



# LODI PLANNING COMMISSION

Carnegie Forum  
305 West Pine Street, Lodi

## AGENDA – Special Meeting

Date: March 22, 2023

Time: 6:00 P.M.

For information regarding this Agenda please contact:

**Lorie Waters**  
**Administrative Assistant**  
**Telephone: (209) 333-6711**

### Notice Regarding Public Comments

Public Comment may be submitted in the following ways:

- In-person – The Carnegie Forum is open to the public.
- Email – [pccomments@lodi.gov](mailto:pccomments@lodi.gov)
  - Received no later than 3:00 p.m. the day of the meeting
- Mail – Community Development Department, P.O. Box 3006, Lodi, CA 95241
- Hand delivered to: Community Development Department, 221 W. Pine Street, Lodi, CA 95240
  - Received no later than 3:00 p.m. the day of the meeting

## 1. ROLL CALL

## 2. MINUTES

“January 25, 2023”

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

*If you wish to address the Commission, please refer to the Special Teleconference Notice at the beginning of this agenda. Individuals are limited to one appearance during this section.*

## 4. PUBLIC HEARINGS

- a. Request of the Planning Commission to approve a Use Permit for a new McDonald’s restaurant drive-through to be located at 2611 Reynolds Ranch Parkway (Applicant: Silman Ruiz; File Number: PL2022-031 U; CEQA Determination: Exempt per Section 15332)

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

## 5. PLANNING MATTERS/FOLLOW-UP ITEMS

## 6. ANNOUNCEMENTS AND CORRESPONDENCE

## 7. ACTIONS OF THE CITY COUNCIL

## 8. ACTIONS OF THE SITE PLAN AND ARCHITECTURAL REVIEW COMMITTEE

## 9. ACTIONS OF THE LODI ARTS COMMISSION

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

## 11. ADJOURNMENT

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

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Lorie Waters  
Administrative Assistant

*\*\*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 cast of Closed Session items) or during consideration of the item.*

*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, located at 221 W. Pine Street, Lodi, and are available for public inspection. Agendas and staff reports are also posted on the City's website at [www.lodi.gov](http://www.lodi.gov). 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 Office as soon as possible and at least 72 hours prior to the meeting date. Language interpreter requests must be received at least 72 hours in advance of the meeting to help ensure availability. Contact Lorie Waters at (209) 333-6711. Solicitudes de interpretación de idiomas deben ser recibidas por lo menos con 72 horas de anticipación a la reunión para ayudar a asegurar la disponibilidad. Llame a Lorie Waters (209) 333-6711.*

*Members of the public may view and listen to the open session of this teleconference meeting at [www.facebook.com/CityofLodi/](https://www.facebook.com/CityofLodi/).*

**Right of Appeal:**

If you disagree with the decision of the committee, 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 17.70.050, 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 17.70, Appeals, of the Lodi Municipal Code. Contact: City Clerk, City Hall 2nd Floor, 221 West Pine Street, Lodi, California 95240 – Phone: (209) 333-6702.

**LODI PLANNING COMMISSION  
REGULAR COMMISSION MEETING  
CARNEGIE FORUM, 305 WEST PINE STREET  
WEDNESDAY, JANUARY 25, 2023**

**1. CALL TO ORDER / ROLL CALL**

The Regular Planning Commission meeting of January 25, 2023, was called to order by Commissioner Hennecke at 7:00 p.m.

Present: Planning Commissioners – Hicks, Vice Chair Hennecke, Saldana, and Chair Slater

Absent: Planning Commissioners – Eddy, Maciel, and Singh

Also Present: Director John Della Monica, Deputy City Attorney Katie Lucchesi, City Planner Cynthia Marsh, and Administrative Assistant Lorie Waters

**2. MINUTES**

“January 11, 2023”

MOTION / VOTE:

The Planning Commission, on motion by Vice Chair Hennecke, Commissioner Saldana second, approved the minutes from the January 25, 2023 meeting.

The motion carried by the following vote:

Ayes: Commissioners – Hicks, Vice Chair Hennecke, Saldana, and Chair Slater

Noes: Commissioners –

Abstain: Commissioners -

Absent: Commissioners - Eddy, Maciel, and Singh

**3. COMMENTS BY THE PUBLIC (NON-AGENDA ITEMS)**

Anthony Allen, of 1813 W. Locust Street, came up to express his concerns regarding the item brought forward at last Planning Commission meeting; revocation of the Use Permits for Blend Ultra Lounge.

**4. PUBLIC HEARINGS**

- a. Consideration of approval of a Use Permit to allow the Operation of a Martial Arts Studio at 2314 West Kettleman Lane, Suite 108. (Applicant: Stacey Wellnitz, CommercialArch; File 2022-032 U; CEQA Determination: Exempt per Section 15301(b)(3))

City Planner Cynthia Marsh gave a brief presentation based on the staff report. Staff is recommending that the Planning Commission approve a Use Permit to allow the operation of a Martial Arts Studio at 2314 West Kettleman Lane, Suite 108.

