



LODI PLANNING COMMISSION

Carnegie Forum
305 West Pine Street, Lodi

AGENDA

Date: October 14, 2020
Time: 7:00 P.M.

Streaming Links:

<https://www.facebook.com/CityofLodi/>

<https://zoom.us/j/99780039778?pwd=V0hWcVFvYUxncXArNWZ0RDZGV>

Effective immediately and while social distancing measures are imposed, all meetings of the Lodi Planning Commission will be held virtually. All Commissioners will appear telephonically or via Zoom.

The following alternatives are available to members of the public to watch meetings and provide comments on agenda and non-agenda items before and during the meetings.

Viewing:

Members of the public may view and listen to the open session of the meeting by clicking the below links or pasting the link into a browsers

<https://zoom.us/j/99780039778?pwd=V0hWcVFvYUxncXArNWZ0RDZGVURYdz09>

Password: 682056

Or iPhone one-tap: Us: +16699009128,,99780039778

Or Telephone: Dial: Us: +1 669 900 9128; Webinar ID: 997 8003 9778

Public Comment:

Members of the public may provide comment via Zoom video conferencing at the following link:

<https://zoom.us/j/99780039778?pwd=V0hWcVFvYUxncXArNWZ0RDZGVURYdz09> Public Comments are limited to five minutes per person.

Members of the public may submit written comment prior to or during the meeting. Comments should be submitted to the Planning Commission pccomments@lodi.gov (or via mail sent to: Community Development Department, P.O. Box 3006, Lodi CA 95241). Written comments received two hours prior to the start of the meeting will be provided to the Planning Commission and filed as part of the official record of the meeting. Five minutes of each written comment received before the Chair announces that the time for public comment is closed will be read into the record. **IMPORTANT:** Identify the Agenda Item Number in the subject line of your email. Example: Public Comment for Agenda Item Number 4a DISCRPTION.

Pursuant to the Americans with Disabilities Act (ADA) and Executive Order N-29-20, if you need special assistance to provide public comment in this meeting, please contact the Office of the Community Development Department at (209) 333-6711 or pccomments@lodi.gov at least 48hours prior to the meeting in order for the City to make reasonable alternative arrangements for you to communicate your comments. If you need special assistance in this meeting for purposes other than providing public comment, please contact the Office of the Community Development Department at (209) 333-6711 or pccomments@lodi.gov at least 48 hours prior to the meeting to enable the City to make reasonable arrangements to ensure accessibility to this meeting (28 CFR 35.160 (b) (1)).

SPECIAL TELECONFERENCE NOTICE

Pursuant to Executive Order N-29-20:

The Brown Act, Government Code Section 54953, contains special requirements that apply when members of a legislative body participate in a public meeting by telephone. Certain of these requirements have been suspended by Paragraph 3 of Executive Order N-29-20, executed by the Governor of California on March 17, 2020 to mitigate the spread of the coronavirus known as COVID-19. In particular, the Executive Order suspends that provision of the Brown Act that requires noticing, posting of agendas, and public access to each location where a member will be participating telephonically, as well as provisions that require physical presence of members of the legislative body or the public for purposes of a quorum or to hold a meeting. Executive Order N-29-20 allows an agency to conduct a teleconference meeting that provides members of the public telephonic or other electronic participation in place of making a physical location for the public to observe the meeting and provide public comment, consistent with other provisions of the Brown Act.

For information regarding this agenda please contact:
Kari Chadwick @ (209) 333-6711
Community Development Secretary

1. ROLL CALL
2. MINUTES – None
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 for Planning Commission approval of a Use Permit for a new 78 unit Senior Assisted Living Facility on an approximately 56,162-square-foot site at 1108 Sylvia Drive (Applicant: Michael Frazier on behalf SLL, LLC & Golden State Real Estate LLC; File Number: 2020-028 SP; CEQA Determination: Exempt Per Section 15332, Class 32 Exemption)

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.

****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 17.70.050, 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.



