



# LODI PLANNING COMMISSION

Carnegie Forum  
305 West Pine Street, Lodi

## AGENDA – Regular Meeting

Date: September 13, 2023

Time: 7:00 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

“August 23, 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

- Request for Planning Commission approval of a Use Permit to allow the operation of a Martial Arts Studio at 24 West Elm Street, Suite A (Applicant: Lucas Gamaza, File Number: PL2023-023 U; CEQA Determination: Exempt per Section 15061(b)(3))

**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

Housing Element Draft Update

## 6. ANNOUNCEMENTS AND CORRESPONDENCE

## 7. ACTIONS OF THE CITY COUNCIL

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

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

## 10. 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, AUGUST 23, 2023**

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

The Regular Planning Commission meeting of August 23, 2023, was called to order by Chair Slater at 7:03 p.m.

Present: Planning Commissioners – Maciel, Saldana, Singh, Woehl, and Chair Slater

Absent: Planning Commissioners – Eddy and Hicks

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

**2. MINUTES**

“July 26, 2023”

Commissioner Woehl corrected the spelling of “Rose” to “Rosa” for Randy Rosa, who provided public comment on Item b.

Hearing Opened to the Public

- No public comments

**MOTION / VOTE:**

The Planning Commission, on motion by Commissioner Woehl, Commissioner Saldana second, approved the minutes as amended from the July 26, 2023 meeting.

The motion carried by the following vote:

Ayes: Commissioners – Maciel, Saldana, Singh, Woehl, and Chair Slater

Noes: Commissioners –

Abstain: Commissioners -

Absent: Commissioners - Eddy and Hicks

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

None

**4. PUBLIC HEARINGS**

- a. Consideration of approval of a Use Permit to allow an electronic sign to be located at 1900 West Vine Street (Applicant: Gary’s Signs.; File Number: PL2023-028 U; CEQA Determination: Exempt per Section 15332)

Director Della Monica brought attention to the photo included in the Blue Sheeted public comments. He stated that Staff has verified that the electronic sign has not yet been installed, and that the sign is not currently luminated.

City Planner Marsh gave a brief presentation based on the staff report. Staff is recommending that the Planning Commission approve the use permit for the electronic sign, subject to the conditions in the attached resolution.

Chair Slater asked for clarification on the change in size of the sign. City Planner Marsh reviewed the changes in size.

Chair Slater asked Legal Counsel for insight on how violations for inappropriate content would be handled. Interim City Attorney Lucchesi advised that violations would be handled through the Community Improvement Division.

Commissioner Singh asked for clarification on the foundation, direction, and hours of operation of the sign. He also asked about the power source for the sign. Director Della Monica stated that the foundation and direction would be the same as the existing sign. He also stated that the church could utilize the sign 24 hours a day, and the sign would receive direct power from the church.

Commissioner Woehl asked for the existing and new sign square footage. Director Della Monica stated that the existing sign is 30 square feet, and the new sign would be 47 square feet.

#### Hearing Opened to the Public

- Gary Markle, the owner of Gary's signs, came up to the podium to answer questions. He provided information on the ability to program the sign.
- Chair Slater asked about the stability of the foundation of the sign. Mr. Markle stated that the existing foundation will be reinforced and utilized.
- Mike Pontius of 1901 W. Vine Street, an elder of Vinewood Church, came up to the podium to answer questions. He stated that the church would look to the commission to provide guidelines for the hours of operation for the sign.
- Chair Slater asked Director Della Monica for feedback on how other churches operate their signs. Director Della Monica stated that some run 24 hours a day / 7 days a week. He added that it seems to be the norm for the signs to always be on. Mr. Pontius added that they would like to have the church name on non-peek hours.
- Commission Singh asked Mr. Markle about the programming of the sign. Mr. Markle stated that the sign is wireless programming, and someone would need to have the IP address to hack the sign.
- Commission Woehl asked about the color of the header. Mr. Markle confirmed that the header is a white acrylic with white LED lights and only comes on at night.