Hearing Opened to the Public

- The applicants of 2314 W. Kettleman Lane, Suite 108, Sarah and Eric Martinez, came up to answer questions on this item.
- Chair Slater asked for clarification on the location of the entry way to the facility. Mr. Martinez stated that the door near the office and restroom is the rear exit.
- Chair Slater asked about the ages of participants. Mrs. Martinez advised that there will be toddler classes for ages 3-5, regular classes for children ages 6-12, and adult classes in the evening.

- Chair Slater also asked about how they will track who attends. Mrs. Martinez advised that they will have an electronic check-in system on an iPad.
- Vice Chair Hennecke asked the applicants if they are currently operating another studio. Both applicants stated that they currently teach at another studio that they do not own.

Public Portion of Hearing Closed

MOTION / VOTE:

The Planning Commission, on motion of Vice Chair Hennecke, Commissioner Hicks second, finds that the proposed project is exempt from CEQA per CEQA Guidelines Section 15061(b)(3) and approves a use permit for a martial arts studio at 2314 West Kettleman Lane, subject to the conditions of approval.

The motion carried by the following vote:

Ayes: Commissioners – Hicks, Vice Chair Hennecke, Saldana, and Chair Slater  
Noes: Commissioners -  
Abstain: Commissioners -  
Absent: Commissioners - Eddy, Maciel, and Singh

**5. PLANNING MATTERS/FOLLOW-UP ITEMS**

None

**6. ANNOUNCEMENTS AND CORRESPONDENCE**

None

**7. ACTIONS OF THE CITY COUNCIL**

None

**8. ACTIONS OF THE SITE PLAN AND ARCHITECTURAL REVIEW COMMITTEE**

None

**9. ACTIONS OF THE LODI ART COMMISSION**

None

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

Chair Slater announced that he will be in Germany from March 21 – April 18, 2023.

**11. ADJOURNMENT**

There being no further business to come before the Planning Commission, the meeting was adjourned at 7:18 p.m.

ATTEST:

Lorie Waters  
Planning Commission Secretary



# CITY OF LODI PLANNING COMMISSION Staff Report

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**MEETING:** March 22, 2023  
**APPLICATION NO:** PL2022-031  
**REQUEST:** Request for the Planning Commission to approve a Use Permit for a McDonald's drive-through restaurant to be located at 2611 Reynolds Ranch Parkway (Applicant: Silman Ruiz; File Number: PL2022-031; CEQA Determination: Exempt per Section 15332 of the CEQA Guidelines)  
**LOCATION:** 2611 Reynolds Ranch Parkway  
Lodi, CA 95240  
APN: 058-660-18  
**APPLICANT:** Silman Ruiz, Core States Group  
4240 E. Jurupa Street, Suite 402  
Ontario, CA 91761  
**PROPERTY OWNER:** Sandpiper Pennebaker Group, LLC  
1420 S. Mills Avenue, Suite M  
Lodi, CA 95242

## RECOMMENDATION

Staff recommends that the Planning Commission approve a conditional Use Permit to allow for drive-through lanes at a new 3,781 square foot McDonald's restaurant located at 2611 Reynolds Ranch Parkway ("Project"), subject to the conditions in the attached resolution.

## PROJECT/AREA DESCRIPTION

**General Plan Designation:** Commercial  
**Zoning Designation:** PD(39) Planned Development  
**Property Size:** 0.71 acres – 30,927 square feet

## REQUEST

Applicant Silman Ruiz, from Core States Group, ("Applicant") is proposing to develop a new McDonald's restaurant (3,781 sq. ft.) with drive-through lanes at 2611 Reynolds Ranch Parkway, on the last vacant parcel of the surrounding Reynolds Ranch shopping center ("Site"). The Reynolds Ranch Shopping Center is a fully integrated development, and all shared public improvements have been constructed, including an adjacent parking lot and drive aisles.

The requested Use Permit is to allow a proposed restaurant with drive-through feature. Specifically, the applicant is proposing:

- a new 3,781 square foot McDonald's restaurant with drive-through lanes,
- 8-car stacking lane for the restaurant,
- the site will use existing driveways of the surrounding commercial center,
- the project includes on-site parking and landscaping.