**CITY OF LODI
PLANNING COMMISSION
Staff Report**

MEETING DATE: October 14, 2020

APPLICATION NO: PL2020-028

REQUEST: Planning Commission approval of a Use Permit for a new 56,162-square-foot, 78 unit Senior Assisted Living Facility on an approximately 2.16-acre site at 1108 Sylvia Drive (Applicant: Michael Frazier on behalf SLL, LLC & Golden State Real Estate LLC; File Number: 2020-028 SP; CEQA Determination: Exempt Per Section 15332, Class 32 Exemption)

LOCATION: 1108 Sylvia Drive
APN: 033-08-13, -14, -16, -19

APPLICANT: Michael Frazier
907 N Tustin Avenue, #102
Anaheim, CA 92807

PROPERTY OWNER: SLL, LLC and Golden State Real Estate, LLC
3031 W. March Lane #112 South
Stockton, CA 952191

RECOMMENDATION

Staff recommends the Planning Commission approve a conditional use permit for the operation of a senior care facility¹ at 1108 E Kettleman Lane, subject to the proposed conditions of approval.

PROJECT/AREA DESCRIPTION

General Plan Designation: Office
Zoning Designation: O (Office)
Property Size: 2.16 acres (approx. 94,090 square feet)

SUMMARY

The applicant proposes to construct a new two-story senior care facility, re-establishing this use on the site (a previous senior facility was demolished in 2008).

¹ Although the current applicant is proposing to operate a the senior care facility, the conditional use permit would “run with land.” Any future user could operate the facility at this location unless the CUP is revoked.

Figure 1: Project Site in 2008



The proposed design of the care facility was scheduled for review by the Site Planning and Architectural Review Committee on October 14 and is not part of the Planning Commission’s deliberations.

Per the Lodi Zoning Code, senior care facilities in the O (Office) zone require the approval of a conditional use permit by the Planning Commission.

BACKGROUND

The following sections describe the site and its setting:

- General Plan and Zoning
- Existing Land Use
- Existing Land Use

General Plan and Zoning

The site is designated Mixed Use Corridor on both the General Plan Land Use Map and the Zoning Map, as shown below.

Table A: Adjacent General Plan Zoning Designations and Land Uses

	General Plan	Zoning Classification	Existing Land Use
North	Office	O (Office)	Offices, Church
South	Office	O (Office)	Medical offices, Hospital
East	Office	O (Office)	Offices
West	Office	O (Office)	Senior housing
Project Site	Office	O (Office)	Vacant

The project area includes four parcels, which are proposed to be combined into one parcel before development occurs.

