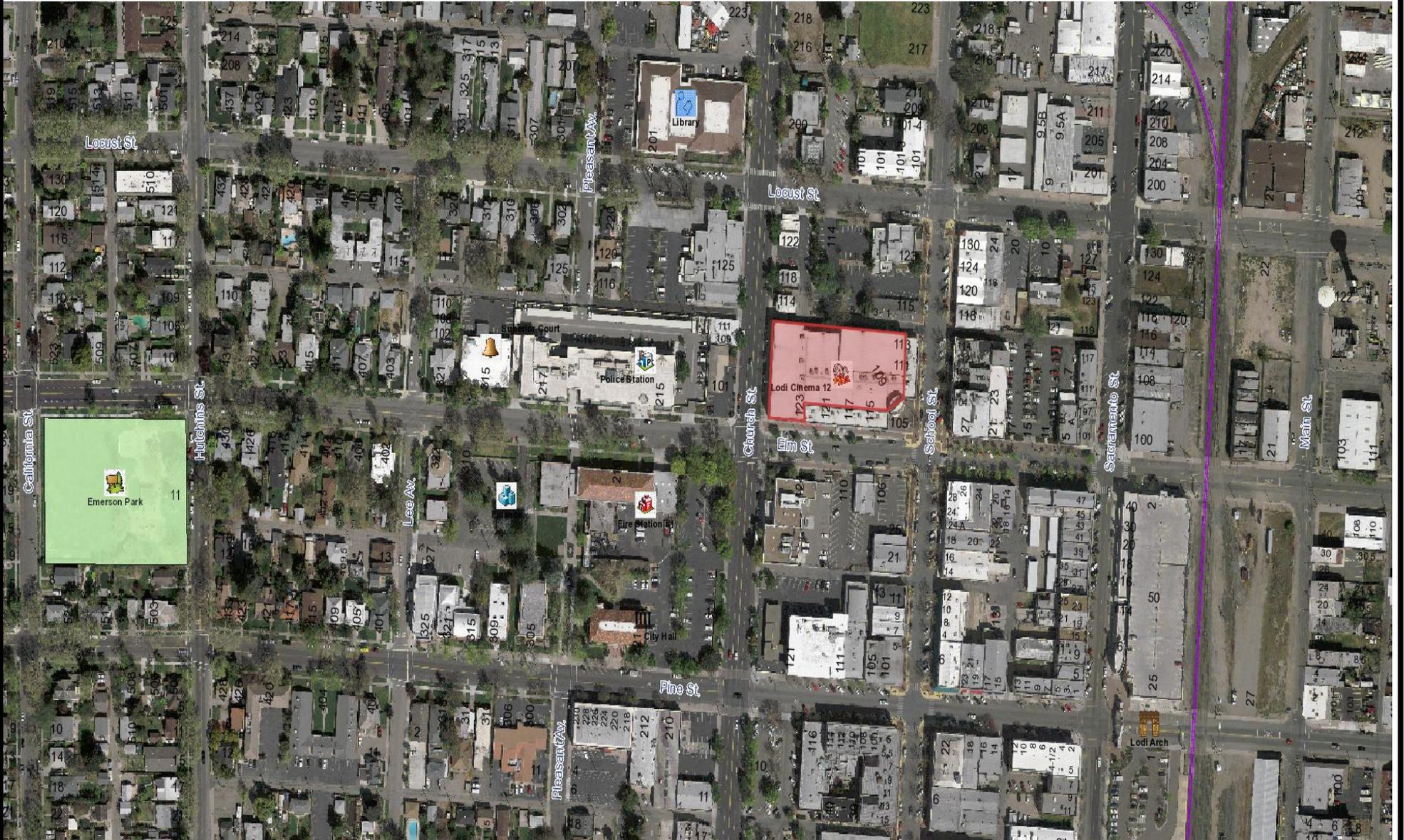
Stephen Schwabauer  
Community Development Director

**ATTACHMENTS:**

- A. Vicinity / Aerial Map
- B. Floor Plans
- C. Letter from applicant
- D. Draft Resolution

# VICINITY MAP

North



South

## 109 N. School Street



ELEVATIONArchitects

1159 Green Street, Suite 4  
San Francisco, CA 94109

415.537.1125 v  
www.elevationarchitects.com w



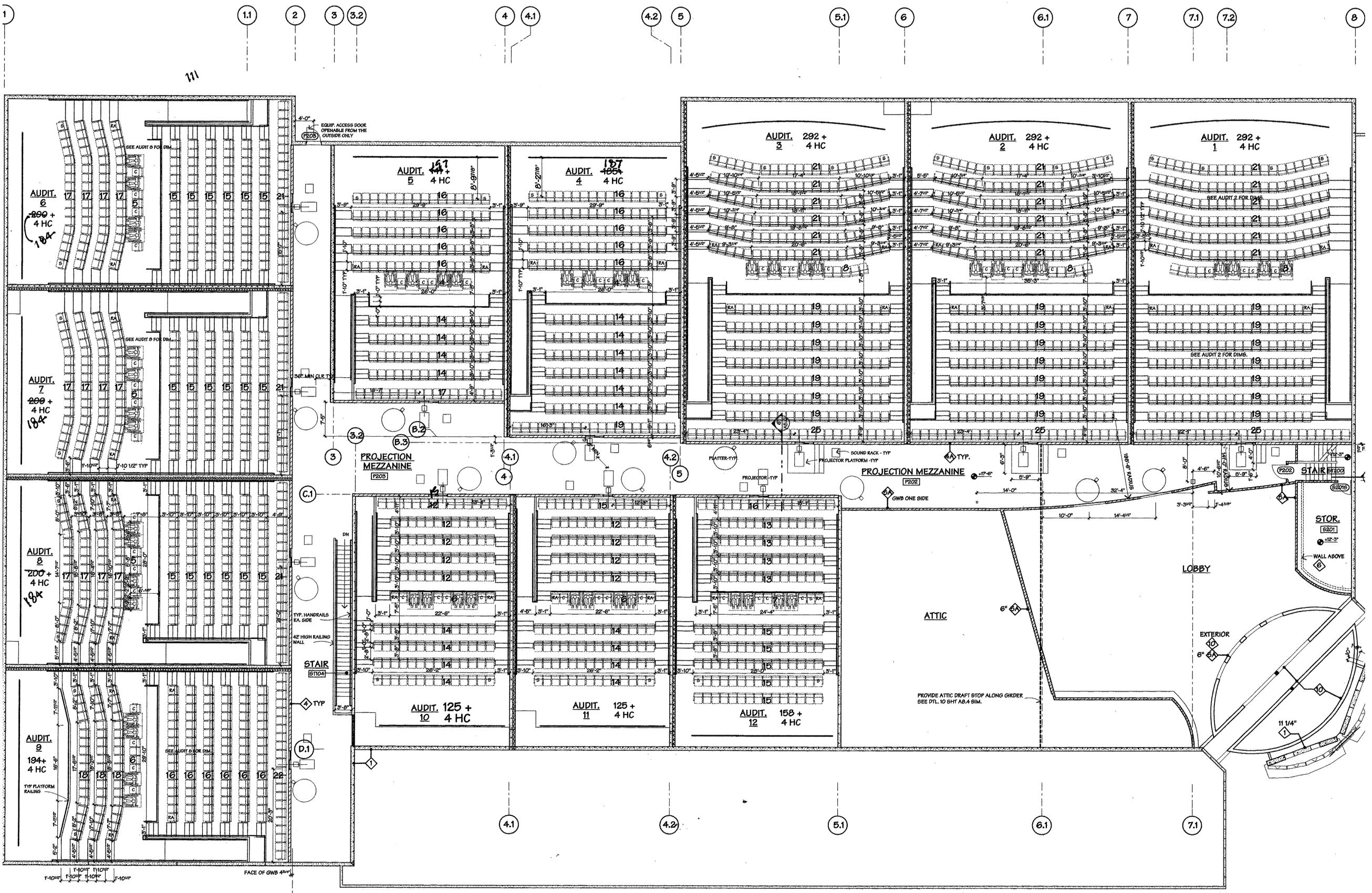
V.I.P. Conversion  
**LODI CINEMA STADIUM 12**  
109 N. School Street  
Lodi, CA 95240

#	date	issue
1	02.12.16	PLAN CHECK REV 1

(E) Seating Plan

project:	15.14
drawn by:	KC
checked by:	
date:	01.19.16
scale:	

A-2.0.2



(E) SEAT LAYOUT PLAN  
Scale: 1/8" = 1'-0"

- > 9 1/4" CONCRETE TILT UP WALL
- > 7 1/4" CONCRETE TILT UP WALL
- > SOUND WALL:  
7 1/4" CONCRETE TILT UP WALL ( @ 1/4" @ GRID 5 ) - 2" AIR SPACE -  
3 5/8" 22 GA. MTL STUDS @ 24" O.C.  
3# - 3" THERMAFIBER ROCK WOOL SOUND BATT  
2 LAYERS 5/8" GWB, JTS STAGGERED
- > SOUND WALL:  
2 LAYERS 5/8" GWB (JTS STAGGERED) ON 7/8" RESILANT CHANNEL @ 24" O.C.  
2 x 4 STUDS @ 16" O.C. (NON BRNG WALLS @ 24" O.C.)  
3# - 3" THERMAFIBER ROCK WOOL SOUND BATT  
ONE LAYER 5/8" GWB ON PROJ. / CORRIDOR SIDE  
USE TYPE X GWB AT 1 HR WALLS.
- > SOUND WALL:  
2 LAYERS 5/8" GWB (JTS STAGGERED) ON 7/8" RESILANT CHANNEL @ 24" O.C.  
3 5/8" MTL STUDS @ 24" O.C.  
3# - 3" THERMAFIBER ROCK WOOL SOUND BATT  
ONE LAYER 5/8" GWB ON PROJ. / CORRIDOR SIDE  
USE TYPE X GWB AT 1 HR WALLS.

- ⑤ PARTITION WALL:  
ONE LAYER 5/8" GWB EACH SIDE OF 2 X 4 STUDS @ 16" O.C.  
(AUDITORIUM RAKE WALLS @ 24" O.C.)  
REPLACE GWB ON ONE FACE W 1/2" PLY WD AT AUDIT. RAKE WALLS  
USE X GWB AT RATED WALLS.
- ⑥ PARTITION WALL:  
ONE LAYER 5/8" GWB EACH SIDE OF 3 5/8" MTL STUDS @ 24" O.C.  
6" MTL STUDS WHERE SPECIFIED ON PLAN. USE X GWB AT RATED WALLS  
REPLACE GWB ON ONE FACE W 1/2" PLY WD AT AUDIT. RAKE WALLS
- ⑦ FURRING WALL:  
5/8" GWB ON 3 5/8" MTL STUDS @ 24" O.C.  
R-11 BATT INSUL. AT EXTERIOR RETAIL WALLS

- ⑦ SOUND WALL AT WOMENS RESTROOM  
2" AIR SPACE TO CONC WALL  
3 5/8" MTL STUDS @ 24" O.C.  
3# - 3" THERMAFIBER ROCK WOOL SOUND BATT  
2 LAYERS 5/8" GWB
- ⑧ SOUND WALL @ AUDIT. 10 AND 11:  
5/8" GWB ON FURRING CHANNELS ON 5/8" X GWB  
3# - 3" THERMAFIBER ROCK WOOL SOUND BATT  
3 5/8" MTL STUDS @ 24" O.C. W 5/8" GWB ON 5/8" X GWB
- ⑨ EXTERIOR STUD WALL:  
7/8" STUCCO ON 1/2" PLY WD OR OSB  
3 5/8" MTL STUD @ 16" O.C.  
R-11 FIBERGLASS BATT INSUL.
- ⑩ EXTERIOR WALL - 6" MTL STUDS @ 16" O.C.  
7/8" STUCCO ON 1/2" GYP SH1G - INSUL. WHERE SHOWN

SEATING TYPES

- ① STANDARD SEAT - 22" WIDE - VERIFY WITH SEATING COMPANY
- ② WHEEL CHAIR SPACE - 33" X 48" ( REAR / FRONT ENTRY )
- ③ WHEEL CHAIR COMPANION SEAT - ONE AT EA WHEEL CHAIR SPACE
- ④ SEMI-AMBULATORY SEAT MIN. 24" CLR FRONT SPACE  
1% OF TOTAL SEATING WITH A MIN. OF TWO SEATS
- ⑤ SEAT WITH REMOVABLE ABLE ARM  
1% OF TOTAL SEATING WITH A MIN. OF TWO SEATS
- ⑥ NUMBER OF SEATS PER ROW

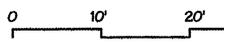
FIXED SEAT COUNT

- AUDIT. 1 - 292 SEATS
  - AUDIT. 2 - 292 SEATS
  - AUDIT. 3 - 292 SEATS
  - AUDIT. 4 - 185 SEATS
  - AUDIT. 5 - 141 SEATS
  - AUDIT. 6 - 200 SEATS
  - AUDIT. 7 - 200 SEATS
  - AUDIT. 8 - 200 SEATS
  - AUDIT. 9 - 194 SEATS
  - AUDIT. 10 - 125 SEATS
  - AUDIT. 11 - 125 SEATS
  - AUDIT. 12 - 158 SEATS
- TOTAL: 2,404 FIXED SEATS + 46 H.C. SEATS = 2,452 TOTAL SEATS



MEZZANINE FLOOR = 4,882 S.F.