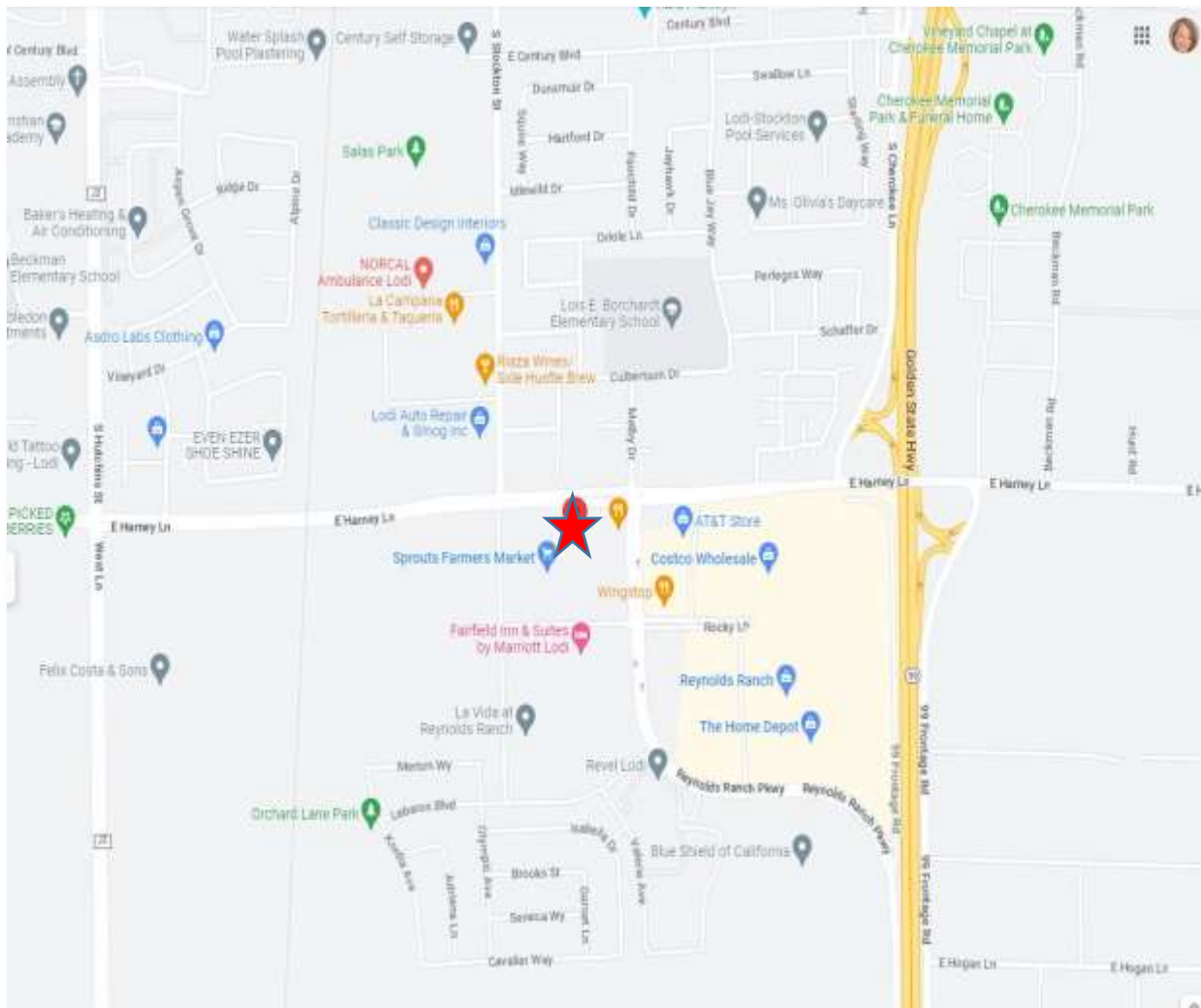
Staff has reviewed the Project, Site layout, and building design for consistency with the surrounding properties. All site improvements are within the property boundaries, and the project includes parking for the restaurant. Vehicle stacking will be sufficient to ensure parking does not block driveways or entrances.

The Project proposes a McDonald's fast food restaurant that will provide both dine-in and drive-through service. Proposed operating hours for the Project are from 5:30 a.m. to 12:00 a.m., seven days per week.

The following sections describe the Project Site and its land use setting:

- General Plan and Zoning
- Existing Land Use

**Figure 1: Site Location Map**



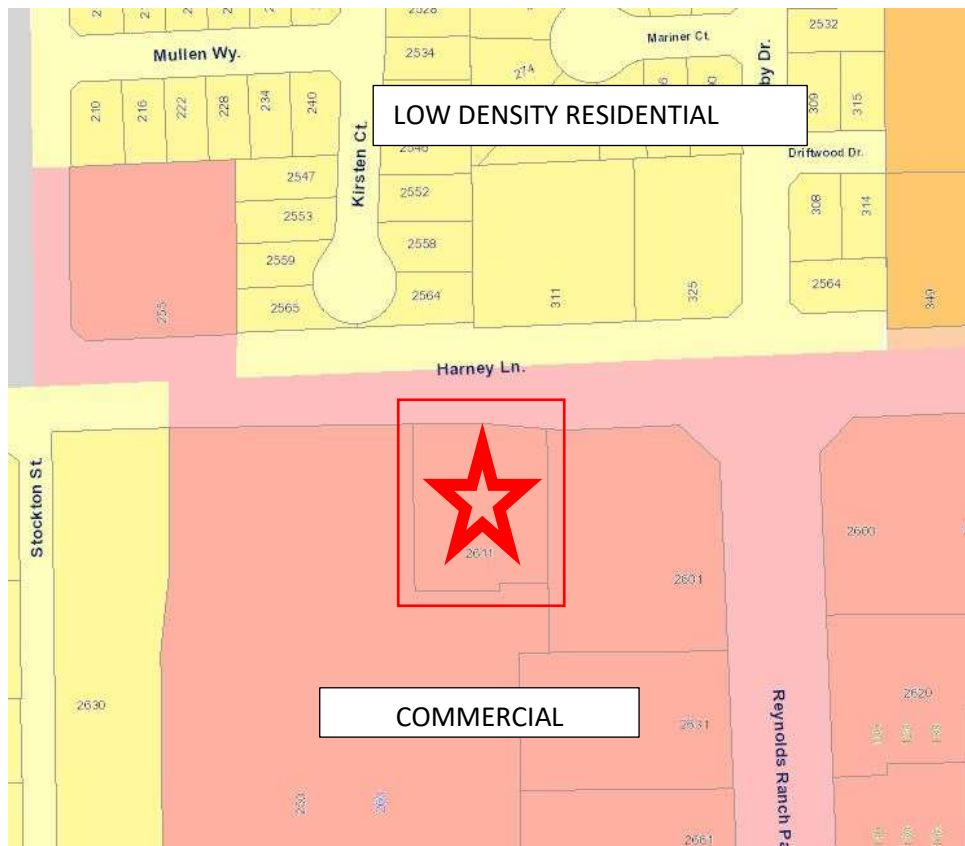
### General Plan and Zoning

The project site is located in Reynolds Ranch Shopping Center, an existing shopping center located along Harney Lane and Reynolds Ranch Parkway. The shopping center is part of the Master Planned Community known as Reynolds Ranch. Reynolds Ranch Shopping Center has a mix of retail, restaurants, and neighborhood services. The proposed site is the last vacant parcel of the surrounding shopping center.

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

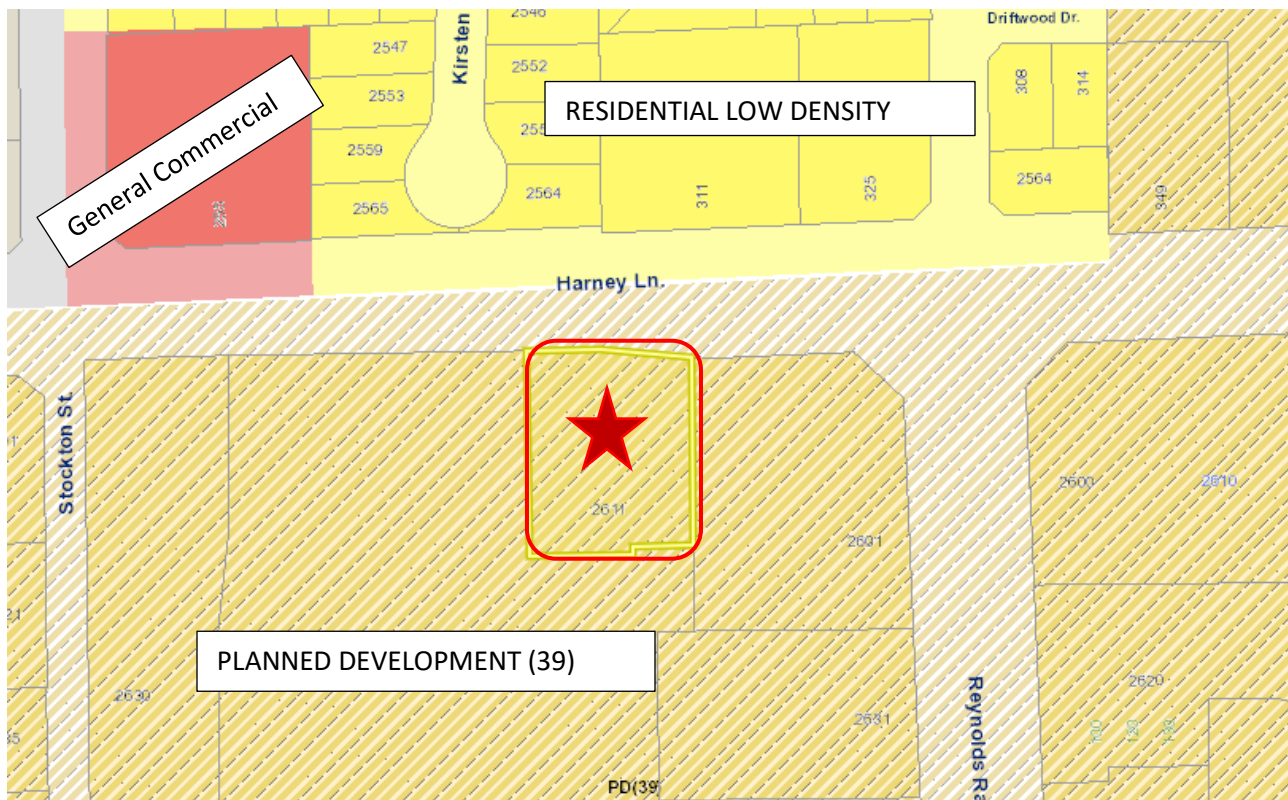
	General Plan	Zoning Classification	Existing Land Use
<b>Project Site</b>	Commercial	Planned Development (39) Commercial Designation	Undeveloped
<b>North</b>	(LDR) Low Density Residential	(RLD) Residential Low Density	Residential
<b>South</b>	Commercial	Planned Development (39) Commercial Designation	Commercial
<b>East</b>	Commercial	Planned Development (39) Commercial Designation	Fast-food Restaurant & Retail
<b>West</b>	Commercial	Planned Development (39) Commercial Designation	Shopping Center Parking Lot