Figure 2: Parcels

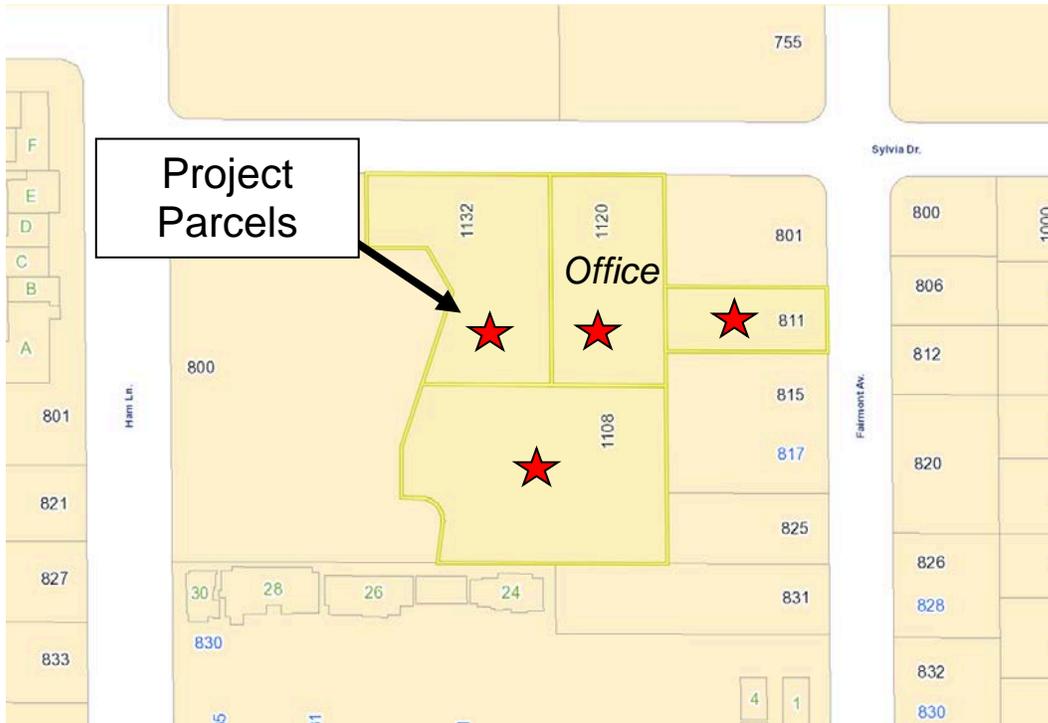
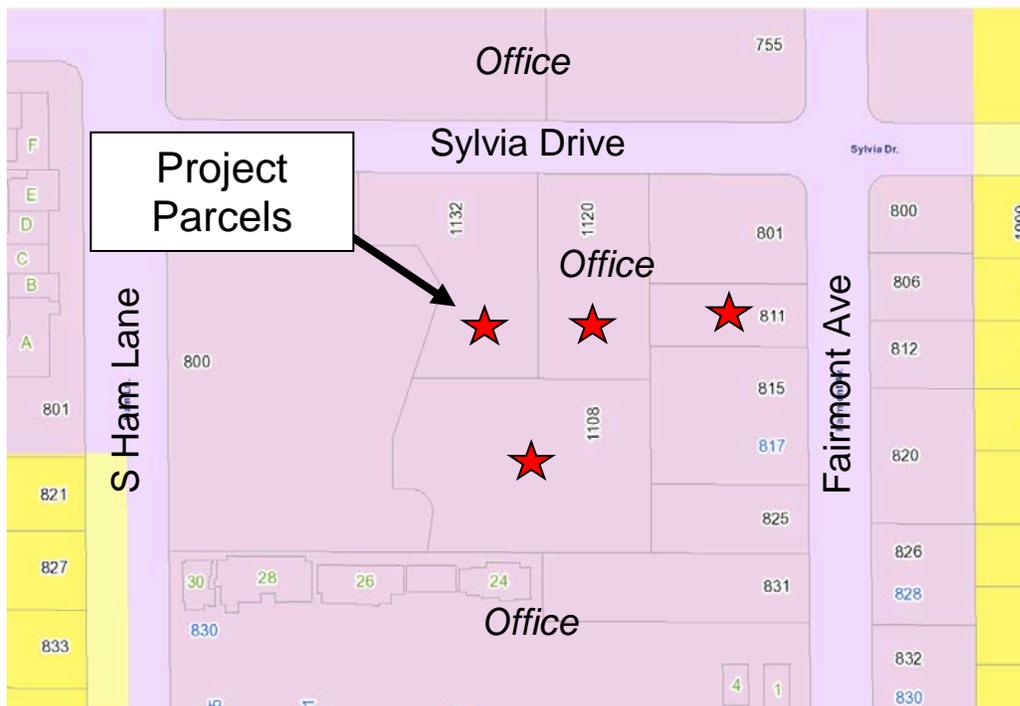


