

ORDINANCE NO. _____

AN ORDINANCE AMENDING TITLE 17 OF THE LODI MUNICIPAL CODE RELATED TO THE "ZONING MAP," SECTION 17.10.030 OF THE LODI MUNICIPAL CODE, TO AMEND THE ZONING DESIGNATION OF ASSESSOR PARCEL NUMBERS 115-640-03, 115-640-09 AND 115-064-10 TO MIXED USE CENTER ("MCE") (APPLICATION NO. PL2021-031)

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BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LODI, AS FOLLOWS:

SECTION 1. FINDINGS AND INTENT

The City Council of the City Lodi hereby finds, pursuant to Lodi Municipal Code ("LMC") Chapter 17.72, that:

- A. The proposed Zoning Map Amendment will ensure and maintains internal consistency with the general land uses, objectives, policies, programs, and actions of all elements of the General Plan if the requested amendment to the General Plan Land Use Map (PL2021-030 GPA) is approved. The 2010 General Plan Land Use Map designates Assessor Parcel Numbers 115-640-03, 115-640-09 and 115-640-10 ("Site") Industrial. Pursuant to Figure 2-1 (Land Use Diagram) of the General Plan, the Site's present Industrial ("M") zoning designation is consistent with the General Plan Land Map designation of Industrial. However, the proposed hotel, general retail and multifamily dwellings land uses are not permitted in the Site's current M zone. The proposed rezone of the Site to MCE zone will be compatible with the requested General Plan Land Use Map designation of Mixed Use Center, and it would allow the general retail and multifamily dwellings land uses by right and the hotel with a conditional use permit. The proposed Zoning Map Amendment action would not create any inconsistencies with LMC Title 17 (Development Code) since it pertains to the Zoning Map only and the text of Title 17 would remain unchanged under this proposed action.

Additionally, the proposed Zoning Map Amendment action would further the following General Plan policies:

- i. Land Use Policy LU-G1: Create a balanced and sustainable land use pattern that provides for a diversity of uses and satisfies existing and future needs.
- ii. Land Use Policy LU-G4: Foster development of walkable new neighborhoods with a mix of uses and diversity of housing types.
- iii. Land Use Policy LU-G5: Maintain land use patterns that maximize residents' access to parks, open space, and neighborhood shopping centers.
- iv. Land Use Policy LU-P5: Locate new medium- and high-density development adjacent to parks or other open space, in order to maximize residents' access to recreational uses; or adjacent to mixed-use centers or neighborhood commercial developments, to maximize access to services.
- v. Land Use Policy LU-P12 Prioritize economic development activities on potential growth industries that are appropriate for Lodi, including retail and tourism, as well as office/industrial users in need of large parcels.
- vi. Land Use Policy LU-P27: Provide for a full range of housing types within new neighborhoods, including minimum requirements for small-lot single family

homes, townhouses, duplexes, triplexes, and multi-family housing.

- B. The proposed Zoning Map Amendment will not endanger, jeopardize, or otherwise constitute a hazard to the public convenience, health, interest, safety or general welfare of persons residing or working in the City because the MCE zoning designation will, as noted above, be compatible with General Plan Land Use Map designation applicable to the Site if the requested amendment to the General Plan Land Use Map is approved.
- C. The Site would be physically suitable (including access, provision of utilities, compatibility with adjoining land uses, and absence of physical constraints) for the requested MCE zoning designation and anticipated land use development of a mixed-use center with a hotel, retail space and apartments. The Site is an existing parcel, located in an urban area, and provides all necessary infrastructure (e.g., roads, utilities). The Site is partially developed and the proposed improvements to this underutilized Site will conform with the LMC mixed use standards.
- D. The proposed Zoning Map Amendment action complies with the California Environmental Quality Act ("CEQA") Guidelines. According to the CEQA Guidelines, a project that amends a general plan would not be exempt from environmental review. Because the City requires approval of the Project, the City is the lead agency and must determine through an Initial Study whether the Project could potentially have a significant effect on the environment. 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 Environmental Impact Report ("EIR"). The EIR identified significant environmental effects and mitigation measures to either remove or reduce the effects and also identified Project alternatives. 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.

SECTION 2. ZONING MAP AMENDMENT

The Zoning Map, referred to in LMC Section 17.10.030, and by reference made a part hereof, said Code is hereby amended to provide a Mixed Use Center (MCE) zoning designation for Assessor's Parcel Numbers 115-640-03, 115-640-09 and 115-640-10 upon approval of the requested amendment of the General Plan Land Use Map to change the land use designation of the Site to Mixed Use Center.

SECTION 3. SEVERABILITY

If any part of this Ordinance is held invalid for any reason, such decision shall not affect the validity of the remaining portion of this Ordinance, and the City Council hereby declares that it would have passed the remainder of this Ordinance, if such invalid portion thereof had been deleted.

SECTION 4. NO MANDATORY DUTY OF CARE.

This ordinance is not intended to and shall not be construed or given effect in a manner which imposes upon the City, or any officer or employee thereof, a mandatory duty of care towards persons or property within the City or outside of the City so as to provide a basis of civil liability for damages, except as otherwise imposed by law.

SECTION 5. NO CONFLICT.

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

SECTION 6. EFFECTIVE DATE AND PUBLICATION.

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

Approved this ____ day of _____, 2024

LISA CRAIG
Mayor

Attest:

OLIVIA NASHED, City Clerk
State of California
County of San Joaquin, ss.

I, Olivia Nashed, City Clerk of the City of Lodi, do hereby certify that Ordinance No. ____ was introduced at a regular meeting of the City Council of the City of Lodi held _____, 2024, and was thereafter passed, adopted, and ordered to print at a regular meeting of said Council held _____, 2024, by the following vote:

- AYES: COUNCIL MEMBERS –
- NOES: COUNCIL MEMBERS –
- ABSENT: COUNCIL MEMBERS –
- ABSTAIN: COUNCIL MEMBERS –

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

OLIVIA NASHED
City Clerk

Approved as to Form:

KATIE O. LUCCHESI
City Attorney