**Figure 2: Lodi General Plan**



The Commercial (C) General Plan land use designation is described as follows: The classification provides sites for retail uses, including citywide shopping centers with off-street parking, neighborhood shopping with clusters of street-front stores, and hotels. This category includes large-parcel retail uses around Lower Sacramento Road and Kettleman Lane and highway-oriented commercial development near the exits of SR-99, as well as smaller-scale retail uses, including around the intersection of Vine Street and Central Avenue. The maximum FAR for this designation is 0.6.

**Figure 3: Zoning PD (39)**



PD (39) Planned Development allows for commercial uses on this parcel. A PD zone is intended to allow deviations from standard zoning requirements to create a development pattern specifically designed for a project site that allows a more desirable and efficient use of land. In accordance with Municipal Code Section 17.33, a PD zone is intended to accommodate various types of development, including residential development, public, quasi-public, commercial, retail, office, schools, and open space.

Phase 3 A of the Reynolds Ranch Shopping Center covers approximately 300,000 square feet of commercial development in Planned Development (39) zoning. PD 39 Design Guidelines were approved by SPARC on March 24, 2010 (Resolution 10-07).

### **PROPOSED PROJECT**

The Applicant is proposing to construct a new 3,781 square foot building with a dual lane service drive-through. The restaurant will have 41 seats and operate with a maximum of 24 employees on any given shift. Operating hours are 5:30 a.m. to midnight, 7 days per week.