MEZZANINE A



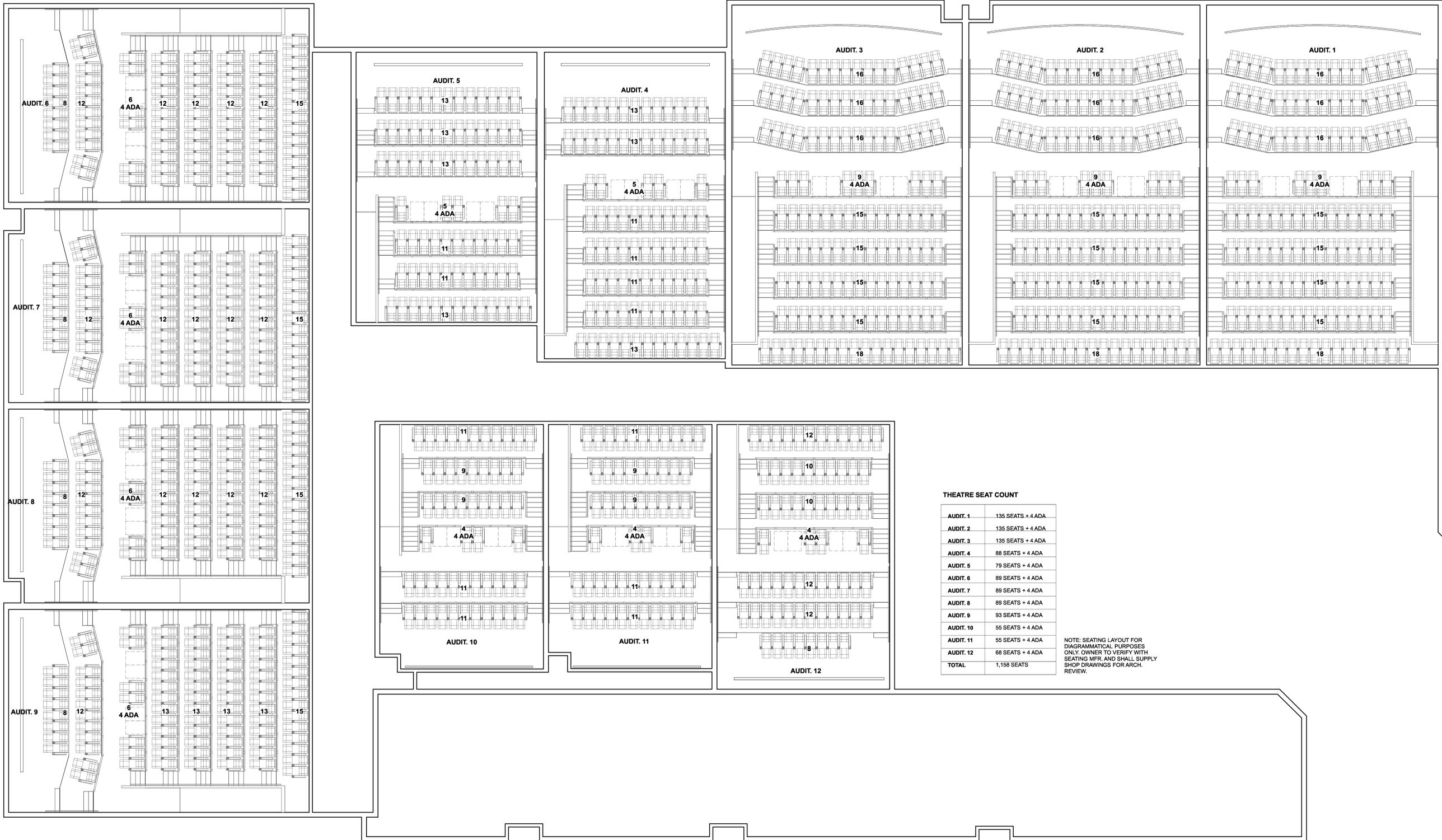
SCALE: 1/8" = 1'-0"



ELEVATIONarchitects

1159 Green Street, Suite 4  
San Francisco, CA 94109

415.537.1125 :v  
www.elevationarchitects.com :w



**THEATRE SEAT COUNT**

AUDIT. 1	135 SEATS + 4 ADA
AUDIT. 2	135 SEATS + 4 ADA
AUDIT. 3	135 SEATS + 4 ADA
AUDIT. 4	88 SEATS + 4 ADA
AUDIT. 5	79 SEATS + 4 ADA
AUDIT. 6	89 SEATS + 4 ADA
AUDIT. 7	89 SEATS + 4 ADA
AUDIT. 8	89 SEATS + 4 ADA
AUDIT. 9	93 SEATS + 4 ADA
AUDIT. 10	55 SEATS + 4 ADA
AUDIT. 11	55 SEATS + 4 ADA
AUDIT. 12	68 SEATS + 4 ADA
<b>TOTAL</b>	<b>1,158 SEATS</b>

NOTE: SEATING LAYOUT FOR DIAGRAMMATICAL PURPOSES ONLY. OWNER TO VERIFY WITH SEATING MFR. AND SHALL SUPPLY SHOP DRAWINGS FOR ARCH. REVIEW.

V.I.P. Conversion  
**LODI CINEMA STADIUM 12**  
109 N. School Street  
Lodi, CA 95240

#	date	issue
1	02.12.16	PLAN CHECK REV 1

(N) Seating Plan

project:	15.14
drawn by:	KC
checked by:	
date:	01.19.16
scale:	AS NOTED



SANTA ROSA ENTERTAINMENT GROUP

April 8, 2016

Craig Hoffman  
Senior Planner  
City of Lodi Community Development  
POB 3006  
Lodi, CA 95241-1910

Dear Mr. Hoffman

Trends in the movie theatre industry include expanded food menus including beer and wine and luxury recliners. Movie theatres must be innovative to remain relevant because today's guest's needs are changing. To this end, the Santa Rosa Entertainment Group intends to upgrade the Lodi Stadium 12 to be a destination movie theatre. Renovation of the theatre, includes installing motorized luxury recliners and new carpet in all auditoriums. The number of seats in each auditorium will be reduced, and reserved seating will be in place for the convenience of our guests. Our lobby will be refreshed with new carpet and upgraded features and the concession stand will boast an expanded food menu including paninis, wraps, specialty sausages, pizzas and more.

We are applying for an ABC License Code 41 to allow us to sell beer and wine to be enjoyed in all auditoriums.

- Beer, wine and specialty foods will be purchased at a designated end of the concession stand
- No sales or service will take place inside the individual auditoriums
- Alcoholic beverages will be sold in distinctive containers, making them easily identifiable.
- We will comply with all rules and regulations imposed by the ABC
- We will limit the number of alcoholic beverages sold per person.
- All employees selling alcohol will go through the ABC LEAD program.

We believe these upgrades will enhance the movie going experience for the public and help to maintain a vibrant downtown Lodi.

Sincerely,

Daniel Tocchini  
President / CEO

**RESOLUTION NO. P.C. 16-XX**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LODI APPROVING A USE PERMIT TO ALLOW A TYPE-41 ON-SALE BEER AND WINE FOR THE LODI STADIUM 12 MOVIE THEATER AT 109 NORTH 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 Municipal Code, Section 17.74; and

**WHEREAS**, the project proponents are Santa Rosa Entertainment Group, c/o Daniel Tocchini, 917 College Ave., Santa Rosa, CA 95404; and

**WHEREAS**, the project parcel is owned by Lodi City Center 12 LLC, 2800 W. March Lane Suite, 360, Stockton, CA 95219; and

**WHEREAS**, the project is located at 109 North School Street, Lodi, CA 95240, APN: 043-024-15; and

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

**WHEREAS**, Census Tract 42.04 in which the proposed alcohol use 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 must make 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**, 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 Section 15321, Class 21. 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. The proposal involves a new ABC license in an existing building located within the Downtown Mixed Use (DMU) Zoning District, which allows sale of alcohol for on-site consumption in accordance with Development Code Section 17.22.030. The intent of the DMU zoning district is to provide for a range of uses, emphasizing high quality development, and to encourage revitalization of existing buildings. The proposal is consistent with this intent. The proposal will help the movie theater continue to be competitive in the movie industry and compete with other entertainment establishments.

3. The General Plan land use designation for this area is Downtown Mixed Use, which provides for sale of alcohol. The proposed sale of beer and wine in conjunction with a movie theater operation is the type of business allowed by the General Plan. The sale of alcoholic beverages as part of a theater is required by the State Department of Alcoholic Beverage Control to be secondary to food sales. Sale of alcohol as an amenity in conjunction with a movie theater is a way to meet the growing demand from customers for increased amenities, and is therefore consistent, with the General Plan.
4. The proposed sale of alcohol in conjunction with a movie theater operation is compatible with existing and future land uses in the immediate vicinity of the project area. The sale of alcohol in a movie theater is consistent with other commercial uses, such as the one proposed, in accordance with Land Use Policy subject to a discretionary review.
5. The sale of alcoholic beverages for on-premise consumption is a way to meet the growing demand from customers for increased amenities and provides a convenience for customers of the business. The proposed use is located in the heart of the downtown area and is surrounded by other complementary uses that cater to the local and tourist trade. The establishment will offer theater patrons another option for alcohol and food service while viewing a movie.
6. 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.
7. Restaurants/bars, tasting rooms and other commercial uses with sale of alcohol operate in this area.
8. 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.
9. The characteristics of the proposed sale of alcohol is a way to meet the growing demand from customers for increased amenities and provides a convenience for customers. In accordance with ABC requirements, receipts from alcohol sales shall not be in excess of food sales receipts.
10. The sale of alcoholic beverages as a secondary use is a convenience that does not typically create alcohol related problems.

**NOW, THEREFORE, BE IT DETERMINED AND RESOLVED** by the Planning Commission of the City of Lodi that Use Permit Application No. 2016-13 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, this Use Permit shall be subject to a six-month and one-year review by Community Development Department and/or the Police Department. If the Community Development Department/Police Department determines it necessary, the Use Permit shall be subject to review by the Planning Commission to consider the business's operation for compliance with the conditions of the Use Permit, and in response to any legitimate complaints thereafter. Further, the City reserves the right to periodically review the area for potential problems. If problems (on-site or within the immediate area) including, but not limited to, public drunkenness, the illegal sale or use of narcotics, drugs or alcohol, disturbing the peace and disorderly conduct result from the proposed land use, the Use Permit may be subject to review and revocation by the City of Lodi after a public hearing and following the procedures outlined in the City of Lodi Municipal Code. Additional reviews may be prescribed by the Community Development Department, the Police Department and/or Planning Commission as needed during and after the one year probationary period.
4. If operation of this use results in conflicts pertaining to parking, noise, traffic, loitering, public safety or other impacts, at the discretion of the Community Development Department, this conditional use permit may be referred to the Planning Commission for subsequent review at a public hearing. If necessary, the Commission may modify or add conditions of approval to mitigate such impacts, or may revoke said conditional use permit bound upon applicable findings.
5. The City Council, Lodi Police Department, the Planning Commission and City staff may, at any time, request that the Planning Commission conduct a hearing on this Use Permit for the purpose of amending or adding new conditions to the Use Permit or to consider revocation of the Use Permit if the Use Permit becomes a serious policing problem.
6. The Applicant/Operator and/or successors in interest and management shall insure that the sale of alcohol does not cause any condition that will cause or result in repeated activities that are harmful to the health, peace or safety of persons residing or working in the surrounding area. This includes, but is not limited to: disturbances of the peace, illegal drug activity, public intoxication, drinking in public, harassment of people passing by, assaults, batteries, acts of vandalism, loitering, excessive littering, illegal parking, excessive loud noises, traffic violations or traffic safety based upon last drink statistics, curfew violations, lewd conduct, or police detention and arrests.
7. All owners, managers and employees selling alcoholic beverages shall undergo and successfully complete a certified training program in responsible methods and skills for selling alcoholic beverages. The certified program must meet the standards of the California Coordinating Council on Responsible Beverage Service or other certifying/licensing body, which the State may designate. The establishment shall comply with the requirements of this section within 30 calendar days of effective date of this Use Permit. Records of each owner's, manager's and employee's successful completion of the required certified training program shall be maintained on the premises and shall be presented upon request by a representative of the City of Lodi. The business owner shall be responsible for on-going training to accommodate changes in personnel.
8. No person who is in a state of intoxication shall be permitted within the business nor shall an intoxicated patron be sold additional alcoholic beverages. It is the responsibility of the business owner/operator to ensure no patron in state of intoxication is allowed into the premise.