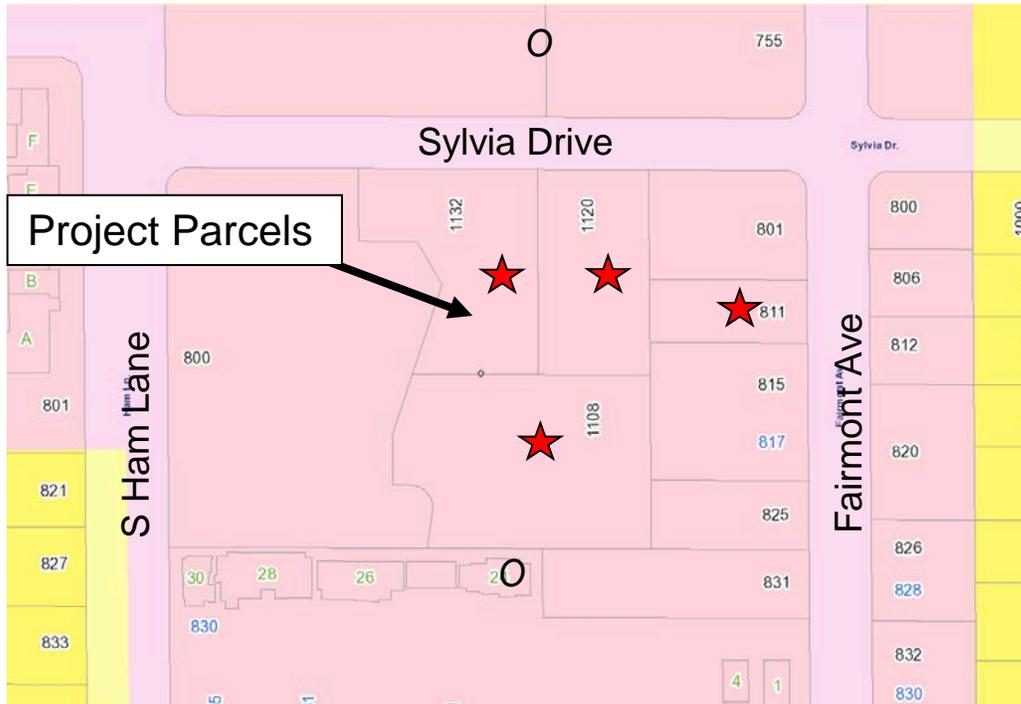
Figure 3: Lodi General Plan



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

This classification describes administrative, financial, business, professional, and medical offices, including Lodi Memorial Hospital. Support commercial uses are also permitted, subject to limitations described in the Zoning Ordinance. The maximum FAR for this designation is 0.6.

Figure 4: Zoning



The O (Office) zoning district is described as follows:

The O zoning district is applied to areas appropriate for administrative, financial, business, professional, and medical offices. Support commercial uses are also permitted, subject to limitations. The maximum FAR is 0.6. The O zoning district is consistent with the office land use designation of the general plan.

Development standards for the M zoning district are summarized below.

Table B: MCO Zone Development Standards

Setbacks	
Front	10 feet
Street Side	10 feet
Side	No setback required
Rear	10 feet
Floor Area Ratio	0.60
Height Limit	Two stories, 35 feet
Landscaping	Per Zoning Code Chapter 17.30
Parking	Per Zoning Code Chapter 17.32

Existing Land Use

The site is currently vacant. The area around the project site is developed with office and medial office uses, senior housing, and a church.

Aerial photos and street views of the project site are shown below.

Figure 5: Existing Site and Vicinity Aerial View



Site boundary is approximate. See detailed site plans for exact project boundary

Figure 6: Existing Site Aerial



Site boundary is approximate. See detailed site plans for exact project boundary

Photos of the site and vicinity in their existing condition are shown below.

Figure 7a: Street Views of Site and Vicinity



View of project site from Sylvia Drive, looking southeast

Figure 7b: Street Views of Site and Vicinity



View of project site from Sylvia Drive, looking southwest

Figure 7c: Street Views of Site and Vicinity



View of project site entry on S Fairmont Avenue, southwest

Figure 7d: Street Views of Site and Vicinity



Existing senior care facility at Sylvia Drive/Ham Lane

PROPOSED PROJECT

The proposed project is a senior care facility. From the applicant's submittal:

The Assisted living portion will have 56 units with Studio, 1 Bedroom and 2 Bedroom units. 24 of the units will comprise a Memory Care Wing that will be self contained with exclusive dining, common, and outdoor areas.

The facility will have a commercial kitchen, dining areas, activity areas, TV/movie area, fitness center, physical therapy and craft areas.

The operator will have a state license for this type of care under the regulations of [Title] 22, Div 6 of the California State Code. All the occupants will be required to provide a Medical entrance form which must be provided by a medical doctor. This form identifies all the ADLs² be provided. These ADLs consist of dispensing of medication, monitoring of medication, dressing, mobility, bathing, dietary concerns, and grooming needs. All staff will be licensed per [Title] 22 requirements

ANALYSIS

The proposed facility is located in an area which has already been developed with similar and complementary (medical) uses, including senior housing directly adjacent to the project site. As shown earlier in this report in Figure 1, the project site was formerly the location on a senior living facility, which was demolished in 2008.