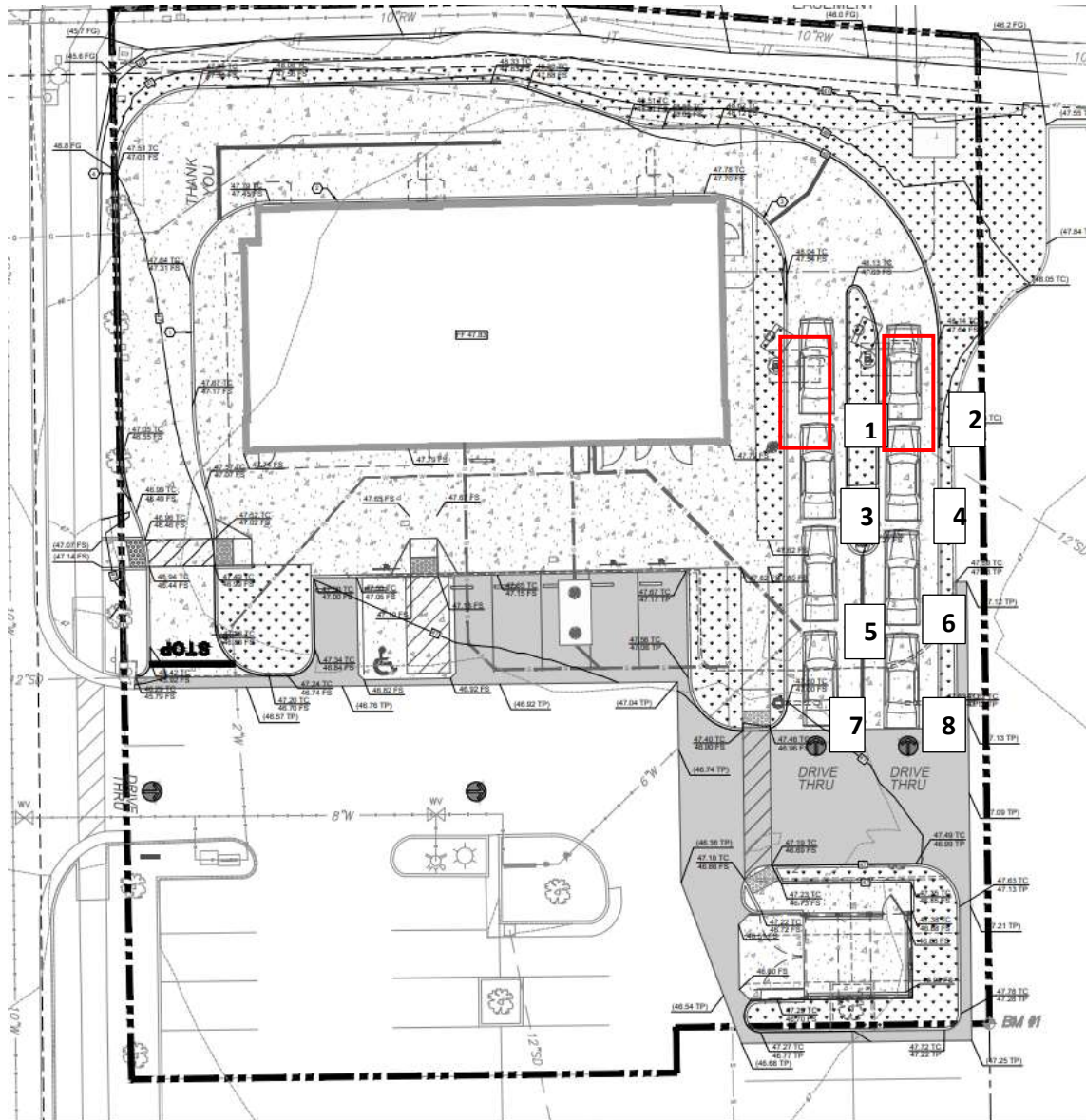




### Drive-Through Facility

The service drive-through is entered from the parking lot and includes two ordering lanes and two menu boards. The proposed drive-through facility meets the stacking area requirement of Lodi Municipal Code Section 17.32.080(D)(2)(b), where “a clearly identified area shall be provided for vehicles waiting for drive-through service that is physically separated from other on-site traffic circulation” that “shall accommodate a minimum of eight cars for each drive-through window in addition to the vehicle(s) receiving service.”

Figure 8: Proposed Drive-Through



Menu Boards Highlighted in Red

## ANALYSIS

The discretionary Use Permit process 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 has reviewed the project and the development standards required by Lodi Municipal Code Section 17.32.080 – Drive-through Facilities and has determined the following:

- The configuration of the proposed drive-through is consistent with City requirements for clearance from obstacles, visibility, and separation from public rights-of-way.
- The proposed drive-through meets the City requirement of stacking for eight vehicles plus the vehicle being served.
- The proposed drive-through lane meets requirements for visibility and internal turn radius and minimum lane width.
- Requirements for directional signs and size/location of menu boards are addressed in proposed conditions of approval for the project.

Staff believes that the Planning Commission can make the required findings, in accordance with Lodi Municipal 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 PD(39), and the underlying designation is Commercial. A restaurant is an allowed use. The drive-through is 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 Commercial, 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 neighborhood areas.
3. *The location, size, design, and operating characteristics of the use or development is compatible with and shall not adversely affect or be materially detrimental to the health, safety, or welfare of persons residing or working in the area or be detrimental or injurious to public or private property or improvements.* **Comment:** The parcel was designed to be a stand-alone pad building. The project has been designed to meet the design standards for the Commercial zoning district. The proposed use is consistent with the Zoning Code and the General Plan policies. As such, the subject site is adequate in size and shape to accommodate the proposed use within a commercial area with all the required off-street parking provided on the subject site. 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 are 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 a Use Permit, in that the

site is adequate in size, shape, and topography for the proposed use, consisting of a proposed new building. Second, the site is located in a commercial area that is accessible from public streets. Existing street networks are adequate in size and shape to accommodate the quantity and quality of traffic generated by the proposed use without any significant impacts to the street system. Third, the proposed use, as conditioned, will not have an adverse effect upon the use, enjoyment, or valuation of property in the neighborhood because the proposed use will be located within a commercial area and is a proposed commercial use.