#### Public Portion of Hearing Closed

Commissioner Woehl brought attention to the two public comments received. Chair Slater asked the applicant and Mr. Pontius to reach out to the neighbors of the church.

#### MOTION / VOTE:

The Planning Commission, on motion of Commissioner Singh, Commissioner Saldana second, finds that the proposed project is exempt from CEQA per CEQA Guidelines Section 15332 and approves a Use Permit to allow a programmable electronic sign at 1900 W. Vine Street in Lodi, subject to the conditions of approval.

The motion carried by the following vote:

Ayes: Commissioners – Maciel, Saldana, Singh, Woehl, and Chair Slater  
Noes: Commissioners -

Abstain: Commissioners -  
Absent: Commissioners - Eddy and Hicks

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

Director Della Monica stated that there will be a regular meeting on September 13, 2023.

Chair Slater complimented the Planning Division on getting the word out to the public on the Housing Element.

**6. ANNOUNCEMENTS AND CORRESPONDENCE**

None

**7. ACTIONS OF THE CITY COUNCIL**

Director Della Monica stated that the results of the Planning Fee Study will go before City Council on September 6, 2023.

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

Chair Slater discussed the two items (Quick Quack car wash and Boxcar Outdoor Eatery) reviewed and approved by the Committee in tonight's meeting.

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

None

**10. ADJOURNMENT**

There being no further business to come before the Planning Commission, the meeting was adjourned at 7:34 p.m.

ATTEST:

Lorie Waters  
Planning Commission Secretary

Item 4a.



**CITY OF LODI  
PLANNING COMMISSION  
Staff Report**

**MEETING DATE:** September 13, 2023

**APPLICATION NO:** Use Permit: PL2023-023

**REQUEST:** Request for Planning Commission approval of a Use Permit to allow the Operation of a Martial Arts Studio at 24 West Elm Street, Suite A. (Applicant: Lucas Gamaza, File Number: PL2023-023 U; CEQA Determination: Exempt per CEQA Guidelines Section 15061(b)(3))

**LOCATION:** 24 West Elm Street, Suite A  
Lodi, CA 95242  
APN: 043-035-02

**APPLICANT:** Lucas Gamaza  
19690 Highway 99, #93  
Acampo, CA 95220

**PROPERTY OWNER:** Gurpreet Dhatt and Kuldeep Dhatt  
P.O. Box 1645  
Lodi, CA 95241

**RECOMMENDATION**

Staff recommends that the Planning Commission approve a Use Permit PL2023-023 to allow a martial arts studio (“Project”) to operate at 24 West Elm Street, Suite A, in Lodi, CA (“Site”) subject to conditions of approval.

**PROJECT/AREA DESCRIPTION**

**General Plan Designation:** Downtown Mixed Use  
**Zoning Designation:** Downtown Mixed Use (DMU)  
**Property Size:** 5,124 sq. ft. (Tenant Space is 2,436 sq. ft.)

The Site 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 (DMU)	Various Commercial Uses
<b>South</b>	Downtown Mixed Use	Downtown Mixed Use (DMU)	Various Commercial Uses
<b>East</b>	Downtown Mixed Use	Downtown Mixed Use (DMU)	Various Commercial Uses
<b>West</b>	Downtown Mixed Use	Downtown Mixed Use (DMU)	Various Commercial Uses

## SUMMARY

The applicant Lucas Gamaza (“Applicant”) is proposing to open a martial arts studio at 24 West Elm Street, Suite A. Per the Lodi Municipal Code (“LMC”), operating a Martial Arts Studio in the Downtown Mixed Use (“DMU”) District requires approval of a conditional use permit.

## BACKGROUND

The following sections describe the Site and its setting:

- General Plan and Zoning
- Existing Land Uses

### General Plan and Zoning

This Site is designated DMU on the General Plan Land Use Map and DMU on the Zoning Map, as shown below.