² ADLs are basic tasks a person needs to be able to do on their own to live independently.

The area in Lodi in which the facility is proposed is predominated by office, medical and senior-serving uses. The site and all of the adjacent lands around the site are zoned for O (Office) uses.

FINDINGS

The Lodi Municipal Code (Section 17.40.040 F) requires that the Planning Commission make the following findings in order to approve a Use Permit:

- The proposed use is allowed with a use permit within the applicable zoning district and complies with all applicable provisions of this development code.
- The proposed use is consistent with the general plan and any applicable specific plan.
- 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.
- The location, size, design, and operating characteristics of the proposed use would be compatible with the existing and future land uses in the vicinity.
- The project has been reviewed in compliance with the California Environmental Quality Act (CEQA) and the Lodi Environmental Review Guidelines.

Staff's analysis of these required findings is provided below.

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 project site is zoned O (Office). Senior care facilities can be operated in the O zone, subject to the approval of a use permit, and appropriate conditions of approval.

2. *The proposed use is consistent with the general plan and any applicable specific plan.*

Comment: The project site is located in the Office land use district of the General Plan, which allows for, "... administrative, financial, business, professional, and medical offices, including Lodi Memorial Hospital. Support commercial uses are also permitted, subject to limitations described in the Zoning Ordinance." Senior care uses are included in the "professional" category. The proposed project is not located within a Specific 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 operation of a senior care facility is compatible with nearby office, medical, and senior care uses and will be conditioned to ensure that the project will 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.

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 project site is surrounded by similar uses, which in staff's opinion are compatible with the proposed facility.

5. *The project has been reviewed 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 CEQA Section 15332. This is the "infill" exemption, which applies to projects under five acres in size on sites which have adequate utilities and services.

CONDITIONS OF APPROVAL

Staff recommends approval of the applicant's request for 1108 Sylvia Drive, subject to the conditions of approval attached to this report.

ENVIRONMENTAL REVIEW

The proposed project meets the criteria for a Class 32 exemption per CEQA Guidelines section 15332. CEQA defines projects in Class 32 as follows:

"Class 32 consists of projects characterized as in-fill development meeting the conditions described in this section.

- (a) The project is consistent with the applicable general plan designation and all applicable general plan policies as well as with applicable zoning designation and regulations.*
- (b) The proposed development occurs within city limits on a project site of no more than five acres substantially surrounded by urban uses.*
- (c) The project site has no value as habitat for endangered, rare or threatened species.*
- (d) Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality.*
- (e) The site can be adequately served by all required utilities and public services."*

The project complies with all of these requirements:

- a) The project is consistent with the Lodi General Plan, which designates the Office land use district for a mix of uses including "professional service," which includes the proposed senior facility use. The O (Office) zoning district allows senior care facilities with a Use Permit.
- b) The project site is within the city, surrounded by existing development, and less than five acres in size.
- c) The project site has been entirely developed in the past and contains no habitat for wildlife species.
- d) The project is not expected to result in any traffic, noise, air quality, or water quality impact. The types of uses expected to occur in the proposed building are typical of the

O zoning district and the surrounding area, and would not generate significant levels of traffic, noise, or other impacts.

e) The project site is served with all needed utilities by the City and other agencies.

CONDITIONS OF APPROVAL

Staff's recommended conditions of approval for the proposed project are included in the proposed Resolution.

PUBLIC HEARING NOTICE

Legal Notice for this item was published in the Lodi News Sentinel on Saturday, October 3, 2020. Forty-seven (47) 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

Staff recommends that the Planning Commission approve a conditional use permit for the operation of a senior care facility at 1108 Sylvania Drive, subject to the conditions of approval

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

"I move that the Commission find that the proposed operation of a senior care facility at 1108 Sylvania Drive is exempt from CEQA under Section 15332 and that the Commission approve a conditional use permit to allow the operation of a senior care facility at this location, subject to conditions of approval."