The proposed site plan for the new McDonald's restaurant, including the design of the drive-through facility, was reviewed and approved by the Site Plan and Architectural Review Committee on March 8, 2023.

5. *The proposed project is in compliance with the California Environmental Quality Act (CEQA) and the Lodi Environmental Review Guidelines. Comment:* The Class 32 "Infill" Categorical Exemption (CEQA Guideline Section 15332), hereafter referred to as the Class 32 Exemption, exempts infill development within urbanized areas if it meets certain criteria. The class consists of environmentally benign infill projects that are consistent with the General Plan and Zoning requirements. This class is not intended for projects that would result in any significant traffic, noise, air quality, or water quality impacts. This exemption is not limited to any use type and may apply to residential, commercial, industrial, public facility, and/or mixed-use projects.

In Staff's opinion, the proposed project would not produce any adverse impacts on the adjacent properties in terms of noise, parking, litter, disorderly behavior, or other objectionable influences. The permit is conditioned to mitigate typical concerns related to traffic and parking associated with a school. 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 California Environmental Quality Act (CEQA) requires analysis of agency approvals of discretionary "Projects." A "Project," under CEQA, is defined as "the whole of an action, which has a potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment." The proposed new development is a project under CEQA.

The Class 32 "Infill" Categorical Exemption (CEQA Guideline Section 15332), hereafter referred to as the Class 32 Exemption, exempts infill development within urbanized areas if it meets certain criteria. The class consists of environmentally benign infill projects that are consistent with the General Plan and Zoning requirements. This class is not intended for projects that would result in any significant traffic, noise, air quality, or water quality impacts. This exemption is not limited to any use type and may apply to residential, commercial, industrial, public facility, and/or mixed-use projects.

The project is consistent with the condition described under CEQA Guidelines Section 15332 and, therefore, the proposed project is exempt from review under CEQA and no further environmental review is required.

## **PUBLIC HEARING NOTICE**

Legal Notice for the Use Permit was published in the Lodi News Sentinel on March 11, 2023. Thirteen (13) Public Hearing Notices were sent to all property owners of record within a 300-foot radius of the project site as required by California State Law §65091(a)(3). Public notice also was mailed to interested parties who expressed their interest of the project.

## **RECOMMENDED MOTION**

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

"I move that the Planning Commission find that the project is exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15332, and adopt a resolution approving the Use Permit allow drive-through lanes for a new Mc Donald's restaurant at 2611 Reynolds Ranch Parkway, 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,

Cynthia Marsh  
City Planner

Concur,

John R. Della Monica, Jr.  
Community Development Director

**RESOLUTION NO. P.C. 23-\_\_**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LODI  
APPROVING THE REQUEST FOR A USE PERMIT FOR A DRIVE-THROUGH FACILITY AT  
A MCDONALD'S RESTAURANT AT 2611 REYNOLDS RANCH PARKWAY (PL2022-031)**

- 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 (LMC), Chapter 17.74; and
- WHEREAS**, the project applicant is Silman Ruiz, Core States Group, 4240 E. Jurupa St., Suite 402, Ontario, CA 91761 ("Applicant"); and
- WHEREAS**, the project parcel is owned by Sandpiper Pennebaker Group, LLC, 1420 S. Mills Ave., Suite M, Lodi, CA 95242; and
- WHEREAS**, the project is located at 2611 Reynolds Ranch Parkway, Lodi, CA 95240 (APN: 058-660-18) ("Site"); and
- WHEREAS**, the Site has a General Plan designation of Commercial and is zoned Planned Development 39 allowing retail commercial land uses; and
- WHEREAS**, the project proposal includes the development of a McDonald's restaurant with a drive-through at the Site ("Project") that requires the approval of a Use Permit by the Planning Commission; 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 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 presented at the public hearing, within the Staff Report and project file the Planning Commission finds:

1. The Project is found to be categorically exempt from CEQA review under Class 32 "Infill" Categorical Exemption in the CEQA Guidelines (14 CCR § 15332), hereafter referred to as the Class 32 Exemption. This exempts infill development within urbanized areas if it meets certain criteria. The class consists of environmentally benign infill projects that are consistent with the General Plan and Zoning requirements. This class is not intended for projects that would result in any significant traffic, noise, air quality, or water quality impacts. This exemption is not limited to any use type and may apply to residential, commercial, industrial, public facility, and/or mixed-use projects.  
  
Therefore, the proposed project qualifies for the Class 32 Exemption and no further environmental review is required.
2. The existing property is zoned Planned Development 39 (PD 39) and listed as Retail commercial, which allows restaurants. The Project's drive-through is allowed subject to the approval of a conditional use permit under LMC Section 17.40.040 (Use Permit). The Project is consistent with the requirements for drive-throughs per the LMC Zoning regulations, and the use will not be detrimental to the welfare of persons or properties working, residing, or otherwise existing in the adjacent neighborhood areas to the Site.
3. The General Plan land use designation for the Site is Commercial, which permits the proposed use. The proposed use will not affect neighborhood compatibility; and the operation of the conditional use

will not be detrimental to the welfare of persons or properties working, residing, or visiting the adjacent neighborhood areas.