**Figure 1: General Plan**

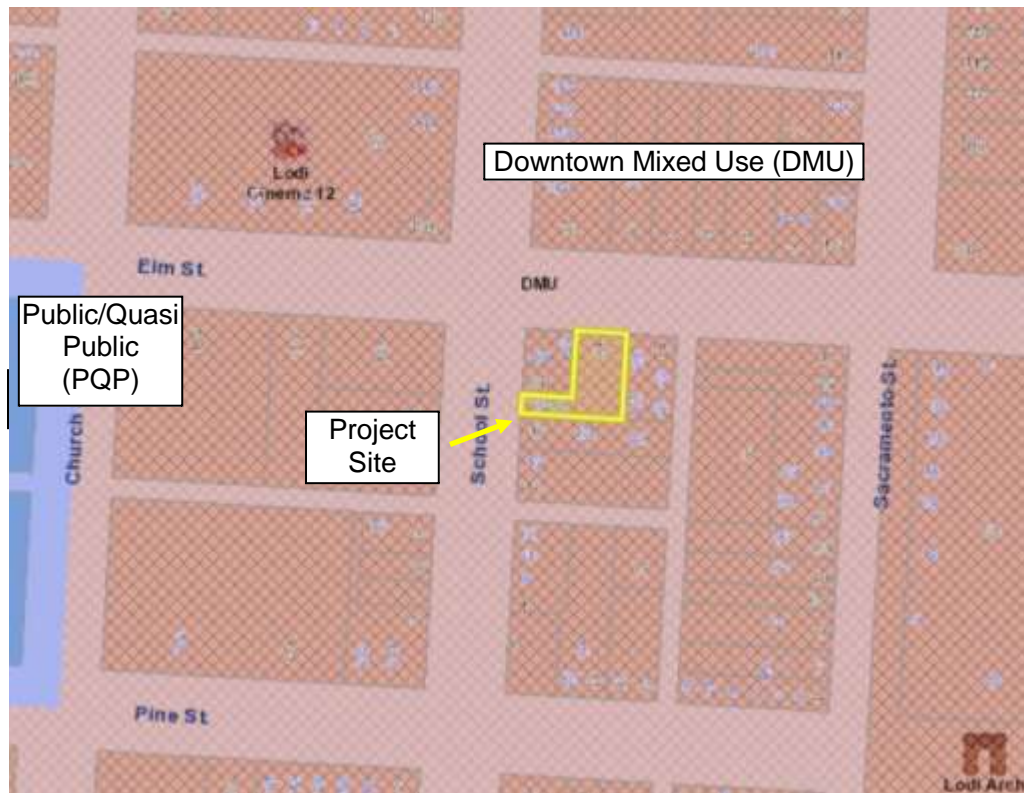


The DMU General Plan land use designation is described as follows:

*Downtown Mixed Use is intended for a variety of commercial, office, public, and medium- and high-density residential uses on infill sites in the vicinity of Lodi’s downtown. This classification encompasses an expanded downtown area, across the railroad tracks, and extending past Main Street. This designation seeks to enable improved connections and coherence but does not seek to expand downtown to the Eastside neighborhood; rather, the Eastside is expected to maintain its own character.*



**Figure 2: Zoning**



The DMU Zoning District is described as follows:

*The DMU zoning district is applied to the downtown area and is intended to allow for a broad range of commercial land uses primarily located on the ground floor. Residential uses may also be allowed in this district. The maximum FAR is 3.00. The DMU zoning district is consistent with the downtown mixed-use land use designation of the General Plan.*

Studio-type uses such as the Project are allowed in the DMU zoning district with the approval of a Conditional Use Permit.

### **Existing Land Use**

The Project would take place in a currently vacant tenant space within a 5,204 square foot building (see Figure 3). The space being proposed for the Project is 2,436 square feet in size. No changes to the building are proposed, other than interior tenant improvements in the Project suite. A mortgage company and a tuxedo shop are other tenants in the building. The adjacent building to the west of the Site has a restaurant, and the adjacent building to the east has a wine tasting room, jewelry shop, and tax preparation service.