ALTERNATIVE SPARC ACTIONS

- Approve the request with attached or alternate conditions
- Deny the project
- Continue the item to a future Planning Commission meeting

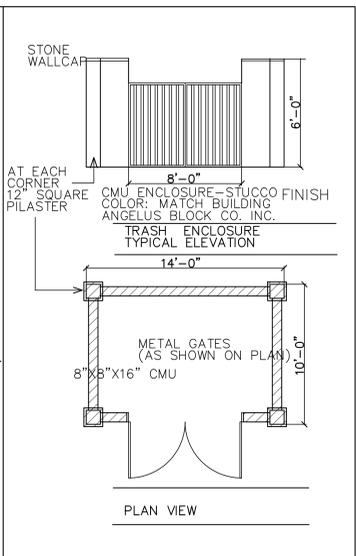
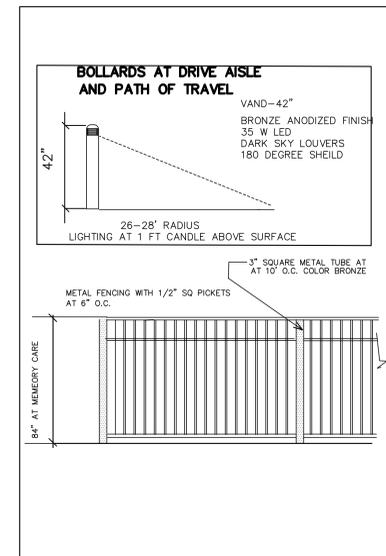
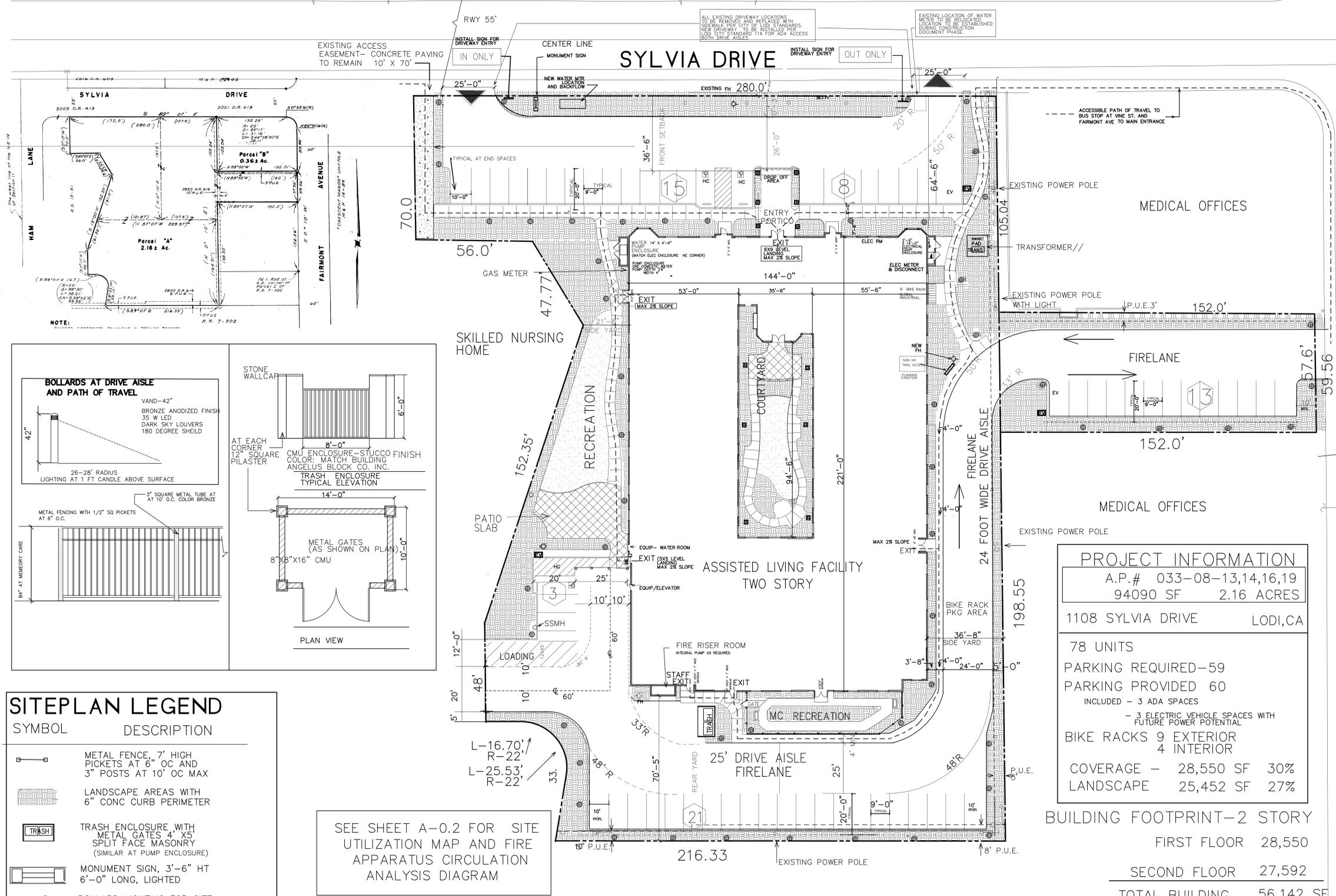
Respectfully Submitted,

