

RESOLUTION NO. P.C. 24-08

A RESOLUTION RECOMMENDING CITY COUNCIL APPROVAL OF AN AMENDMENT TO THE GENERAL PLAN LAND USE MAP FOR 9.0 ACRES (PL2021-030 GPA) FROM INDUSTRIAL TO MIXED USE CENTER, CITY COUNCIL APPROVAL OF AN ORDINANCE AMENDING THE ZONING MAP FOR 9.0 ACRES (PL2021-031 Z) FROM INDUSTRIAL (“M”) TO MIXED USE CENTER (“MCE”) AT 1018 NORTH LOWER SACRAMENTO ROAD (115-640-03, 115-640-09, 115-640-10), AND CITY COUNCIL ADOPTION OF THE FINAL ENVIRONMENTAL IMPACT REPORT AND MITIGATION MONITORING AND REPORTING PROGRAM

WHEREAS, the Planning Commission of the City of Lodi has heretofore held a duly noticed public hearing, as required by law, on the requested General Plan Amendment and Rezone, in accordance with the Lodi Municipal Code (“LMC”) Chapter 17.74; and

WHEREAS, the project site is located at 1018 North Lower Sacramento Road, Lodi, CA 95242 (APNS: 115-640-03, 115-640-09, 115-640-10) (“Site”); and

WHEREAS, project proponent is 157 California Reserve, Inc., 67667 Highway 20, Bend, OR 97701 (“Applicant”); and

WHEREAS, the project property owner is the Applicant; and

WHEREAS, the Site has a General Plan and zoning designation of Industrial and Industrial; and

WHEREAS, the Applicant has requested the Site General Plan Map be amended from Industrial to Mixed Use Center (“General Plan Amendment”) and the Zoning Map be amended from M to MCE (“Rezone”); 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 for the General Plan Amendment:

1. The proposed amendment is internally consistent with the General Plan. The amendment is consistent with General Plan policies LU-G1, LU-G4, LU-G5, LU-P6, LU-P12, and LU-P27 while not conflicting with any other policy. The requested General Plan Amendment will allow a wider range of a mix of uses on the Site while prohibiting uses that could impact nearby residential neighborhoods. The project will be in compliance with the Noise Element of the General Plan if staff recommended conditions of approval as listed in this resolution are implemented.
2. The proposed amendment would not be detrimental to the public interest, health, safety, convenience or welfare of the city. The proposed amendment will allow a mix of uses on the Site that are appropriate for the area around the Site while prohibiting industrial uses that have greater potential to impact nearby neighborhoods.
3. The Site is physically suitable for existing and future uses on the Site under the proposed amendment. The Site is physically suitable for existing and future uses proposed in the project. All necessary on- and off-site roadways, water, wastewater, and storm drainage infrastructure and utilities are present, or will be installed by the developer. Staff recommended conditions of approval will keep noise impacts from the Northern California Power Agency (“NCPA”) power plant at acceptable levels.
4. The proposed project has been reviewed in compliance with the provisions of the California Environmental Quality Act (CEQA), and the Lodi Environmental Review Guidelines. The City as the lead agency prepared an Initial Study for the General Plan Amendment, Rezone, and Use

Permit requests. The Initial Study determined that there will be substantial evidence that the Project will significantly affect the environment. Thus, the City as the lead agency, prepared a draft EIR (DEIR). The DEIR identified significant environmental effects, mitigation measures to either remove or reduce the effects and project alternatives. The City then prepared a Final EIR (FEIR) which includes public comments on the DEIR and staff's responses to those comments. The City has also prepared a Mitigation Monitoring Reporting Program (MMRP) to be adopted by the Council. Mitigation measures have been incorporated into the Project's conditions of approval.

Based upon the evidence within the Staff Report and Project file the Planning Commission finds for the Rezone:

1. The proposed amendment is consistent with the General Plan. The Applicant is proposing to change the zoning district of the Site from M to MCE. The MCE zoning district "is applied to new mixed-use neighborhood centers that provide for a variety of residential, office, neighborhood commercial and public uses. Concurrently with this rezone request, the Applicant is requesting to amend the General Plan designation of the Site to Mixed Use Center which is the General Plan land use category that is consistent with the MCE zone. The proposed zoning amendment will be consistent with the General Plan if the requested General Plan Amendment is approved.
2. The proposed amendment would not be detrimental to the public interest, health, safety, convenience, or welfare of the city. The proposed amendment will allow a mix of residential, office, neighborhood commercial and public uses on the Site while prohibiting industrial uses such as heavy manufacturing, warehousing, and distribution activities that will have greater potential to impact nearby properties.
3. The Site is physically suitable (including absence of physical constraints, access, compatibility with adjoining land uses, and provision of utilities) for the requested zoning designation and proposed Project. The Site is physically suitable for the MCE zoning designation and existing and future Project uses. All necessary on- and off-site roadways, water, wastewater, and storm drainage infrastructure and utilities are present. Any future development of the Site will meet all applicable City standards and there would be no conflict with adjacent land uses due to proper site planning and design. Staff recommended conditions of approval will keep noise impacts from the NCPA power plant at acceptable levels
4. The proposed rezone has been reviewed in compliance with the provisions of the California Environmental Quality Act (CEQA), and the Lodi Environmental Review Guidelines. The City as the lead agency prepared an Initial Study for the General Plan Amendment, Rezone, and Use Permit requests. The Initial Study determined that there will be substantial evidence that the Project will significantly affect the environment. Thus, the City as the lead agency, prepared a draft EIR (DEIR). The DEIR identified significant environmental effects, mitigation measures to either remove or reduce the effects and project alternatives. The City then prepared a Final EIR (FEIR) which includes public comments on the DEIR and staff's responses to those comments. The City has also prepared a Mitigation Monitoring Reporting Program (MMRP) to be adopted by the Council. Mitigation measures have been incorporated into the Project's conditions of approval.