9. The business shall have interior security video cameras operating during all hours that the business is open. The videotapes of the security video cameras shall be maintained for a minimum period of 30 days, and the videotapes must be made immediately available for any law enforcement officer who is making the request as a result of official law enforcement business. The video cameras must be positioned in a way to capture the facial features of anyone entering the business and include cameras that capture all money handling areas. If the Chief of Police determines that there is a necessity to have additional security cameras installed, the owner of the business must comply with the request within 7 calendar days. The Chief of Police can also require that the business change the position of the video cameras if it is determined that the position of the cameras do not meet security needs. The owner of the business must comply with the request within 7 calendar days. The said security video camera shall be installed and approved prior to business opening.
10. The subject property and its immediate surrounding shall be maintained neat and clean at all times. The subject property and its immediate surrounding shall be maintained free from debris and graffiti at all times. The property owner shall remove any debris or graffiti within 24-hours upon notification by the City. Litter on the site and any litter scattered on nearby property, streets, and sidewalks shall be removed daily. If necessary, the applicant shall steam clean the project site and its immediate surrounding premises as often as needed.
11. In the event of graffiti or other extraneous markings occurring, the applicant/operator and/or successors in interest and management shall remove or cover said markings, drawings, or signage within 24 hours of such occurrence, weather permitting. Paint utilized in covering such markings shall be of a color that matches, as closely as possible, the color of the adjacent surfaces.
12. Any change in operational characteristics, expansion in area or other modification to the approved plans shall require an amendment to this Use Permit or the processing of a new Use Permit.
13. The Type 41 ABC license requires that food sales be a substantial activity of the business. Staff reserves the ability to monitor food sales as a portion of the business and audit inventory books. A Type 41 license required food to be available during all hours of operation.
14. The applicant/project proponent and/or property owner and/or developer and/or successors in interest and management shall be responsible for the control of noise generated by the subject facility including, but not limited to, noise generated by patrons and employees. All noise generated by the proposed use shall comply with the provisions of Chapter 9.24 and other applicable noise control requirements.
15. In the event that the City of Lodi requires all Alcohol Use Permit holders to help fund private security in the downtown area, this business establishment will fund a proportional share.
16. The applicant shall obtain Operational Permits from the Lodi Fire Department, Fire Prevention Bureau. The Operational Permits shall be obtained prior to commencement of restaurant operation. The Fire Department may be contacted at 25 East Pine Street, Lodi, CA 95240-2127. Phone Number (209) 333-6739.
17. Any changes to the existing building, which are regulated by the current codes, shall require a building permit. All plan submittals shall be based on the City of Lodi Building Regulations and currently adopted 2013 California Building code. Please review our policy handouts for specific submittal procedures.
18. The applicant shall obtain all required permits and licenses from the California Department of Alcoholic Beverage Control and the San Joaquin County Health Department prior to commencement of the use and maintain said permits at all times while the use is operating.

Copies of all permits and licenses shall be submitted to the Community Development Department prior to commencement of the use.

19. 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.
20. No variance from any City of Lodi adopted code, policy or specification is granted or implied by this approval.

I certify that Resolution No. 16-XX was passed and adopted by the Planning Commission of the City of Lodi at a regular meeting held on May 11, 2016 by the following vote:

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

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

DRAFT

Item 3c



# CITY OF LODI PLANNING COMMISSION Staff Report

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**MEETING DATE:** May 11, 2016

**APPLICATION NO:** Zoning Code: 2016-15 Z

**REQUEST:** Request Planning Commission recommend that the Lodi City Council repeal Lodi Municipal Code (LMC) Chapter 9.19 - Political Sign Regulations in its entirety; further recommends repealing and re-enacting LMC Chapter 17.34 – Signs in its entirety; and further recommends repealing and reenacting LMC Section 10.44.040 – Parking for Certain Purposes Prohibited – Display of “for Sale” signs on Vehicles, Vessels or Trailers-Restrictions in its entirety. (Applicant: City of Lodi; File 2016-15 Z; CEQA Determination: Exempt per Section 15321)

**LOCATION:** Citywide

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

## **RECOMMENDATION:**

Staff recommends that the Planning Commission adopt Resolution (attached hereto) recommending that the Lodi City Council 1) repeal LMC Chapter 9.19 - Political Sign Regulations in its entirety; 2) repeal and reenact LMC Chapter 17.34 - Signs in its entirety; and 3) repeal and reenact LMC Section 10.44.040 - Parking for Certain Purposes Prohibited – Display of “for Sale” signs on Vehicles, Vessels or Trailers-Restrictions in its entirety, as provided in the attached amended ordinances.

## **BACKGROUND / ANALYSIS:**

Chapter 17.34 of the Lodi Municipal Code (LMC) regulates signage under the site planning and general development standards of the development code and was adopted in February 2013. Chapter 9.19 of the LMC regulates political signs. LMC Section 10.44.040 regulates parking on public streets, right-of-ways, and property for the purpose of selling vehicles.

In June 2015, the United States Supreme Court in the case of *Reed v. Town of Gilbert, Ariz.*, effectively held that all temporary signs, **including temporary election signs**, must be regulated uniformly and that content-based regulations violate the First Amendment right to free speech. As a result, municipalities throughout the country are in the process of analyzing and amending applicable sign ordinances to ensure compliance. Staff reviewed and analyzed the LMC and determined that the proposed amendments are necessary to comply with the Court's ruling.

Staff recommends that the city regulate all temporary signs under Chapter 17.34 of the development code and repeal the specialized temporary sign regulations, including those set forth in Chapter 9.19 (political sign regulations). Therefore, staff drafted revisions to Chapter 17.34 to incorporate the performance standards contained in the existing political sign ordinance, Chapter 9.19, and ensure that the existing political sign rights, e.g., size and number of signs, are not lost.

It is important to note that as a result the City is faced with a number of compromises in order to balance differences between the way commercial and political signs are currently regulated. The proposed ordinance will allow three additional temporary signs per parcel in residential, commercial, and industrial zoning districts and increase the allowable square footage of such signs from six square feet to 32 square feet in commercial and industrial zoning districts. In addition, the initial findings will be bolstered, city-related advertising signage will be permitted to conform to existing practice, and minor typographical errors and items of inconsistency have been corrected.

Staff also requests that the Planning Commission recommend the proposed revisions to LMC Chapter 10.44 – Stopping, Standing and Parking, specifically Section 10.44.040 - Parking for Certain Purposes Prohibited – Display of “for Sale” signs on Vehicles, Vessels or Trailers-Restrictions. The existing LMC Section 10.44.040 makes it unlawful to display a “for sale” sign on a vehicle, vessel or trailer parked upon any public street, right-of-way or public property, whereas the proposed revised ordinance eliminates the reference to signage and makes it unlawful to park a vehicle, vessel or trailer upon any public street, right-of-way or public property, with limited exceptions (see Section 10.44.040 (A)) for the purpose of sale. The “for sale” sign prohibition is being removed to comply with court findings that they are 1<sup>st</sup> Amendment protected speech.

#### **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 pertaining to Development Code revisions was published in the Lodi News Sentinel on April 30, 2016.

#### **RECOMMENDED MOTIONS:**

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

“I move that the Planning Commission adopt Resolution recommending that the Lodi City Council 1) repeal Lodi Municipal Code Chapter 9.19 - Political Sign Regulations in its entirety, 2) repeal and reenact Lodi Municipal Code Chapter 17.34 – Signs in its entirety; 3) repeal and reenact Lodi Municipal Code Section 10.44.040 Parking for Certain Purposes Prohibited – Display of “for Sale” signs on Vehicles, Vessels or Trailers-Restrictions in its entirety, as provided in the attached amended ordinances.”

**ALTERNATIVE PLANNING COMMISSION ACTIONS:**

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

Respectfully Submitted,

Concur,

John P. Fukasawa  
Deputy City Attorney

Stephen Schwabauer  
Community Development Director

**ATTACHMENTS:**

1. Draft Planning Commission Resolution
2. Ordinance Repealing LMC Chapter 9.19
3. Ordinance Repealing and Reenacting LMC Chapter 17.34
4. Ordinance Repealing and Reenacting LMC Section 10.44.040

**RESOLUTION NO. P.C. 16-XX**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LODI RECOMMENDING THAT THE LODI CITY COUNCIL REPEAL LODI MUNICIPAL CODE CHAPTER 9.19 – POLITICAL SIGN REGULATIONS IN ITS ENTIRETY, REPEAL AND REENACT LODI MUNICIPAL CODE CHAPTER 17.34 –SIGNS IN ITS ENTIRETY, AND FURTHER REPEAL AND REENACT SECTION 10.44.040 PARKING FOR CERTAIN PURPOSES PROHIBITED —DISPLAY OF “FOR SALE” SIGNS ON VEHICLES, VESSELS OR TRAILERS—RESTRICTIONS IN ITS ENTIRETY**

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

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

**WHEREAS,** the City of Lodi adopted Chapter 17.34 of the Lodi Municipal Code in February 2013, which regulates signage under the site planning and general development standards of the development code; and

**WHEREAS,** the United States Supreme Court, in the case of *Reed v. Town of Gilbert, Ariz.* (2015) 135 S.Ct. 2218, held that all temporary signs must be regulated uniformly; and

**WHEREAS,** the Planning Commission recommends that the Lodi City Council repeal the political sign ordinance, Chapter 9.19, in its entirety; and

**WHEREAS,** the Planning Commission further recommends that the Lodi City Council repeal and reenact Lodi Municipal Code Chapter 17.34 – Signs in its entirety. The proposed amendment to Chapter 17.34 will incorporate exiting political sign ordinance rights into the development code temporary sign regulations, bolster the initial findings, make the ordinance consistent with existing practices, and correct minor errors; and

**WHEREAS,** the Planning Commission recommends further that the Lodi City Council repeal and reenact Lodi Municipal Code Section 10.44.040 Parking for Certain Purposes Prohibited—Display of “For Sale” Signs on Vehicles, Vessels or Trailers—Restrictions in its entirety. The proposed amendment eliminates reference to signage and makes it unlawful to park a vehicle, vessel or trailer upon any public street, right-of-way or public property, with limited exceptions as referenced in Section 10.44.040 (A), for the purpose of sale.

**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 increase the number of allowable temporary signs in residential, commercial, and industrial zoning districts and increase the allowable square footage of such signs in commercial and industrial zoning districts.

3. 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 P.C. Resolution No. 16-XX is hereby adopted and the proposed ordinances attached hereto in Exhibit A (Uncodified Ordinance repealing LMC Chapter 9.19 – Political Sign Regulations), Exhibit B (Ordinance Repealing and Reenacting Chapter 17.34), and Exhibit C (Ordinance Repealing and Reenacting Section 10.44.040), are made a part of this Resolution by reference, are hereby recommended for approval and adoption by the Lodi City Council .

I certify that P.C. Resolution No. 16-XX was passed and adopted by the Planning Commission of the City of Lodi at a regular meeting held on May 11, 2016 by the following vote:

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

ATTEST:

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Secretary, Planning Commission

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

AN UNCODIFIED ORDINANCE OF THE LODI CITY  
COUNCIL AMENDING LODI MUNICIPAL CODE TITLE 9  
“PUBLIC PEACE, MORALS AND WELFARE” BY  
REPEALING CHAPTER 9.19 – POLITICAL SIGN  
REGULATIONS” IN ITS ENTIRETY

=====

BE IT ORDAINED BY THE LODI CITY COUNCIL AS FOLLOWS:

SECTION 1. Lodi Municipal Code Chapter 9.19 “Political Sign Regulations” is hereby repealed in its entirety.

SECTION 2. No Mandatory Duty of Care. This ordinance is not intended to and shall not be construed or given effect in a manner which imposes upon the City, or any officer or employee thereof, a mandatory duty of care towards persons or property within the City or outside of the City so as to provide a basis of civil liability for damages, except as otherwise imposed by law.

SECTION 3. Severability. If any provision of this ordinance or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application. To this end, the provisions of this ordinance are severable. The City Council hereby declares that it would have adopted this ordinance irrespective of the invalidity of any particular portion thereof.

SECTION 4. All ordinances and parts of ordinances in conflict herewith are repealed insofar as such conflict may exist.

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

Approved this \_\_\_ day of \_\_\_\_\_, 2016

\_\_\_\_\_  
MARK CHANDLER  
Mayor

ATTEST:

JENNIFER M. FERRAILOLO  
City Clerk

State of California  
County of San Joaquin, ss.