Eric Norris
Contract Planner

John Della Monica
Community Development Director

ATTACHMENTS:

- A. Detailed Plans
- B. Conditions of Approval



SITEPLAN LEGEND	
SYMBOL	DESCRIPTION
	METAL FENCE, 7' HIGH PICKETS AT 6" OC AND 3" POSTS AT 10' OC MAX
	LANDSCAPE AREAS WITH 6" CONC CURB PERIMETER
	TRASH ENCLOSURE WITH METAL GATES 4' X5' SPLIT FACE MASONRY (SIMILAR AT PUMP ENCLOSURE)
	MONUMENT SIGN, 3'-6" HT 6'-0" LONG, LIGHTED
	BOLLARD LIGHTING FOR SITE AT PATH OF TRAVEL W/BATTERY BACKUP-90 MIN. MINIMUM
	ELEC VEHICLE CHARGING STATION POTENTIAL LOCATIONS (3)
	PATH OF TRAVEL TO PUBLIC WAY - CONCRETE WALKWAY MINIMUM 3'-8" WIDE MINIMUM
	BIKE RACK- BY GLOBAL INDUSTRIAL POWDER COATED STEEL, 3 BIKE AND 9 BIKE SECTIONS WITH EXPANSION ANCHORS INSTALLED IN CONCRETE SLAB ACCESS FROM SIDEWALK, CONCRETE PAD.

SEE SHEET A-0.2 FOR SITE UTILIZATION MAP AND FIRE APPARATUS CIRCULATION ANALYSIS DIAGRAM

FRAZIER GROUP ARCHITECTS, A.I.A.
 970 N. TUSTIN AVENUE #102
 ANAHEIM, CA
 PH. 714-309-3113

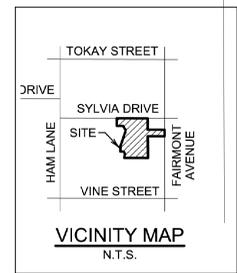
PROJECT INFORMATION	
A.P.#	033-08-13,14,16,19
	94090 SF 2.16 ACRES
1108 SYLVIA DRIVE	LODI, CA
78 UNITS	
PARKING REQUIRED-59	
PARKING PROVIDED 60	
INCLUDED - 3 ADA SPACES	
- 3 ELECTRIC VEHICLE SPACES WITH FUTURE POWER POTENTIAL	
BIKE RACKS 9 EXTERIOR	
4 INTERIOR	
COVERAGE -	28,550 SF 30%
LANDSCAPE	25,452 SF 27%

BUILDING FOOTPRINT-2 STORY	
FIRST FLOOR	28,550
SECOND FLOOR	27,592
TOTAL BUILDING	56,142 SF

HOSPITAL EXISTING

SITE PLAN

9-23-2020 SCALE 1' = 20'-0"