**Figure 3: Aerial of Site**



**Figure 4: 24 W. Elm Street, Suite A. Street View**



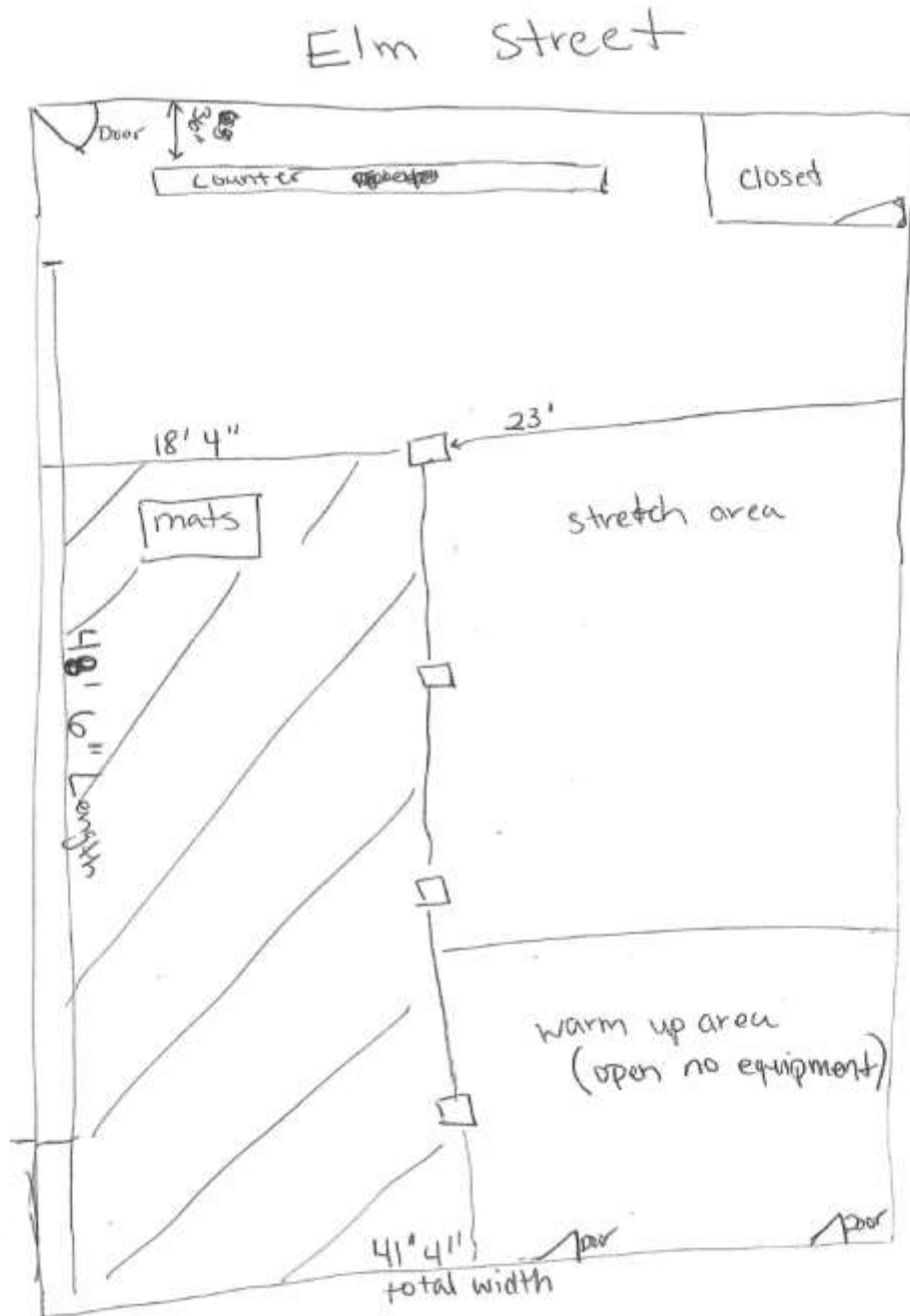
## **PROPOSED PROJECT**

The Applicant is requesting approval of the Project to operate a martial arts studio to provide individual and group training sessions for adults and children. The proposed operator is a professionally ranked mixed-martial arts fighter who has ten years of experience teaching jujitsu and other martial arts.