NOW, THEREFORE, BE IT DETERMINED AND RESOLVED by the Planning Commission of the City of Lodi that the recitals and findings above are adopted as true and that the Planning Commission hereby recommends the City Council adopt the FEIR and MMRP, approve the General Plan Map amendment application (Application No. PL2021-030), and adopt an Ordinance amending the Zoning Map (Application No. PL2021-031) for 1018 North Lower Sacramento Road, subject to the following conditions of approval:

PLANNING

1. The Applicant/project proponent shall construct a 14-foot high solid masonry wall along the north and west property lines of APN 015-640-04 to reduce the exterior noise level to 60 dBA. Trees and dense landscaping shall visually shield the masonry wall.
2. The eastern face of the hotel to the west of the NCPA power plant must be constructed with closed windows, no outdoor living spaces such as balconies, and forced-air ventilation.
3. The Applicant/project proponent shall provide sound rated windows, doors and exterior walls for rooms facing the NCPA power plant to reduce the interior noise level to 45 dBA.
4. The proposed project shall participate in the San Joaquin County Multi-Species Habitat Conservation and Open Space Plan (SJMSCP), including payment of any required fees specified by the San Joaquin Council of Governments (SJCOG) and implementation of Incidental take Minimization Measures (ITMMs) specified by the SJCOG biologist.
5. In the event that the SJCOG does not prescribe Incidental Take Minimization Measures (ITMMs) for either Swainson's hawk or burrowing owl, then the project shall comply with equivalent alternative mitigation measures specified by a qualified biologist, including pre-construction surveys, establishment of construction setbacks, monitoring requirements and other protective measures as required to obtain regulatory agency approval.
6. The Applicant shall retain a qualified professional archaeologist to monitor ground-disturbing activities within the project Site, to halt construction as required, and to take action to minimize the potential damage to undiscovered archaeological and/or tribal cultural resources. The City may determine, based on preconstruction testing that indicates the Site is not culturally sensitive and, in consultation with the archaeologist, that further testing or construction monitoring is not necessary.
7. Unless the City determines that the Site is not culturally sensitive as provided in Condition of Approval No. 6, Native American monitors from culturally affiliated Native American Tribes will be invited to monitor the vegetation grubbing, stripping, grading or other ground-disturbing activities in the project area to determine the presence or absence of any cultural resources. Native American monitors shall have the authority to identify sites or objects of significance to Native Americans and to request that work be stopped, diverted or slowed if such sites or objects are identified within the direct impact area.
8. All construction personnel shall receive "tailgate" training by a qualified archaeologist in the identification of paleontological resources and buried cultural resources, including human remains, and in the notification protocol should such resources be discovered during construction work. A minimum of seven days prior to beginning earthwork or other soil disturbance activities, the project Applicant shall notify the Lodi Community Development Department of the proposed earthwork start-date, in order to provide adequate time to contact the United Auburn Indian Community (UAIC). A UAIC tribal representative shall be invited to inspect project excavation work, including any soil piles, trenches, or other disturbed areas. During the inspection, a Site meeting of construction personnel shall also be held to afford the tribal representative the opportunity to provide tribal cultural resources awareness information.
9. If any subsurface archaeological or paleontological resources are encountered during project site construction, all construction activities within a 50- foot radius of the encounter shall be immediately halted until a qualified archaeologist or paleontologist, as appropriate, can examine these materials, evaluate their significance and, if significant, recommend any further measures needed to reduce potential effects to a less than significant level, consistent with the requirements of the California

Environmental Quality Act (CEQA). A tribal representative shall also be contacted in the event archaeological resources are encountered and shall examine these resources for significance to local tribes. The Lodi Community Development Department shall be immediately notified in the event of a discovery, and the developer shall be responsible for retaining qualified professionals, implementing recommended mitigation measures, and documenting mitigation efforts in written reports to the Community Development Department, consistent with the requirements of CEQA and the CEQA Guidelines.