RESOLUTION NO. P.C. 20-__

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LODI APPROVING THE OPERATION OF A SENIOR CARE FACILITY AT 1108 SYLVIA DRIVE

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 proponent is Michael Frazier, 907 N Tustin Avenue, #102, Anaheim, CA 92807; and

WHEREAS, the project owner is SLL, LLC and Golden State Real Estate, LLC, 3031 W. March Lane #112 South, Stockton, CA 95219; and

WHEREAS, the project is located at 1108 Sylvia Drive (APN: 033-08-13, -14, -16, -19); and

WHEREAS, the property has a General Plan designation of Office and is zoned O (Office); and

WHEREAS, a senior care facility 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 attached conditions of approval, the Planning Commission finds that allowing the operation of a senior care facility at this location 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 property is zoned O (Office). A senior care facility is allowed subject to a use permit in this zone. The project has been conditioned to be consistent with the Zoning Code and to not be detrimental to the welfare of persons or properties working, residing, or otherwise existing in adjacent areas.
2. The project site is located in the Office land use district of the General Plan, which allows for, "... *administrative, financial, business, professional, and medical offices, including Lodi Memorial Hospital. Support commercial uses are also permitted, subject to limitations described in the Zoning Ordinance.*" Senior care uses are included in the "professional" category. The proposed project is not located within a Specific Plan.
3. The proposed operation of a senior care facility is compatible with nearby office, medical, and senior living uses and will be conditioned to ensure that the project will 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.
4. The project site is surrounded by similar uses, which are compatible with the proposed senior care facility.
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. 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.

6. The project is exempt from review under the California Environmental Quality Act, §15332, which exempts infill projects less than five acres in size which have adequate utilities and services.

WHEREAS, the following conditions of approval shall be implemented:

1. The applicant shall review and sign below verifying the “Acceptance of the Conditions of Approval” and return the signed page to the Lodi Planning Department. Project approval is not final until a signed copy of these conditions is filed with the City.

Applicant Signature

Date

Print Name

2. The applicant shall indemnify, protect, defend, and hold harmless the City, and/or any of its officials, officers, employees, agents, departments, agencies, and instrumentalities thereof, from any and all claims, demands, law suits, writs of mandamus, and other actions and proceedings (whether legal, equitable, declaratory, administrative, or adjudicatory in nature), and alternative dispute resolutions procedures (including but not limited to arbitrations, mediations, and other such procedures) (collectively “Actions”), brought against the City, and/or any of its officials, officers, employees, agents, departments, agencies, and instrumentalities thereof, that challenge, attack, or seek to modify, set aside, void, or annul any action of, or any permit or approval issued by, the City and/or any of its officials, officers, employees, agents, departments, agencies, and instrumentalities thereof (including actions approved by the voters of the City), for or concerning the project, whether such Actions are brought under the California Environmental Quality Act (CEQA), the Planning and Zoning Law, the Subdivisions Map Act, Code of Civil Procedure Section 1085 or 1094.5, or any other state, federal, or local statute, law, ordinance, rule, regulation, or any decision of a court of competent jurisdiction. It is expressly agreed that the City shall have the right to approve, which approval will not be unreasonably withheld, the legal counsel providing the City’s defense, and that applicant shall reimburse City for any costs and expenses directly and necessarily incurred by the City in the course of the defense. City shall promptly notify the applicant of any Action brought and City shall cooperate with applicant in the defense of the Action.
3. If the City determines that the operation of this use results in conflicts pertaining to parking, noise, traffic, loitering, public safety or other impacts, 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 applicant shall receive approval from the Site Plan and Architectural Review Commission for the construction of the proposed facility.

NOW, THEREFORE, BE IT DETERMINED AND RESOLVED by the Planning Commission of the City of Lodi that:

1. Use Permit Application No. 2020-028 is hereby approved, subject to the conditions of approval listed above.

I certify that Resolution No. 20-___ was passed and adopted by the Planning Commission of the City of Lodi at a regular meeting held on October 14, 2020, by the following vote:

AYES: Commissioners:

NOES: Commissioners:

ABSENT: Commissioners:

ATTEST _____
Secretary, Planning Commission

DRAFT