The Applicant proposes to be initially open for classes Monday through Friday from 5 pm to 8 pm with private lessons held during the day and weekends depending on demand. Classes will have 10 to 15 participants.

The interior of the Project tenant space is proposed to be primarily an open workout space, consisting of a reception counter and a workout floor area. There is a shared restroom with another tenant within the building located outside of the tenant space. The proposed floor plan is shown in Figure 5, on the following page.

Figure 5: Studio Floor Plan



## ANALYSIS

Based on Staff's review, the Project is consistent with the character of the Downtown Mixed-Use Center ("DMU") as a conditionally permitted use for a martial arts studio. The uses adjacent and in the vicinity of the Site are similar in character to and compatible with the proposed Project. Potential conflicts with the Project are discussed below.

## Noise and Disturbance

Noise from the proposed martial arts studio will not be an issue because the proposed conditions of approval require all Project classes and private lessons to be held within the building. The surrounding area includes numerous small shops and restaurants and there are no nearby residences. Therefore, Staff does not foresee impacts to nearby land uses, provided that the Applicant complies with the proposed condition of approval and all activities to take place inside the building.

## Parking

The Project is located in the Downtown Parking District, established by the City in the 1970s to provide funding for shared parking, including the public parking structure at North Sacramento and East Pine streets. By providing shared parking lots in the downtown, the Parking District eliminates the need for on-site parking for new uses in the Downtown Parking District. The parking structure is 300 feet east of the proposed use. In addition, there is a public parking lot across West Elm Street from the Site.

## **USE PERMIT FINDINGS**

Based on review of the Project, Staff recommends that the Planning Commission can make the required findings for approval of a conditional use permit, as required by LMC Section 17.40.040(F).

The required findings, and Staff's recommended 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 building Site is zoned DMU. "Martial Arts Studio" is an allowed use subject to a use permit in the DMU zone and complies with the relevant Development Code requirements. The Project is consistent with this type of use, in that it involves the use of a space for teaching physical activity without extensive equipment. Staff has prepared recommended conditions of approval to ensure that the use will not be detrimental to the welfare of persons or properties working or residing in the vicinity.
2. *The proposed use is consistent with the General Plan and any applicable specific plan.* **Comment:** The General Plan land use designation for the project site is Downtown Mixed Use, which, "...is intended to allow for a broad range of commercial land uses primarily located on the ground floor. Residential uses may also be allowed in this district. The maximum FAR is 3.00." The Project falls within this definition.
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:** There are no proposed physical changes to the Site and the Project (with approval of a conditional use permit) is consistent with the DMU Zoning requirements and the General Plan land use designation. The Site is adequate in size and shape to accommodate the proposed martial arts studio use within the downtown district with existing off-street public parking provided by the nearby parking structure at North Sacramento and East Pine streets and the public parking lot across West Elm Street from the proposed Project. There is no evidence that the Project will 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 Project complies with all requirements as set forth for the issuance of a Use Permit, in that the existing building is adequate in size for the proposed martial arts studio use. Second, the Site is located in the DMU District 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 Project without any significant impacts to the street system. Third, the proposed Project, with the implementation of staff's recommended conditions of approval, will not have an adverse effect upon other uses in the vicinity.
  
5. *The proposed project is in compliance with the California Environmental Quality Act ("CEQA") and the Lodi Environmental Review Guidelines.* **Comment:** The Project is exempt from California Environmental Quality Act ("CEQA") review under California Code of Regulations, Title 14 §15061(b)(3). This is the CEQA Guidelines "common sense" exemption, which applies to projects where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment. There is no evidence that the Project would result in significant environmental impacts as described below, and the common-sense exemption applies.