I, Jennifer M. Ferraiolo, City Clerk of the City of Lodi, do hereby certify that uncodified Ordinance No. \_\_\_\_ was introduced at a regular meeting of the City Council of the City of Lodi held \_\_\_\_\_, 2016, and was thereafter passed, adopted, and ordered to print at a regular meeting of said Council held \_\_\_\_\_, 2016, by the following vote:

AYES: COUNCIL MEMBERS –

NOES: COUNCIL MEMBERS –

ABSENT: COUNCIL MEMBERS –

ABSTAIN: COUNCIL MEMBERS –

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

JENNIFER M. FERRAIOLO  
City Clerk

Approved as to Form:

JANICE D. MAGDICH  
City Attorney

AN ORDINANCE OF THE LODI CITY COUNCIL AMENDING  
LODI MUNICIPAL CODE TITLE 17 “DEVELOPMENT CODE”  
BY REPEALING AND REENACTING CHAPTER 17.34 –  
“SIGNS” IN ITS ENTIRETY

=====

BE IT ORDAINED BY THE LODI CITY COUNCIL AS FOLLOWS:

SECTION 1. Lodi Municipal Code Title 17 “Development Code” is hereby amended by repealing and reenacting Chapter 17.34 “Signs” in its entirety, and shall read as follows:

CHAPTER 17.34 - SIGNS

Sections:

- 17.34.010 Purpose of Chapter.
- 17.34.020 Applicability.
- 17.34.030 Sign Permit Requirements.
- 17.34.040 Prohibited Signs.
- 17.34.050 General Requirements for All Signs.
- 17.34.060 Zoning District Sign Standards.
- 17.34.070 Standards for Specific Types of Signs.
- 17.34.080 Exceptions to Sign Area Standards.
- 17.34.090 Sign Maintenance.
- 17.34.100 Nonconforming Signs.
- 17.34.110 Violations and Abatement.
- 17.34.120 Judicial Review.
- 17.34.130 Sign Design Guidelines.

**17.34.010 - Purpose of chapter.**

The city finds that signage, regardless of content or purpose, draws the visual attention of the public, and thereby creates a traffic safety hazard and degrades the aesthetic quality of the environment. The regulations established by this chapter are intended to address these issues by regulating regulate the placement, type, quality, materials, size, and number of signs allowed within the city, and to require the proper maintenance of signs. The purposes of these limitations and requirements are to:

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

- E. Promote the aesthetic quality of the community by providing for signs that enhance the attractiveness of the city as a place to live, work, and shop; and
- F. Safeguard and protect the public health, safety, and general welfare.

**17.34.020 - Applicability.**

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

**17.34.030 - Sign permit requirements.**

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

- A. Fees and Plans Required. An application for a sign permit shall be filed and processed in compliance with Chapter 17.50 (Application Filing and Processing). The application shall also include architectural elevations and plans of all proposed signs drawn to scale, with all dimensions noted, and include any additional information and materials as required by the department.
- B. Design Review and Approval. The director shall review all sign permit applications and approve only those found to be in substantial conformance with the design review criteria provided in Section 17.34.050 (General Requirements for All Signs). The director may require conditions of approval as are reasonably necessary to achieve the purposes of this chapter.

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

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

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

- 2. Content of Program. A master sign program shall provide standards for the uniform style, size, placement, and color palette of signs within the proposed nonresidential project.
  - 3. Revisions. Revisions to a master sign program may be approved by the director if he or she first determines that the revision is minor and that the intent of the original approval, and any applicable conditions are not affected. A new sign permit shall be obtained for revisions that would substantially deviate from the original approval.
- D. Time Limit for Action. A sign permit or a master sign program shall be approved or disapproved by the review authority within fifteen working days of the application being accepted as complete in compliance with Section 17.38.060 (Initial Application Review). A sign that is submitted in full compliance with an approved master sign program shall be approved within five working days of the application being accepted as complete.

- E. Signs and Sign Changes Allowed Without a Sign Permit. The following do not require a sign permit, provided that they comply with Section 17.34.050 (General Requirements for All Signs), and any required building permit is obtained.
  - 1. Nonstructural Modifications and Maintenance.
    - a. Modifications or replacement to a face of a cabinet sign.
    - b. Nonstructural modifications of the face, design, or color of an existing sign, provided that the modifications comply with any applicable master sign program approved in compliance with subsection C of this section.
    - c. The normal maintenance of signs.
  - 2. Temporary Signs. Temporary signs in compliance with Section 17.34.070(D).

**17.34.040 - Prohibited signs.**

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

- A. A sign in conjunction with a home occupation permit;
- B. Abandoned signs;
- C. Animated signs, including electronic message display signs, and variable intensity, blinking, or flashing signs; except time and temp signs (except in accordance with Section 17.34.070(F), (Programmable Electronic Signs));
- D. Balloons and other inflatable devices;
- E. Moving signs;
- F. Permanent off-site signs;
- G. Pennants, except as allowed for temporary periods by Section 17.34.070;
- H. Roof signs;
- I. Because of the city's compelling interest in ensuring traffic safety, signs that simulate in color, size, or design, any traffic control sign or signal, or that make use of words, symbols, or characters in a manner that interferes with, misleads or confuses pedestrian or vehicular traffic;
- J. Signs attached to or suspended from a vehicle parked within a public right-of-way, or in a location on private property that is visible from a public right-of-way, except a sign painted directly upon, magnetically affixed to, or permanently affixed to the body or other integral part of the vehicle;
- K. Temporary and portable signs, except as allowed by Section 17.34.070;
- L. Poorly maintained signs; **and**
- M. Signs in public right-of-way or affixed to city property; **and**
- N. **Signs which advertise activities illegal under Federal, State, or local laws, rules, or regulations.**

**17.34.050 - General requirements for all signs.**

- A. Sign Area. The measurement of sign area to determine compliance with the sign area limitations of this chapter shall occur as follows:
  - 1. The surface area of a sign shall be calculated by enclosing the extreme limits of all framing, writing, logo, representation, emblem, or other display within a single continuous perimeter composed of squares or rectangles with no more than eight lines. See Figure 3-11.

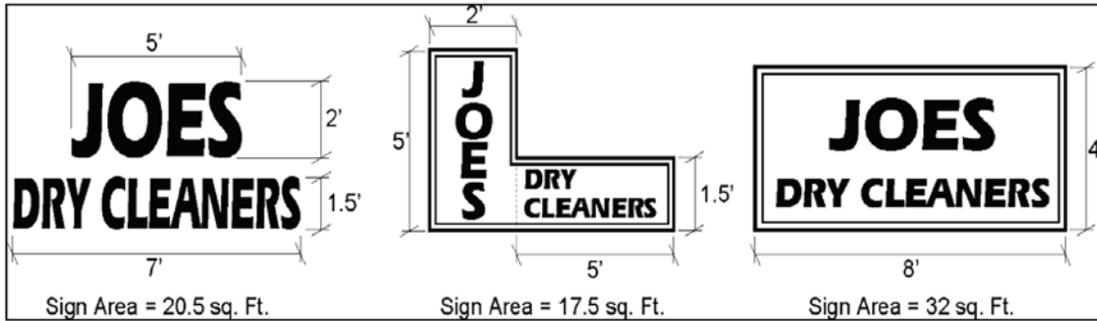


Figure 3-11 - Sign Area Measurement

2. Supporting framework or bracing that is clearly incidental to the display itself shall not be computed as sign area.
  3. For freestanding signs all readable surfaces visible from a public right-of-way shall be counted in sign area calculations.
  4. Where a sign consists of one or more three-dimensional objects (i.e., balls, cubes, clusters of objects, sculpture or statue-like trademarks), the sign area shall be measured as their maximum projection upon a vertical plane.
  5. For signs that incorporate time and temperature devices, the area of these devices shall not be included in the total area of the sign.
- B. Sign Height. Sign height shall be measured as the vertical distance from the finished grade adjacent to the base of the sign structure to the highest point of the structure, where finished grade does not include fill, planters, or other material artificially placed to allow increased sign height.
- C. Sign Location Requirements.
1. All signs identifying an occupant, business, or use shall be located on the same site as the occupant, business, or use, except as otherwise allowed by this chapter.
  2. Signage allowed on one building or frontage shall not be transferred to another building or frontage.
  3. Each sign, including a sign located on a temporary or portable building, shall be subject to the requirements of this chapter.
  4. No sign shall be located within the public right-of-way, except as otherwise allowed by this chapter.
  5. A sign for the purpose of construction, sales, or leasing are permitted within a required setback area, provided it is:
    - a. Located within a permanently maintained landscaped planter area having an area at least twice that of the sign area;
    - b. Not closer than ten feet from any property line and ten feet from any access driveway; and
    - c. Not within a radius of twenty feet of the intersection of the rights-of-way of two intersecting streets.
  6. The location of all signs shall be evaluated to ensure:
    - a. That the setback is appropriate for the height and area of a freestanding or projecting sign;
    - b. That flush or projecting signs relate to the architectural design of the building. Signs that cover windows, or that spill over natural boundaries and architectural features shall be discouraged;

- c. That signs do not unreasonably block the sight lines of existing signs on adjacent properties; and
  - d. Pedestrian and vehicular safety.
- 7. A freestanding sign may be placed only on a site frontage adjoining a public street.
- 8. No freestanding sign shall be closer than seventy-five feet to another freestanding sign, to ensure adequate visibility for all signs. The director may waive this requirement where parcel width and/or the locations of existing signs on adjacent properties would make the seventy-five-foot separation impractical.
- D. Design Criteria for Signs. The following design criteria shall be used in reviewing the design of individual signs. Substantial conformance with each of the following design criteria shall be required before a sign permit or building permit can be approved.
  - 1. Color. Colors on signs and structural members should be harmonious with one another and reflective of the dominant colors of the building or buildings being identified. Contrasting colors may be utilized if the overall effect of the sign is still compatible with the building colors and prevailing colors in the surrounding neighborhood (where a theme can be identified).
  - 2. Materials and Structure.
    - a. Sign materials (including those for framing and support) should be representative of the type and scale of materials used on the building or buildings which the sign identifies. Insofar as possible, sign materials should match the materials used on the building and on other signs.
    - b. Materials selected for permanent signs shall be durable and capable of withstanding weathering over the life of the sign with reasonable maintenance.
    - c. The size of the structural members (e.g. columns, crossbeams, and braces) should be proportional to the sign panel they are supporting. In general, fewer larger supporting members are preferable to many smaller supports.
    - d. The use of individual letters incorporated into the building design is encouraged, rather than signs with background and framing other than the building wall.
    - e. The use of reflective materials or surfaces may be approved only where the review authority determines that they will not distract motorists or create other hazards, and should be minimized in all cases.
    - f. Wall signs shall not project from the surface upon which they are attached more than required for construction purpose and in no case more than twelve inches.
    - g. Wall signs shall not project above the eave line or the edge of the roof of a building.
- E. Copy Design Guidelines. The city does not regulate the message content (copy) of signs; however, the following are principles of copy design and layout that can enhance the readability and attractiveness of signs. Copy design and layout consistent with these principles is encouraged, but not required.
  - 1. Sign copy should relate only to the name and/or nature of the business or commercial center.
  - 2. Permanent signs that advertise continuous sales, special prices, etc. should be avoided.
  - 3. Information should be conveyed briefly or by logo, symbol, or other graphic manner. The intent should be to increase the readability of the sign and thereby enhance the identity of the business.
  - 4. Freestanding signs should contain the street address of the parcel or the range of addresses for a multi-tenant center.
- F. Illumination of Signs. The artificial illumination of signs, either from an internal or external source, shall be designed to minimize light and glare on surrounding rights-of-way and properties.

1. External light sources shall be directed and shielded to limit direct illumination of any object other than the sign.
  2. The light from an illuminated sign shall not be of an intensity or brightness that will interfere with the reasonable enjoyment of residential properties. In areas with low ambient nighttime illumination levels (e.g., residential neighborhoods or business districts with little or no illuminated signing) applicants shall be encouraged to use light, illuminated copy against dark or opaque backgrounds.
  3. Signs shall not have blinking, flashing, or fluttering lights or other illuminating devices that have a changing light intensity, brightness or color, except as otherwise allowed in Section 17.34.070 (Programmable Electronic Signs).
  4. Colored lights shall not be used at a location or in a manner so as to be confused or construed as traffic control devices.
  5. Neither the direct nor reflected light from primary light sources shall create a hazard to operators of motor vehicles.
  6. Incandescent lamps shall not be visible from a public right-of-way or adjacent property.
  7. Light sources shall utilize energy efficient fixtures to the greatest extent possible.
- G. Maintenance of Signs. Signs and supporting hardware, including temporary signs, shall be maintained in good repair and functioning properly at all times. Repairs to signs shall be of equal or better in quality of materials and design as the original sign. Signs which are not properly maintained and are dilapidated shall be deemed to be a public nuisance, and may be abated in compliance with Lodi Municipal Code.

