

ORDINANCE NO. 2019

AN ORDINANCE OF THE LODI CITY COUNCIL AMENDING LODI MUNICIPAL  
CODE TITLE 17 – DEVELOPMENT CODE – RELATED TO SECTION 17.10.030,  
“ZONING MAP,” TO AMEND THE ZONING DESIGNATION OF ASSESSOR  
PARCEL NUMBER 062-410-35 TO GENERAL COMMERCIAL (“GC”)  
(APPLICATION NO. PL2023-025)

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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 maintain 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 (PL2023-024 GPA) is approved (“Zoning Map Amendment”). The 2010 General Plan Land Use Map designates Assessor Parcel Number 062-410-35 (“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 alcoholic sales land use is not permitted in the Site’s current M zone. The proposed rezone of the Site to GC zone will be compatible with the requested amendment to the General Plan Land Use Map designation of General Commercial, and it would then allow the alcoholic sales land use 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 policy:

- 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.
- 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 GC 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. All owners, managers and employees selling alcoholic beverages shall successfully complete a certified training program in responsible methods and skills for selling alcoholic beverages. No person who is in a state of intoxication shall be permitted within the business nor shall an intoxicated patron be sold additional alcoholic beverages. If problems (on-site or within the immediate area) including, but not limited to, public drunkenness, disturbing the peace, or disorderly conduct result from the proposed alcohol sales, the Use Permit may be subject to review and revocation by the City of Lodi after a public hearing and following the procedures outlined in the City of Lodi Municipal Code.
- 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 GC zoning

designation and anticipated land use development. The Site contains existing parcels, located in an urban area, and provides all necessary infrastructure (e.g., roads, utilities). The Site is presently undeveloped and the proposed improvements to this underutilized Site will conform with the LMC commercial standards.

- D. The proposed Zoning Map Amendment action complies with the California Environmental Quality Act ("CEQA") Guidelines (14 CCR § 15061), as the project is covered by the 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)] Thus, further environmental review of the proposed Zoning Map Amendment is not required under CEQA Guidelines Section 15061.

## **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 General Commercial (GC) zoning designation for Assessor's Parcel Number 062-410-35 upon approval of the requested amendment of the General Plan Land Use Map to change the land use designation of the Site to General Commercial.

## **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. 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 \_\_\_\_\_, 2023

\_\_\_\_\_  
MIKEY HOTHI  
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. 2019 was introduced at a regular meeting of the City Council of the City of Lodi held November 11, 2023, and was thereafter passed, adopted, and ordered to print at a regular meeting of said Council held \_\_\_\_\_, 2023, by the following vote:

AYES: COUNCIL MEMBERS –

NOES: COUNCIL MEMBERS –

ABSENT: COUNCIL MEMBERS –

ABSTAIN: COUNCIL MEMBERS –

I further certify that Ordinance No. 2019 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