10. If evidence of human burial or scattered human remains is encountered, all construction activity within a 50-foot radius of the encounter shall be immediately halted, and the County Coroner, the Lodi Community Development Department, and tribal representative(s) shall be immediately notified. The Applicant will be responsible for compliance with the requirements of CEQA Guidelines Section 15064.5 as to the proper treatment of human remains as defined in CEQA Guidelines Section 15064.5, with California Health and Safety Code Section 7050.5, and as directed by the County Coroner. If the human remains are determined to be Native American, the County Coroner is required to notify the Native American Heritage Commission (NAHC), and the NAHC is required to notify and appoint a Most Likely Descendant. The Most Likely Descendant has the opportunity to work with the archaeologist to decide the proper treatment of the human remains and any associated funerary objects.
11. If potential tribal cultural resources, archaeological resources, other cultural resources, articulated, or disarticulated human remains are discovered during implementation of Conditions of Approval No. 6 through 8, construction activities, work will cease within a 50-foot radius of the encounter. A qualified cultural resources specialist in consultation with invited Native American representatives will assess the significance of the find and make recommendations for further evaluation and treatment documented in a written report to the Lodi Community Development Department. The contractor shall implement any measures deemed by City staff to be necessary and feasible to avoid or minimize significant effects to the cultural resources.
12. Prior to or in conjunction with removal of the existing rail spur, the Applicant shall retain a qualified environmental professional to inspect and obtain soil samples along the spur alignment and determine through testing whether soil removal, treatment or other measures are required to avoid releases of hazardous materials inconsistent with State standards for the proposed land uses. The Applicant shall implement the recommendations of the environmental professional subject to City approval.
13. Finished floor elevations of proposed residential structures shall be elevated to or above the prescribed 200-year floodplain elevation, or proposed non-residential structures shall be flood proofed as required by Lodi Municipal Code Chapter 15.60. Code compliance shall be documented in materials prepared by licensed professionals and submitted to the Public Works Director.
14. The following mitigation measures shall apply to the residential component of the project.
 - a. Implement Subsidized or Discounted Transit Program.
 - b. Construct or Improve Pedestrian and Bike Facilities.
15. The following mitigation measures shall apply to both the residential and non-residential components of the project:
 - a. Provide Traffic Calming Measures. The project Applicant shall install Class II bike lanes along the north side of Turner Road adjacent to the project Site. Pedestrian improvements discussed above would further promote non-auto transportation. Existing marked crosswalks shall be improved with additional safety measures, such as crosswalk signs and lighting. These improvements shall be made prior to start of project operations.

- b. Implement Subsidized or Discounted Transit Program. The project shall provide subsidized/discounted daily or monthly public transit passes for Grapeline to apartment residents and hotel employees.

16. The following measures shall apply to only the non-residential component of the project:

- a. Implement a voluntary Commute Trip Reduction (CTR) program.
- b. Implement an employee parking cash-out program.
- c. Construct or improve bike facility. In addition to any bicycle parking requirements associated with building code requirements, the proposed hotel and retail commercial uses shall provide secure covered bicycle storage facilities for employee use as required by the Lodi Zoning Code.

17. The Applicant shall record a deed covenant against any and all individual project parcels, and shall notify all future residents, tenants and/or buyers of any project unit of the conditions they may experience from adjacent, pre-existing, uses, such as the electric substation, two power plants, and a water treatment facility. This required notification and deed covenant shall be written in substantially the following form:

“The subject property is located in the vicinity of several industrial and commercial uses, including an electric substation, two power plants, and a water treatment facility. These facilities may operate for extended periods of time and overnight hours, and residents and guests may experience impacts such as: ongoing operational noise, intermittent loud noises, bright lights, periodic dust, heavy equipment operations, vehicle and train transportation, generator noise and exhaust, close proximity to high-voltage electrical and transmission lines, as well as periodic pesticide and chemical use. This notice and acknowledgment shall be incorporated in and attached to each and all deeds and leases of all or any portion of the subject property. Recordation of this notice and covenant shall be deemed binding on all successors, assigns, and lessees, regardless of whether a copy of this notice and covenant has been attached to or incorporated into any given deed or lease.”

NOW, THEREFORE, BE IT DETERMINED AND RESOLVED by the Planning Commission of the City of Lodi that the recitals and findings above are adopted as true and that the Planning Commission hereby recommend City Council approval to amend the General Plan Map for Application No. PL2021-030 and City Council approval of an Ordinance amending the Zoning Map for Application No. PL2021-031.

Dated: March 27, 2024

I certify that Resolution No. 24-08 was passed and adopted by the Planning Commission of the City of Lodi at a regular meeting held on March 27, 2024, by the following vote:

AYES: Commissioners: Maciel, Saldana, Singh, Vice Chair Hicks, Woehl, and Chair Slater

NOES: Commissioners:

ABSENT: Commissioners: Eddy

ATTEST 
Secretary, Planning Commission