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

- H. Signs on Public Property. No signs are allowed on public property, except for the following:
1. A public sign erected by or on behalf of the city or other public entity to post legal notices, identify public property, convey public information, or direct or regulate pedestrian or vehicular traffic.
  2. An informational sign of a public utility or transit company regarding its poles, lines, pipes, facilities, or routes.
  3. An emergency warning sign erected by the city or other public entity, a public utility company, or contractor doing authorized or permitted work on public property.
  4. Signs constructed by the city to direct persons to specific districts, regions, or public facilities.
  5. Banner signs on city property (e.g., light poles in downtown area or along major corridors).
  6. Advertising signs on transit, police, parks and other city property (e.g. city facilities, including but not limited to transit shelters, buses, park facilities, and Hutchins Street Square).

**17.34.060 - Zoning district sign standards.**

Only the signs and sign area authorized by this section shall be allowed unless otherwise expressly provided in this section or Section 17.34.070 (Standards for Specific Types of Signs).

- A. Residential Zoning Districts. Signs within the residential zoning districts shall comply with the following standards:
1. Size and Type of Signs Allowed. Each parcel in the residential zoning districts may be permitted signs as follows:
    - a. One nameplate not exceeding one square foot in area identifying the occupant of a residence. No building permit is required;

- b. One identification sign for apartment and institutional use, not exceeding forty-eight square feet in area;
  - c. One unlighted sign not exceeding six square feet in area that advertises the sale or rental of the premises. No building permit is required;
  - d. A bulletin board ~~for a religious facility or public institution~~, not exceeding twenty square feet in area, ~~upon the issuance of a use permit by the planning commission~~;
  - e. One sign not exceeding one hundred square feet in area on the site of a construction project or new subdivision, that indicates the nature of the development or identifies the persons involved in the construction; which may be placed on the site prior to or during the development activities;
  - f. One unlighted, noncommercial sign not exceeding six square feet in area; and
  - g. A warning or no trespassing sign not exceeding six square feet in area. No Building Permit is required.
- 2. Setback Requirements. Each sign shall be set back at least ten feet from all property lines.
  - 3. Height Limit. No building mounted sign shall exceed a height of twenty feet. No freestanding sign shall exceed a height of eight feet, sign plus base.
- B. Commercial and industrial zoning district sign standards. Each proposed sign shall comply with the following standards for the applicable zoning district.
- 1. CC District. Each sign within the CC zoning district shall comply with the following standards:
    - a. General Specifications and Requirements.
      - i. Sign content ~~should shall~~ be limited to the tenant's name and primary graphic logo ~~unless specifically provided for herein~~;
      - ii. Notwithstanding the following sign provisions, tenants may utilize standard corporate logos and/or prototypical signage graphics, if used in a majority of the tenant's California stores subject to approval of the city of Lodi;
      - iii. All signage on the building fascia, with exception of certain logo/graphics, shall be of indirectly lit individual channel letters or dimensional letters in accordance with the definitions below. No cabinet signs shall be permitted. Signage illumination shall not include flashing, moving or scintillating effects;
      - iv. Channel letters are to be defined as individual channel letters or as connected channels that may be composed of script letters with connected serifs, or a non-script letters that are connected by heavy outlines into an integrated shape or "channel box". Secondary channel boxes containing a logo mark or underlining the primary text and containing a secondary message shall be permitted. Illumination may be with either LEDs or neon;
      - v. Dimensional letters are to be made of one-half-inch thick clear acrylic or one and one-half-inch thick aluminum;
      - vi. All signs must be dimensional. Signs painted directly onto the building shall not be permitted;
      - vii. Painted wall graphics or murals that are thematic to the overall shopping center and do not provide any specific tenant identification shall be allowed subject to prior approval by the city of Lodi. The thematic wall graphics or murals shall be counted as signs or sign area with respect to the building on which graphic or mural is painted;

- viii. Signs may not come within one foot of the top, bottom or sides of the building elevation or fascia upon which a sign is located. In no case may a sign extend beyond the roof parapet or adjacent building eave line. Signs are not allowed on or against any roof structures. Architectural tower features on buildings may be considered for tenant identification signs subject to specific sign design approval by the city of Lodi;
  - ix. Exposed channel letter raceways are prohibited. All channel letter signs must be mounted directly to the building surface or be mounted upon a decorative architectural background feature subject to specific sign design approval by the landlord and the city of Lodi;
  - x. Tenant signs will be no larger than seventy-five percent of fascia height, with a maximum width of seventy-five percent of tenant's frontage;
  - xi. All signs are to be laid out so as to be proportionate to the area in which it is placed, as well as comply with the square footage limitations. They should also be centered at the appropriate location on the elevation so it would be balanced with the buildings as a whole. (Not necessarily centered on the Tenant space);
  - xii. Each tenant may have signage upon the front and rear elevations subject to size area limitations. End cap tenants may also have signage on their side elevations subject to size area limitations. Pad tenants may have signage on all elevations facing a public street or parking area subject to the size area limitations;
  - xiii. Colors shall be consistent with the theme of the shopping center;
  - xiv. Temporary wall signs, pennants, flags, over-roof signs, inflatable displays, exposed neon, or sandwich boards are prohibited. Temporary banners advertising specials or sales may be allowed in accordance with the city code; and
  - xv. Window signs, other than the permanent window graphics will not be allowed. These signs include neon signs, fiber optic/neon simulated plastic signs and border neon.
- b. Free-standing Signs. The design of the multi-tenant pylon signs, multi-tenant monument signs and center identification monument sign shall be commensurate with the architecture of the shopping center.
- i. Freeway Information Area Signage.
    - (A) One pylon sign, no higher than sixty-five feet shall be permitted along the freeway frontage. The sign shall identify multiple tenants within the shopping center; and
    - (B) The pylon sign shall have a maximum of seven hundred twenty square feet of tenant identification and thirty-two square feet of shopping center identity.
  - ii. Center Identification Sign. One center identification sign, no higher than eight feet, shall be permitted. The sign shall be a single-sided, identifying the entrance to the center. No tenant names shall be displayed on the identification sign.
  - iii. Monument Signs.
    - (A) One multi-tenant monument sign, no higher than twelve feet, shall be permitted. A shopping center of ten acres or more may have two monument signs. These signs may have two-sided panels to identify multiple tenants within the ~~shopping~~ shopping center; and
    - (B) The monument signs shall have a maximum of eighty-four square feet of tenant identification and eight square feet of shopping center identity.

- c. Tenant Signage. The sign program regulates the total allowed signage each tenant may have, based upon the frontages of each store. Tenant signage shall not exceed the total allowed maximum signage per tenant.
    - i. Tenants shall be allowed two square feet of signage per lineal foot of frontage for the front elevation and two square feet of signage multiplied by seventy-five percent per lineal foot of frontage for side (end caps) and rear elevations;
    - ii. The signs may either be internally illuminated plex-faced channel letters or halo illuminated fabricated aluminum reverse pan channel letters; and
    - iii. Single pad tenants shall be allowed one wall sign per each business frontage facing a street, pedestrian plaza and/or parking lot. The total allowed sign area shall be two square feet of signage per lineal foot of frontage for the front elevation and two square feet of signage multiplied by seventy-five percent per lineal foot of frontage for side and rear elevations.
3. GC and Industrial Districts. Each sign within the GC and industrial zoning districts shall comply with the following standards:
- a. Size and Type of Signs Allowed. A parcel in the GG or an industrial zoning district may be permitted signs as follows, provided that no sign shall exceed an area of four hundred eighty square feet.
    - i. An individual business adjacent to a public street or streets is allowed one square foot of sign area for each linear foot of street frontage.
    - ii. An individual business that shares street frontage with other businesses (e.g., within a single building) is allowed one square foot of sign area for each linear foot of building frontage.
    - iii. An individual business located on a corner (i.e., with building frontage or street frontage on two sides) is allowed seventy-five percent of the ratio of two square feet of sign area for each linear foot of street frontage.
  - b. Size and Type of Signs—Parcels with Four or More Businesses. Parcels under one ownership that contain four or more businesses may be permitted one freestanding sign in addition to the signs permitted by subsection (B)(3)(a), provided that the sign shall not:
    - i. Exceed three hundred square feet in area. One hundred fifty square feet of the total sign area may be used for individual identification signs uniform in size, shape, and lettering; and
    - ii. Contain a reader board.
  - c. Off-premises Signs. Off-premises signs are prohibited, with the exception of those that legally existed prior to the adoption of this development code.
  - d. Setback Requirements. Each sign shall be set back at least two feet from the property line.
  - e. Height Limit. No sign shall exceed the following height limits, as applicable.
    - i. Building-mounted Signs. A building-mounted sign shall not exceed the height limit of the building or thirty-five feet, whichever is less.
    - ii. Freestanding Signs. A freestanding sign shall not exceed the height of the tallest building on the site;
    - iii. Freeway Information Area.
      - (A) A freeway information (FI) area is established to include an area bounded: on the west by a line drawn fifty feet west of the west right-of-way line or

Cherokee Lane or five hundred feet west of the west right-of-way line of the U.S. Highway 50-99 freeway, whichever is greater; and on the east by a line drawn five hundred feet east of the east right-of-way line of the U.S. Highway 50-99 freeway; and on the north and south by the then-current city limits.

(B) A sign within the FI area shall not exceed a height of seventy-five feet.

4. O District. Each sign within the O zoning district shall comply with the following standards:

a. Size and Type of Signs Allowed.

- i. Signs shall not exceed one square foot of sign area for each two linear feet of street frontage, up to a maximum sign area of two hundred square feet. The maximum allowable area of signs for an office use located on a corner parcel shall be calculated by using seventy-five percent of the length of the total street frontage;
- ii. The size, location, and design of the sign is visually complementary and compatible with the size and architectural style of the primary structures on the site, any prominent natural features of the site, and structures and prominent natural features on adjacent properties on the same street; and
- iii. No sign shall be lighted so that light shines on neighboring properties.

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

c. Height Limit. No building mounted sign shall exceed a height of twenty feet. No freestanding sign shall exceed a height of eight feet, sign plus base.

C. Mixed Use Zoning District Sign Standards. The regulation of the location, size, type and number of signs permitted shall be governed by the provisions of this section.

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

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

a. Permitted Sign Types.

- i. Flush-Mounted or Painted Wall Signs. Cabinet "canned" signs shall be prohibited.
- ii. Projecting Signs. Provided:
  - (A) They leave no less than eight clear above the finished grade, and extend no more than four feet out from the wall;
  - (B) They are not mounted above the first floor.
- iii. Awning and Canopy Signs. Awnings are primarily for shade and secondarily a sign location. Letters and graphics are limited to vertical surfaces and shall not exceed fifty percent of the surface area. Internally illuminated vinyl awnings are not permitted.
- iv. Free Standing Signs. Pole-mounted and/or other forms of free standing signs shall not be permitted in the downtown district. Exceptions, subject to city review are:

- (A) Directory Signs or kiosks. These may be considered for sidewalk locations; those for private arcades or buildings should be on private property, located in publicly accessible courts, accessways, or passages.
  - (B) Portable Signs. Menu boards for restaurants, etc. provided they are stored indoors after hours of operation and not placed to obstruct the public sidewalk.
- b. Sign Size.
  - i. Building Mounted Signs. The maximum area for each permitted sign type or any combination thereof shall be one square foot per one linear foot of tenant street frontage. Maximum sign length shall not exceed seventy-five percent of the tenant space frontage.
  - ii. Free Standing Signs. Per city review.
- c. Exemptions.
  - i. Temporary Signs ~~as set forth in section 17.34.070(D). Limited to sales and/or special events, and temporary construction signs, limited to a length of time not to exceed thirty days per calendar year.~~
  - ii. Permanent Signs. In addition to those permitted above shall be limited to:
    - (A) Existing built-in signs that are integral to the building design.
    - (B) Painted window signs that cover a maximum of twenty-five percent of the window area.
    - (C) Any sign identifying hours of operation that have an area of less than three square feet.
- d. Sign Maintenance. High levels of maintenance are essential if investment in the downtown is to be encouraged. Because signs are meant to be seen, maintenance is especially important.
  - i. Paint. Signs shall be retained in good condition, with touch-up or repainted as needed. Peeling paint should be replaced promptly.
  - ii. Repair. Damaged signs and poles shall be repaired promptly or removed.
  - iii. Illumination. Bulbs and fixtures shall be replaced promptly if they burn out or are broken.
  - iv. Awnings. Awnings that are damaged and/or faded shall be repaired or replaced promptly.
- e. Architectural Compatibility. A building's architectural style and overall proportions should guide the design of signs. Signs should be located on the facade in areas designed for this function; e.g. a recessed or framed area between the first and second floor, or a parapet panel between shopfront and roofline.
- f. Sign Types.
  - i. Flush-Mounted and painted wall signs should align with major architectural elements, such as doors and windows. Ornamental elements, such as moldings, pilasters, arches, clerestory windows, roof eaves, or cornice lines should be used as a frame.
    - (A) Relationship to Cornice or Roof Line. Signs should not extend above the cornice line or into or above roof areas, unless they function as an integral part of the roof design. For example:

- (1) A sign board may extend above the cornice line of an otherwise flat-topped building if it is designed as a parapet in keeping with the style of the rest of the building.
    - (2) A sign board may extend above an existing parapet, if it is located to function as an accent to the basic parapet design.
  - ii. Projecting Signs.
    - (A) Proportion. Projecting signs with vertically-oriented messages should be slender in appearance, with a proportion of at least 2:1, height to width. Projecting signs with horizontally-oriented messages may be rectangular or square; if located below an awning or canopy as a hanging "blade" sign, they should also be slender, proportioned 2:1 width to height.
    - (B) Structural Support. Should be an attractive addition to the overall design of the sign and/or building. Ornamental metal is recommended. Wooden supports are also appropriate if designed to complement the sign; however, undetailed, standard-size lumber should not be used.
    - (C) Relationship to Cornice or Roof Line. Projecting signs should not extend above the cornice line or into the roof area, unless they are an integral part of a completely new facade design or a faithful accent to existing architectural details or forms. Projection signs should not extend above the eave line of a sloped roof.
  - iii. Awning and Canopy Signs.
    - (A) Color. Combinations for awning or canopy signs should be simple. Lettering color and background color should contrast for legibility. Subtle bands of color are appropriate for awnings; more complex patterns or textures should generally not be used.
    - (B) Location of Message—Awnings. Lettering should not appear on the sloped or curved portion. Information may be located on the valance (the front vertical portion).
    - (C) Location of Message—Canopies. Signs on canopies should be in the form of letters or a signboard integrated with the canopy fascia, or freestanding letters mounted on top and extending above the fascia.
  - iv. Other Sign Types.
    - (A) Figurative signs shaped to reflect the silhouette of a particular object (for example, a key, a coffee cup, etc.) are encouraged. These may be wall-mounted or projecting, but should reflect guidelines for the specific type of sign as listed above.
  - v. Not Allowed.
    - (A) "Canned" signs are internally illuminated plastic panels within a sheet metal box enclosure. They should not be used. Inexpensive canned signs use a limited range of colors and lettering types, and tend to have no relationship to the architecture of the building.
    - (B) Illuminated vinyl awning signs are more appropriate for "commercial strip areas" and shall not be used.
- g. Materials. Recommendations are:
  - i. Signboards of wood or metal, with painted or engraved letters, or mounted letters of wood or metal.

- ii. Silhouette or Figurative Signs. Three-dimensional letters, symbols, and/or ornamental figures made of wood or metal.
    - iii. Custom Neon. Exterior-mounted on a signboard or metal support frame or enclosure, or interior-mounted behind clerestory or display windows.
    - iv. Fabric awnings such as canvas with painted or applied lettering; plastic or vinyl awnings should not be used.
  - h. Lighting. Recommendations are:
    - i. Backlit with lighting inside and behind projecting lettering.
    - ii. Top or bottom lit with single or multiple spotlights.
- 2. Mixed Use Corridor District. Each sign within the MCO zoning district shall comply with the following standards:
  - a. General Specifications and Requirements. Signs within the MCO zoning district shall comply with the general specifications and requirements identified in Development Code Section 17.34.060 (B)(1)(a).
  - b. Free-standing Signs. The design of the multi-tenant pylon signs, multi-tenant monument signs and center identification monument sign shall be commensurate with the architecture of the development.
    - i. Center Identification Sign. One center identification sign, no higher than eight feet, shall be permitted. The sign shall be a single-sided, identifying the entrance to the center. No tenant names shall be displayed on the identification sign.
    - ii. Monument Signs.
      - (A) One multi-tenant monument sign, no higher than twelve feet, shall be permitted. A shopping center of ten acres or more may have two monument signs. These signs may have two-sided panels to identify multiple tenants within the shopping center; and
      - (B) The monument signs shall have a maximum of eighty-four square feet of tenant identification and eight square foot of shopping center identity.
  - c. Tenant Signage. The sign program regulates the total allowed signage each tenant may have, based upon the frontages of each store. Tenant signage shall not exceed the total allowed maximum signage per tenant.
    - i. Tenants shall be allowed two square feet of signage per lineal foot of frontage for the front elevation and two square feet of signage multiplied by seventy-five percent per lineal foot of frontage for side (end caps) and rear elevations;
    - ii. The signs may either be internally illuminated plex-faced channel letters or halo illuminated fabricated aluminum reverse pan channel letters; and
    - iii. Single pad tenants shall be allowed one wall sign per each business frontage facing a street, pedestrian plaza and/or parking lot. The total allowed sign area shall be two square feet of signage per lineal foot of frontage for the front elevation and two square feet of signage multiplied by seventy-five percent per lineal foot of frontage for side and rear elevations.

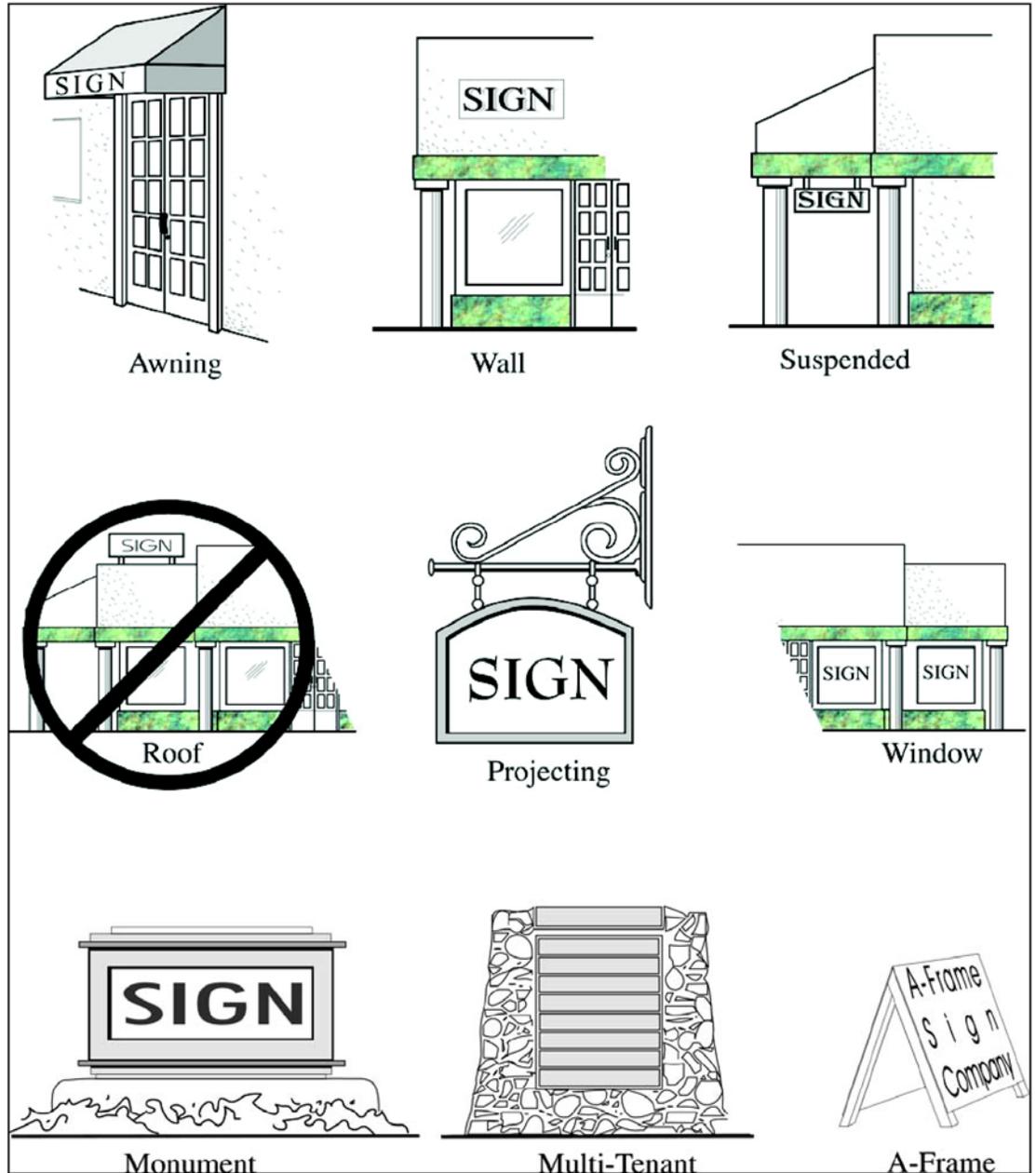


Figure 3-12 - Examples of Sign Types

**17.34.070 - Standards for specific types of signs.**

Proposed signs shall comply with the following standards where applicable, in addition to the sign area and height limitations, and other requirements of Section 17.34.060 (Zoning District Sign Standards), and all other applicable provisions of this chapter.

- A. Awning Signs. The following standards apply to awning signs in all zoning districts where allowed by Section 17.34.060 (Zoning District Sign Standards).
  - 1. Signs on awnings are limited to ground level and second story occupancies only.

2. Awnings shall not be internally illuminated. Indirect lighting may be allowed. Translucent awning materials are prohibited.
  3. Awnings are primarily for shade and secondarily a sign location. Letters and graphics shall be limited to vertical surfaces and shall not exceed fifty percent of the surface area. Internally illuminated vinyl awnings are not permitted.
- B. Freeway-adjacent Outdoor Advertising Signs.
1. Definitions. For the purposes of this subsection, the terms "advertising structure," "advertising display," "freeway," "highway," "landscaped freeway," "person," "sign," and "to place" shall be defined in compliance with Business and Professions Code Section 5200 et seq. (the California Outdoor Advertising Act).
  2. Prohibited for Freeway Viewing. No advertising display shall be placed or maintained on property adjacent to a freeway regardless of the applicable zoning district if the advertising display is designed to be viewed primarily by persons traveling on the freeway.
  3. Exemptions. The prohibition in subsection (C)(2) of this section shall not apply to advertising displays or structures placed upon property for the purpose of advertising the sale or lease of the property upon which the sign is placed.
  4. Size. The advertising display or structure shall not exceed four hundred eighty square feet.
- C. Projecting Signs. Projecting signs shall comply with the following standards:
1. Proportion. Projecting signs with vertically-oriented messages should be slender in appearance, with a proportion of at least 2:1, height to width. Projecting signs with horizontally-oriented messages may be rectangular or square; if located below an awning or canopy as a hanging "blade" sign, they should also be slender, proportioned 2:1 width to height.
  2. Structural support should be an attractive addition to the overall design of the sign and/or building. Ornamental metal is recommended. Wooden supports are also appropriate if designed to complement the sign; however, undetailed, standard-size lumber should not be used.
  3. Relationship to Cornice or Roof Line. Projecting signs should not extend above the cornice line or into the roof area, unless they are an integral part of a completely new facade design or a faithful accent to existing architectural details or forms. Projection signs should not extend above the eave line of a sloped roof.
- D. Temporary Signs. Temporary signs are allowed in all zoning districts subject to the following requirements. Temporary signs include banner signs, **paintings, markings and writings**.
1. **Residential Zoning District On-site Signs.**
    - a. Maximum Area ~~and Height~~. Sign area shall not exceed six square feet ~~and sign height shall not exceed forty-eight inches~~.
    - b. Number. No more than ~~four~~ **one** temporary on-site signs shall be placed on any parcel.
    - c. Duration. ~~Temporary signs shall be removed within ten days of the termination of the event with which they are associated. Any sign which has been in place longer than a period of six months shall be subject to the applicable standards regulating permanent signage. No temporary sign shall be in place for more than thirty days, and after removal, the site shall be free from temporary signs for a minimum of thirty days.~~
    - d. Placement. Temporary signs shall not present a physical danger to persons or property. No temporary sign shall be placed, affixed, painted, marked, or written in a manner that obstructs either vehicular traffic (either by physical obstruction or obstruction of sight lines) or pedestrian traffic. No temporary sign shall be placed, affixed, painted, marked, or written upon any public property or public right-of-way

including but not limited to any public building, sidewalk, crosswalk, curb, fence, wall, public playground equipment, and/or facilities, street lamp post, utility pole, hydrant, tree, street or traffic signs, parkways (e.g. the area between curb and sidewalk) or medians.