Proposed conditions of approval have been prepared to mitigate staff's concerns related to the operation of the Project's studio facility. If concerns arise in the future and the City deems it necessary, the Use Permit can be reviewed by the Planning Commission to consider changes to the conditions of the Use Permit, or for revocation if needed.

#### **CONDITIONS OF APPROVAL:**

Staff has prepared recommended conditions of approval for the Project. The conditions are intended to ensure that the use operates within the parameters of the uses allowed in the DMU zoning district and within the capacity of the building and the Site.

Recommended conditions for Planning, Building, and Fire are in the attached resolution. Staff's recommended conditions include:

1. Operate only as a martial arts studio.
2. Business related noise shall be contained within the building and maintained at a level that does not disturb neighboring tenants.
3. Hours of operation shall fall between 5:00 am and 10:00 pm, seven days per week.
4. No outdoor activities will be allowed.
5. Occupant load to be posted, based on the Building Code.

#### **ENVIRONMENTAL ASSESSMENT:**

The project is Exempt according to the California Environmental Quality Act ("CEQA") review under California Code of Regulations, Title 14 §15061(b)(3). This is the "common sense" exemption, which applies to projects as follows:

*"The activity is covered by the common-sense exemption that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question*

*may have a significant effect on the environment, the activity is not subject to CEQA.”*  
[CEQA 15061(b)(3)]

The Project will occur in an existing building on an already disturbed Site, and only interior tenant improvements will occur to accommodate the Project. The Site is located in the Downtown Parking District and there are parking facilities adjacent to the Site that will accommodate the Project. Therefore, no significant environmental impacts are anticipated from the proposed martial arts studio operation and the Project can be found exempt from CEQA under the common-sense exemption.

**STRATEGIC PRIORITY ADDRESSED:**

1.A. Expand opportunities for downtown living.

**PUBLIC HEARING NOTICE:**

Legal Notice for this public hearing was published in the Lodi News Sentinel on Saturday, September 2, 2023. Thirty-three (33) Public Hearing notices were sent to all property owners of record within a 300-foot radius of the Site as required by California Government Code Section 65091(a)(3). The public notice was also mailed to interested parties who expressed interest in 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 California Code of Regulations, Title 14 Section 15061(b)(3), and approve Use Permit PL2023-023 U to allow the operation of a martial arts studio at 24 West Elm Street, Suite A, subject to conditions of approval in the draft resolution.”

**ALTERNATIVE PLANNING COMMISSION ACTIONS**

- Approve the request with conditions as recommended by Staff.
- Approve the request with revised or additional conditions.
- Deny the request.
- Continue the request to a future meeting.

Respectfully submitted,

Concur,

Tim Kohaya  
Associate Contract Planner

John R. Della Monica, Jr.  
Community Development Director

Attachments:  
Draft resolution



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

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LODI  
APPROVING A USE PERMIT (PL2023-023 U) TO OPERATE A MARTIAL ARTS STUDIO  
AT 24 W. ELM STREET, SUITE A (APN: 043-035-02)**

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

**WHEREAS**, the project site is located at 24 W. Elm Street, Suite A, Lodi, CA 95240 (APN: 043-035-02) ("Site"); and

**WHEREAS**, the project applicant is Lucas Gamaza, 19690 Highway 99, #93, Acampo, CA 95220 ("Applicant"); and

**WHEREAS**, the project property owners are Gurpreet Dhatt and Kuldeep Dhatt, P.O. Box 1645, Lodi, CA 95241; and

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

**WHEREAS**, the requested Use Permit is to allow a martial arts studio to move into a suite located at 24 W. Elm Street, Suite A ("Project"); and