4. The Site is a parcel located within a commercial shopping center and the design of the overall center can successfully accommodate the proposed use. The Project has been designed to meet the design standards of PD 39 for General Commercial zoning as established in Site Plan and Architectural Review Committee Resolution 10-07. As such, the Site is adequate in size and shape to accommodate the Project within a commercial area with all the required off-street parking provided on the Site. 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 Project 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 a proposed new restaurant building with drive-through lanes.
6. The Site is located in a commercial 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 Project, 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 a commercial area and is a proposed commercial use.
8. The proposed use will be compatible with the surrounding uses/businesses if the proposed use is conducted properly and if the Applicant, or any subsequent operator or successor in interest, 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. PL2022-031 is hereby approved, subject to the following conditions:

Community Development-Planning Conditions:

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 Project may be cause for revocation of this Use Permit.
3. If operation of the Project results in conflicts pertaining to parking, noise, traffic, loitering, public safety, or other impacts, at the discretion of the Community Development Department, this 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 Use Permit upon applicable findings in accordance with LMC 17.76.070.
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 this Use Permit or to consider revocation of the Use Permit if the Project becomes a serious policing problem.

5. The Site and its immediate surroundings shall be maintained free from debris and graffiti at all times. The Applicant 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 Site and its immediate surrounding premises as often as needed.
6. Approved hours of operation for the Project are 5:30 a.m. to 12:00 a.m., seven days per week.
7. Any change in operational characteristics, expansion in area, or other modification to the approved plans shall require an amendment to this Use Permit or the processing of a new Use Permit. Minor modifications may be approved by the Community Development Director, such as change in hours of operation.
8. The Applicant shall obtain Operational Permits from the Lodi Fire Department Fire Prevention Bureau. To apply for such permits, contact the Lodi Fire Department in person or by mail at 25 East Pine Street, Lodi, CA 95240-2127, or by phone at (209) 333-6739.
9. Any fees due to 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.
10. No variance from any City of Lodi adopted code, policy, or specification is granted or implied by this approval.
11. The Applicant shall continue to ensure that the Project's operation of the drive-through service does not result in stacking of vehicles in a manner that obstructs any parking access aisle or parking space. If the drive-through operation obstructs traffic in the parking lot, design alternatives to remedy the issue, such as modifying the parking lot, shall be implemented as approved by the City. If design alternatives are not available to address drive-through issues, the Applicant shall adjust Project operations as needed to remedy any parking or access obstruction.
12. Directional signage and menu boards shall be located and installed consistent with LMC Section 17.32.080 D – Drive-through Facilities.

Public Works Conditions:

1. Plans shall be very clear that the customers will be ordering at the area labeled "outdoor digital menu board."
2. Additional comments and conditions will be provided during the building permit review process when more detailed plans are available.

Building and Safety Conditions:

1. The construction of the Project, including the new building and related site improvements shall require a building permit. All plan submittals shall be based on the City of Lodi Building Regulations and currently adopted 2022 California Building Code (CBC), as may be revised from time to time. Please review City policy handouts for specific submittal procedures.



2. Outdoor signage be reviewed and approved by City staff under a separate signage permit process.
3. All buildings and structures shall have the required fire separation distance separation to the property lines as specified by the 2022 CBC, Table 602 or shall provide the required fire rated protection of walls, limitations of protected and unprotected openings for each building, as per 2022 CBC, Sections 705, Tables 601, 602 ,705.8 and 716.5.
4. Project plans shall specify walkways and sidewalks along accessible routes of travel (1) are continuously accessible, (2) have maximum 1/2" changes in elevation, (3) are minimum 48" in width, (4) have a maximum 2% cross slope, and (5) where necessary to change elevation at a slope exceeding 5% (i.e., 1:20) shall have ramps complying with 2022 CBC, Section 11B-405 or 11B-406 as appropriate. Where a walk crosses or adjoins a vehicular way, and the walking surfaces are not separated by curbs, railings or other elements between the pedestrian areas and vehicular areas shall be defined by a continuous detectable warning which is 36" wide, complying with 2022 CBC, Sections 11B-247.1 & 11B-705.1.2.5.

I certify that Resolution No. 23-\_\_ was passed and adopted by the Planning Commission of the City of Lodi at a regular meeting held on March 22, 2023, by the following vote:

AYES: Commissioners:

NOES: Commissioners:

ABSENT: Commissioners:

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