2. Commercial and Industrial Zoning District On-site Signs.

- a. Maximum Area. Sign area shall not exceed thirty-two square feet per sign face.
- b. Number. Each parcel shall be allowed a minimum of four temporary on-site signs, plus one additional temporary on-site sign for each 200 feet of lineal street frontage per parcel. Properties with multiple tenants or businesses shall be allowed no more than four additional temporary on-site signs per tenant or business.
- c. Duration. Temporary signs shall be removed within ten days of the termination of the event with which they are associated. Any sign which has been in place longer than a period of six months shall be subject to the applicable standards regulating permanent signage.
- d. Placement. Temporary signs shall not present a physical danger to persons or property. No temporary sign shall be placed, affixed, painted, marked, or written in a manner that obstructs either vehicular traffic (either by physical obstruction or obstruction of sight lines) or pedestrian traffic. No temporary sign shall be placed, affixed, painted, marked, or written upon any public property or right-of-way including but not limited to any public building, sidewalk, crosswalk, curb, fence, wall, public playground equipment, and/or facilities, street lamp post, utility pole, hydrant, tree, street or traffic signs, parkways (e.g. the area between curb and sidewalk) or medians.

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

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

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

1. Programmable electronic signs are only permitted upon the issuance of a use permit by the planning commission. As part of the use permit review, the planning commission shall consider the following:
  - a. Area of programmable electronic signage;
  - b. Location of programmable electronic signage;
  - c. Height of programmable electronic signage;
  - d. Intensity of light due to programmable electronic signage; and
  - e. Frequency of message change on the programmable electronic sign.
2. Programmable electronic signs shall comply with the size, location, and height requirements of the underlying zoning district.
3. Programmable electronic signs shall be limited to one-third 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.

**17.34.080 - Exceptions to sign area standards.**

The director or other applicable review authority may grant an administrative deviation to the allowed area of a sign in compliance with Section 17.40.050 (Variations and Administrative Deviations) if it is first determined that:

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

**17.34.090 - Sign maintenance.**

All signs within the city shall be maintained in good condition and repair, as follows:

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

**17.34.100 - Nonconforming signs.**

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

- A. General Requirements. A nonconforming sign may not be:
  - 1. Changed to another nonconforming sign;
  - 2. Structurally altered to extend its useful life;
  - 3. Expanded;
  - 4. Re-established after a business is discontinued for sixty days; or
  - 5. Re-established after damage or destruction to fifty percent or more of the value of the sign, or its components, as determined by the building official.
- B. Abatement. Signs not conforming to the provisions of this chapter shall be brought into compliance or removed upon the following circumstances:
  - 1. Abandonment. Any discontinuance or abandonment of a nonconforming sign shall result in a loss of legal nonconforming status of the sign.
  - 2. Modification. Any proposed modification to the non-conforming sign structure or copy shall result in a loss of legal nonconforming status of the sign.

### 17.34.110 - Violations and abatement.

- A. Public Nuisance Declared by Director. Any sign erected or maintained contrary to the provisions of this chapter may be declared to be a public nuisance by the director and proceedings for its removal may take place in compliance with Chapter 17.76 (Enforcement).
- B. Removal of Abandoned Sign, Sign Shell, and Support Structures. A sign, sign shell, and support structures shall be removed by the owner or lessee of the premises upon which the sign is located when the business that it advertises is no longer conducted on the premises. If the owner or lessee fails to remove the sign and sign shell, the director shall give the owner thirty days written notice to remove it. Upon failure to comply with the notice, the director may have the sign removed at the owner's expense. Proceedings for the removal of signs and/or support structures shall comply with Chapter 17.76 (Enforcement).

### 17.34.120 - Judicial review.

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

### 17.34.130 - Sign design guidelines.

The following guidelines should be considered in the design of all signs within Lodi. These guidelines are intended to complement other requirements in the previous sections of this chapter:

#### A. Design Compatibility.

1. Creative Design Encouraged. Signs should make a positive contribution to the general appearance of the street and commercial area in which they are located. A well-designed sign can be a major asset to a building.
2. Proportionate Size and Scale. The scale of signs should be appropriate for the building on which they are placed and the area in which they are located. The size and shape of a sign should be in proportion with the scale of the structure.
3. Integrate Signs with the Building. Signs should not obscure architectural features. Their design should be integrated with the design of the building. A well-designed building facade or storefront is created by the careful coordination of sign and architectural design and over-all color scheme. Signs in multiple tenant buildings should be designed to complement or enhance the other signs in the building.

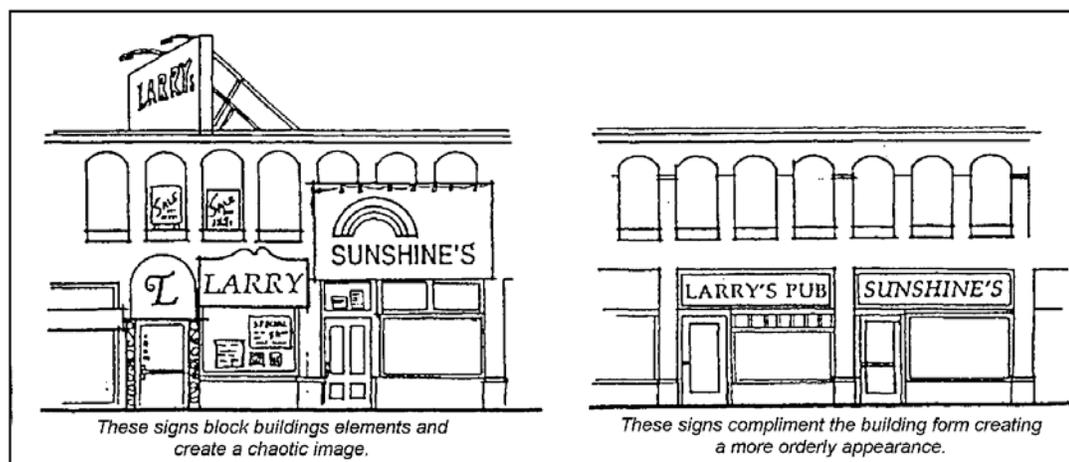


Figure 3-13 - Design Compatibility

4. Reduce Sign Impact. Because residential and commercial uses generally exist in close proximity, signs should be designed and located so that they have little or no impact on adjacent residential neighborhoods.

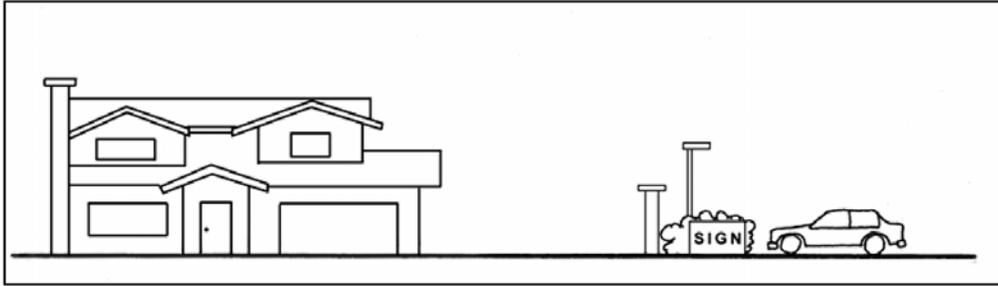


Figure 3-14 - Reduce Sign Impact

5. Sign Placement. Place wall signs to establish facade rhythm, scale and proportion where facade rhythm does not otherwise exist. On buildings that have a monolithic or plain facade, signs can establish or continue appropriate design rhythm, scale, and proportion.

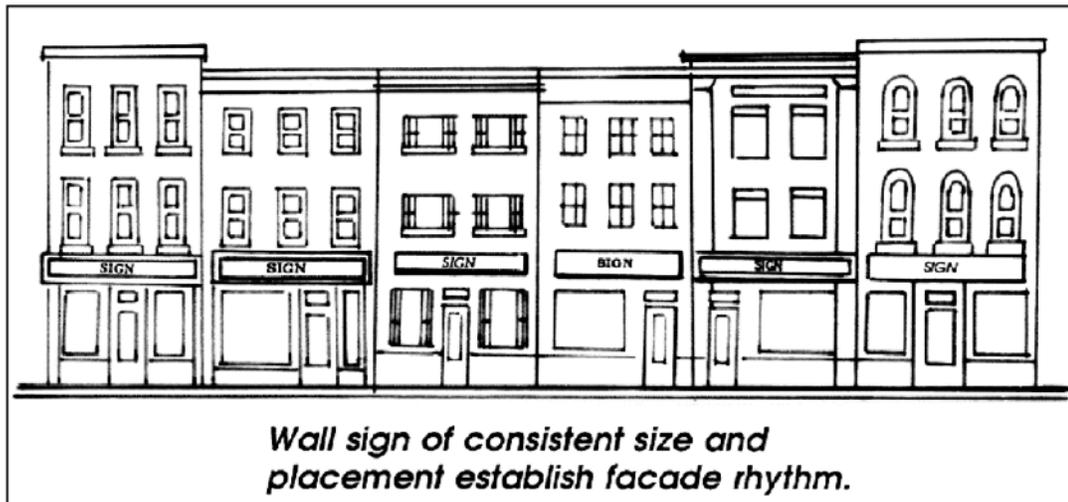


Figure 3-15 - Sign Placement

6. Pedestrian-oriented Signs are Encouraged. It is desirable and encouraged to include a pedestrian-oriented sign as one of the permitted signs for a business. Pedestrian-oriented signs are signs that are designed for and directed toward pedestrians so that they can easily and comfortably read the sign as they stand adjacent to the business.



Figure 3-16 - Pedestrian-Oriented Sign

7. Use Individual Letters. As an alternative to an attached sign, lettering may be painted directly on the building facade. However, signs should not be painted directly over ornamental and architectural features or over brick and stone surfaces of buildings.

B. Color.

1. Select Colors Carefully. Color is one of the most important aspects of visual communication. It can be used to catch the eye or to communicate ideas or feelings. Colors should be selected to contribute to legibility and design integrity. Even the most carefully thought out sign may be unattractive and a poor communicator because of poor color selection. Too many colors used thoughtlessly can confuse and negate the message of a sign.
2. Use Contrasting Colors. Contrast is an important influence on the legibility of signs. A substantial contrast should be provided between the color and material of the background and the letters or symbols to make the sign easier to read in both day and night. Light letters on a dark background or dark letters on a light background are most legible.

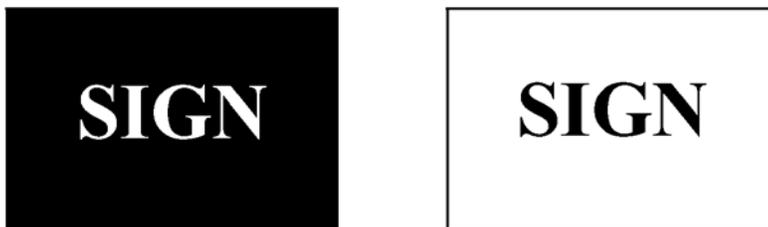


Figure 3-17 - Contrasting Letters and Background

3. Avoid Using too Many Colors. Colors or color combinations that interfere with legibility of the sign copy or that interfere with viewer identification of other signs should be avoided. Small accents of several colors may make a sign unique and attractive, but the competition of large areas of many different colors often decreases readability.

4. Use Complementary Colors. Sign colors should complement the colors used on the structures and the project as a whole.

C. Materials.

1. Sign Materials. The following sign materials are recommended:
  - a. Wood (carved, sandblasted, etched, and properly sealed, primed and painted, or stained).
  - b. Metal (formed, etched, cast, engraved, and properly primed and painted or factory-coated to protect against corrosion).
  - c. High density pre-formed foam or similar material. New materials may be very appropriate if properly designed in a manner consistent with these guidelines, and painted or otherwise finished to compliment the architecture.
  - d. Custom neon tubing, in the form of graphics or lettering, may be incorporated into several allowed sign types.
2. Compatibility of Materials. Sign materials should be compatible with the design of the face of the facade where they are placed. The selected materials should contribute to the legibility of the sign. For example, glossy finishes are often difficult to read because of glare and reflections.
3. Appropriate Materials. Paper and cloth signs are not suitable for exterior use (except on awnings) because they deteriorate quickly. Paper and cloth signs are appropriate for interior temporary use only. The use of interior signs on paper or cloth should be the result of careful thinking about readability and the image of the business.

D. Sign Legibility. An effective sign should do more than attract attention, it should communicate a message. Usually, this is a question of the readability of words and phrases. The most significant influence on legibility is lettering.