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

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

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

1. The Project is found to be exempt from the California Environmental Quality Act ("CEQA") review under California Code of Regulations, Title 14 Section 15061(b)(3). This is the "common sense" exemption, which applies to projects as follows: "The activity is covered by the common-sense exemption that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA." [CEQA 15061(b)(3)] Here, the Project is anticipated to occur with an existing building on previously disturbed land with parking available in the Downtown Parking District. Therefore, no significant environmental impacts are anticipated and no mitigation measures are required.
2. The General Plan land use designation for the Site is DMU, which permits the Project with approval of a conditional use permit. The facility is restricted by size and space allocation within the building in a manner that limits occupancy, and will be subject to operational conditions that govern day-to-day aspects necessary to ensure that noise impacts do not interfere with neighboring land uses in the area. The conditions on the Project ensure that it will remain 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 existing site is zoned DMU and "Studio facilities" are an allowed use subject to a use permit in this zone. The Project will utilize a 2,436 SF tenant space within an existing building, with nearby public parking provided by the parking structure at N. Sacramento and E. Pine streets and a public parking lot on the north side of W. Elm Street. Staff has prepared recommended conditions of



approval to ensure that the use will not be detrimental to the welfare of persons or properties working or residing in the vicinity.

4. There are no proposed changes to the Site and the Project (with approval of a conditional use permit) is consistent with the Zoning Code and the General Plan land use designation. The Site is adequate in size and shape to accommodate the proposed use within a mixed-use area with all the required off-street parking. There is no evidence that the Project will 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 in the Lodi Municipal Code 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 the Downtown Mixed-Use 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 Project without any significant impacts to the street system. Third, the Planning Commission finds that the Project, with the implementation of Staff's recommended conditions of approval, will not have an adverse effect upon other uses in the vicinity.

**NOW, THEREFORE, BE IT DETERMINED AND RESOLVED** by the Planning Commission of the City of Lodi that Use Permit Application No. PL2023-023 U is hereby approved, subject to the following conditions of approval:

Community Development – Planning Conditions:

1. The Applicant, 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 Project approval. The obligation to defend, indemnify and hold harmless shall include, but is not limited to, any action to arbitrate, attack, review, set aside, void, or annul this development approval on any grounds whatsoever. The City of Lodi shall promptly notify the developer of any such claim, action, or proceeding and shall cooperate fully in the defense.
2. The Applicant, property owner and/or developer and/or successors in interest and management shall operate the Project in strict compliance with the approvals granted herein, City standards, laws, and ordinances, and in compliance with all State and Federal laws, regulations, and standards. In the event of a conflict between City laws and standards and a State or Federal law, regulation, or standard, the stricter or higher standard shall control.
3. 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 Project use is operated in violation of conditions of approval or becomes a nuisance. Any modifications or proposed changes to the Project operation that would expand the use beyond what is allowed in these conditions shall be subject to review by the City.
4. Business related noise shall be maintained at a level that does not disturb neighboring tenants. No sound may emanate from the building which would cause a disturbance or nuisance or violate City noise standards.
5. Operations shall be limited as follows:
  - a. The facility shall operate only as a martial arts facility.

- b. Hours of operation shall occur between 5:00 am and 10:00 pm, seven days per week.
- c. All activities to take place inside the building.

Building and Safety Conditions:

- 1. This Project approval is a land use permit only. The building has not been reviewed for code compliance for the proposed use and occupancy. A building permit will be required for the change of use/occupancy. Complete and adequate plans, showing the building/suite meets (or will meet) all current code requirements for the proposed use/occupancy, shall be submitted to the Building Department for review and approval. All plan submittals shall be based on the City of Lodi Building Regulations and currently adopted 2022 California Building Code. Please review our policy handouts for specific submittal procedures.

Fire Department Conditions:

- 1. If the Certificate of Occupancy remains an "A" Occupancy, a Fire Operational Permit will be required.

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 September 13, 2023, by the following vote:

**AYES:** Commissioners:

**NOES:** Commissioners:

**ABSENT:** Commissioners:

**ATTEST** \_\_\_\_\_

**Secretary, Planning Commission**

DRAFT