1. Pedestrian-oriented Signs. Make signs smaller if they are oriented to pedestrians. The pedestrian-oriented sign is usually read from a distance of fifteen to twenty feet; the vehicle-oriented sign is viewed from a much greater distance. The closer a sign's viewing distance, the smaller that sign need be. See Table 3-3.

TABLE 3-3 Lettering Size for Pedestrian-oriented Signs	
Minimum Character Size (inches)	Intended Reading Distance (feet)
3.5	60
4.0	70
4.5	80
5.0	90
5.5 to 6.0	100

2. Use a Brief Message. A brief message should be used whenever possible. The fewer the words, the more effective the sign. A sign with a brief, succinct message is easier to read and looks more attractive. Evaluate each word. If the word does not contribute directly to the basic message of the sign, it detracts from it and probably should be deleted.
3. Space Letters and Words Carefully. Letters and words should not be spaced too closely. Crowding of letters, words or lines will make any sign more difficult to read. Conversely, over-spacing these elements causes the viewer to read each item individually, again obscuring the message. As a general rule, letters should not occupy more than seventy-five percent of sign panel area.
4. Use Symbols and Logos. Symbols and logos can be used in place of words wherever appropriate. Pictographic images will usually register more quickly in the viewer's mind than a written message.

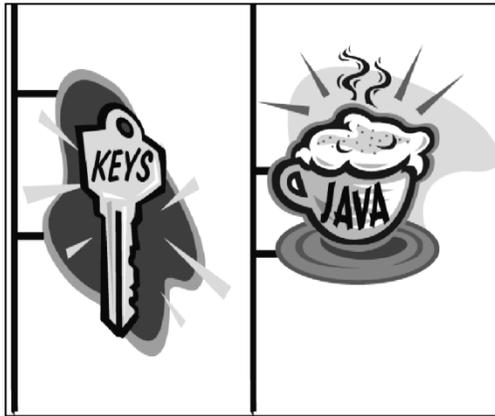


Figure 3-18 - Use of Symbols/Logos



Figure 3-19 - Letter Spacing

5. Limit the Number of Letter Styles. The number of lettering styles should be limited in order to increase legibility. A general rule to follow is to limit the number of different letter types to no more than two for small signs and three for larger signs. Intricate typefaces and symbols that are difficult to read reduce the sign's ability to communicate.

- E. Sign Illumination. The possible illumination of a sign should be carefully considered. Like color, illumination can provide more effective visual communication, or can confuse the message. Imaginative and innovative lighting techniques for signs are encouraged.
1. Use Illumination Only if Necessary. Consider if the sign needs to be lighted at all. Lights in the window display may be sufficient to identify the business. This is particularly true if good window graphics are used. Often, nearby street lights provide ample illumination of a sign after dark.

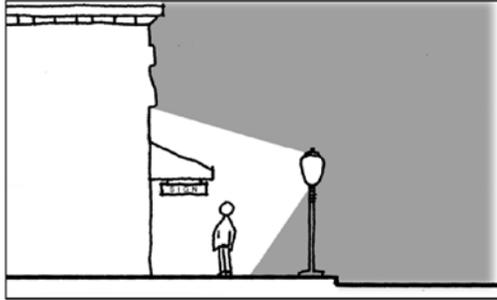


Figure 3-20 - Use of Existing Illumination

2. Use a Direct Light Source. If the sign can be illuminated by a direct source of light (e.g., spotlight), this is usually the best arrangement because the sign will appear to be better integrated with the building's architecture. Light fixtures supported in front of the structure cast light on the sign and generally a portion of the face of the structure as well. Direct lighting emphasizes the continuity of the structure's surface, and signs become an integral part of the facade. Direct lighting is also appropriate because it produces a more intimate ambiance on the street. The lighting of signs should be considered as an element in a building's overall lighting design.
3. Shield the Light Source. Whenever direct lighting fixtures are used (fluorescent or incandescent), care should be taken to properly shield the light source to prevent glare from spilling over into residential areas and any public right-of-way. Signs should be lighted only to the minimum level required for nighttime readability.

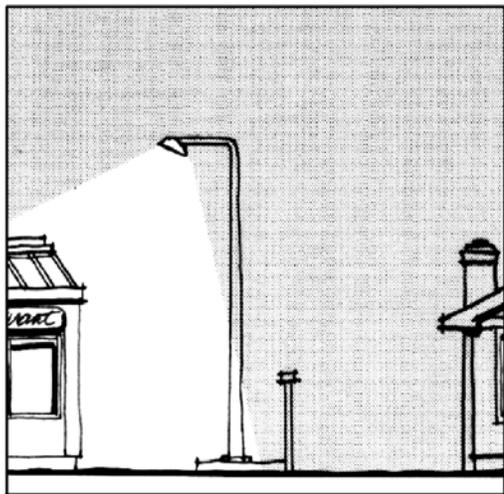


Figure 3-21 - Shielded Light Source

4. Back-lighted Signs. Back-lighted, solid letters are encouraged. Signs consisting of opaque individually cut letters mounted directly on a structure (push-through letters) can often use a distinctive element of the structure's facade as a backdrop, thereby providing a better integration of the sign with the structure.

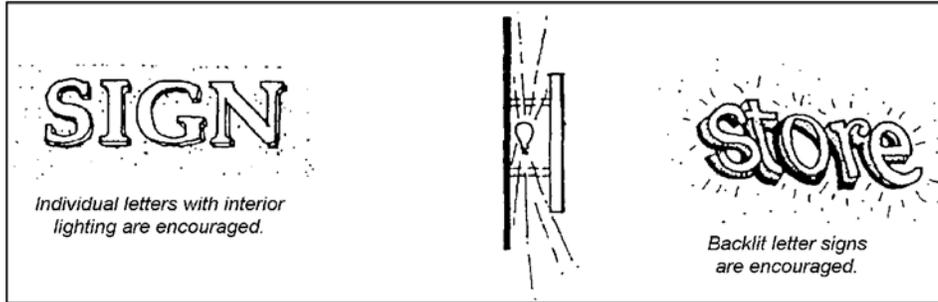


Figure 3-22 - Back-Lighted Signs

**SECTION 2. No Mandatory Duty of Care.** This ordinance is not intended to and shall not be construed or given effect in a manner which imposes upon the City, or any officer or employee thereof, a mandatory duty of care towards persons or property within the City or outside of the City so as to provide a basis of civil liability for damages, except as otherwise imposed by law.

**SECTION 3. Severability.** If any provision of this ordinance or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application. To this end, the provisions of this ordinance are severable. The City Council hereby declares that it would have adopted this ordinance irrespective of the invalidity of any particular portion thereof.

**SECTION 4.** All ordinances and parts of ordinances in conflict herewith are repealed insofar as such conflict may exist.

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

Approved this \_\_\_ day of \_\_\_\_\_, 2016

\_\_\_\_\_  
 MARK CHANDLER  
 Mayor

ATTEST:

JENNIFER M. FERRAILOLO  
 City Clerk

State of California  
County of San Joaquin, ss.

I, Jennifer M. Ferraiolo, City Clerk of the City of Lodi, do hereby certify that Ordinance No. \_\_\_\_ was introduced at a regular meeting of the City Council of the City of Lodi held \_\_\_\_\_, 2016, and was thereafter passed, adopted, and ordered to print at a regular meeting of said Council held \_\_\_\_\_, 2016, by the following vote:

AYES: COUNCIL MEMBERS –

NOES: COUNCIL MEMBERS –

ABSENT: COUNCIL MEMBERS –

ABSTAIN: COUNCIL MEMBERS –

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

JENNIFER M. FERRAIOLO  
City Clerk

Approved as to Form:

JANICE D. MAGDICH  
City Attorney

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

AN ORDINANCE OF THE LODI CITY COUNCIL  
AMENDING LODI MUNICIPAL CODE CHAPTER  
10.44 "STOPPING, STANDING AND PARKING" BY  
REPEALING AND REENACTING SECTION  
10.44.040 - "PARKING FOR CERTAIN PURPOSES  
PROHIBITED—DISPLAY OF "FOR SALE" SIGNS ON  
VEHICLES, VESSELS OR TRAILERS—  
RESTRICTIONS IN ITS ENTIRETY

=====

BE IT ORDAINED BY THE LODI CITY COUNCIL AS FOLLOWS:

SECTION 1. Lodi Municipal Code Chapter 10.44 "Stopping, Standing and Parking" is hereby amended by repealing and reenacting Chapter 10.44.040 "Parking for Certain Purposes Prohibited—Display of "For Sale" Signs on Vehicles, Vessels or Trailers—Restrictions in its entirety, and shall read as follows:

10.44.040 Parking ~~any Vehicle, Vessel or Trailer for Purpose of Sale for certain purposes~~ Prohibited—~~Display of "For Sale" signs on vehicles, vessels or trailers~~—Restrictions.

~~The city council finds and declares that the display of vehicles vessels or trailers for sale on public streets, right-of-ways, and public property causes a hazardous distraction for drivers and pedestrians and is therefore a nuisance.~~

A. It is unlawful to park upon any public street, right-of-way or public property any vehicle, vessel or trailer ~~displaying a sign advertising such vehicle, vessel or trailer for the principal purpose of displaying such vehicle, vessel or trailer for sale .~~

The provisions of this subsection shall not apply to vehicles parked for sale at the residence of the owner of said vehicle and the public streets immediately adjacent thereto. ~~A vehicle parked for sale shall not display a sign exceeding one square foot in size, or display more than one such sign, or attach to or otherwise affix to such vehicle, vessel or trailer any other sign, banner, pennant, balloon or other device, intended to call attention to the fact that such vehicle, vessel or trailer is offered for sale.~~

B. It is unlawful for any person or firm to have parked contemporaneously on the public streets or rights-of-way anywhere within the city, three or more vehicles, vessels or trailers. ~~displaying a sign or signs indicating or advertising such vehicle, vessel or trailer for sale, irrespective of the proximity of such vehicles, vessels or trailers. for the principal purpose of displaying such vehicles, vessels or trailers for sale.~~

C. Notwithstanding subsection A of this section, it is unlawful to park upon any public street, right-of-way or public place within two hundred feet of any signalized intersection or all-way stop controlled intersection or within seventy-five feet of any other intersection, any vehicle, vessel or trailer for sale. The city council finds and declares that vehicles, vessels or trailers parked within the stated distances of an intersection, ~~and displaying such signs,~~ constitute a traffic hazard by distracting the attention of passing motorists and pedestrians away from other traffic moving through and about such intersections.

- D. It is unlawful for any person or firm, upon property belonging to another, to park or display within thirty feet of the adjacent public street or right-of-way as measured from the rear edge of the curb, gutter or sidewalk, or from the edge of the pavement if no curb, gutter or sidewalk exists, any vehicle, vessel or trailer ~~displaying a sign or signs advertising it~~ for sale, without first obtaining the express consent of the owner or person having control of such property. This section shall not apply to any private property appropriately zoned and licensed for the sale, repair, or storage of such vehicles, vessels or trailers.
- E. It is unlawful upon any public street, right-of-way or public property to park any vehicle, vessel or trailer for the purpose of painting, greasing, or repairing such vehicle, vessel or trailer except for emergency repairs.
- F. It is unlawful to park any vehicle, vessel or trailer upon any public street or right-of-way for the purpose of washing or polishing such vehicle, vessel or trailer or any part thereof when a charge is made for such service.

SECTION 2. No Mandatory Duty of Care. This ordinance is not intended to and shall not be construed or given effect in a manner which imposes upon the City, or any officer or employee thereof, a mandatory duty of care towards persons or property within the City or outside of the City so as to provide a basis of civil liability for damages, except as otherwise imposed by law.

SECTION 3. Severability. If any provision of this ordinance or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application. To this end, the provisions of this ordinance are severable. The City Council hereby declares that it would have adopted this ordinance irrespective of the invalidity of any particular portion thereof.

SECTION 4. All ordinances and parts of ordinances in conflict herewith are repealed insofar as such conflict may exist.

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

Approved this \_\_\_ day of \_\_\_\_\_, 2016

\_\_\_\_\_  
MARK CHANDLER  
Mayor

ATTEST:

JENNIFER M. FERRAIOLO  
City Clerk

State of California  
County of San Joaquin, ss.

I, Jennifer M. Ferraiolo, City Clerk of the City of Lodi, do hereby certify that Ordinance No. \_\_\_\_\_ was introduced at a regular meeting of the City Council of the City of Lodi held \_\_\_\_\_, 2016, and was thereafter passed, adopted, and ordered to print at a regular meeting of said Council held \_\_\_\_\_, 2016, by the following vote:

AYES: COUNCIL MEMBERS –

NOES: COUNCIL MEMBERS –

ABSENT: COUNCIL MEMBERS –

ABSTAIN: COUNCIL MEMBERS –

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

JENNIFER M. FERRAIOLO  
City Clerk

Approved as to Form:

JANICE D. MAGDICH  
City Attorney