# CITY OF LODI

# COUNCIL COMMUNICATION

AGENDA TITLE: Conduct Public Hearing to consider the Planning Commission's recommendation of approval to the City Council for the rezoning of 1331 and 1349 East Kettleman Lane from U-H, Unclassified Holding to M-1, Light Industrial. The request also includes a recommendation that the City Council certify Negative Declaration ND-03-02 as adequate environmental documentation for this project.

MEETING DATE: April 16, 2003

PREPARED BY: Community Development Director

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RECOMMENDED ACTION: That the City Council approve the Planning Commission's recommendation of approval to the City Council for the rezoning of 1331 and 1349 East Kettleman Lane from U-H, Unclassified Holding to M-1, Light Industrial. That the City Council also approves the recommendation to certify Negative Declaration ND-03-02 as adequate environmental documentation for the project.

BACKGROUND INFORMATION: The Planning Commission at its Public Hearing of March 12, 2003 reviewed and approved the recommendations of staff for a recommendation of approval of the requested actions above to the City Council. At this meeting staff explained that the area of zone change included two parcels totaling 27-acres east of Highway 99 on the north side of Kettleman Lane. The Planning Commission found the recommended zoning change from U-H, Unclassified Holding to M-1, Light Industrial to be consistent with the existing LI, Light Industrial General Plan land use designation. Staff explained that the rezone was necessary for the development of Dennis Plummer's new auto dealership, repair and collision center, which will bring his existing interests together in one location.

The California Environmental Quality Act requires that projects be reviewed for their potential to create environmental impacts. The process requires that potential areas of impact are identified and a level of significance assessed. This project was found to have impacts that may be found significant if not mitigated. Statements and specific mitigations are provided in the attached mitigated negative declaration (ND-03-02), which has been reviewed by the Planning Commission and found to adequately address and mitigate potential environmental impacts of the project.

FUNDING: None required

Konradt Bartlam
Community Development Director

Prepared by: Associate Planner, Mark Meissner

MM

Attachments

APPROVED: _____
H. Dixon Flynn -- City Manager

MEMORANDUM, City of Lodi, Community Development Department

To: Planning Commission

From: Associate Planner, Mark Meissner

Date: March 12, 2003

Subject: The request of Dennis Plummer for the Planning Commission's recommendation of approval to the City Council for the rezoning of 1331 and 1349 East Kettleman Lane from U-H, Unclassified Holding to M-1, Light Industrial. The request also includes a recommendation that the City Council certify Negative Declaration ND-03-02 as adequate environmental documentation for this project.

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SUMMARY

The project site is located east of Highway 99 on the north side of Kettleman Lane at 1331 and 1349 East Kettleman Lane. The request is to rezone the land from U-H, Unclassified Holding to M-1, Light Industrial. The change in zoning is necessary for the owner, Dennis Plummer, to develop the property as an auto dealership, auto repair and collision center. Dennis Plummer is the owner of the Pontiac, Cadillac, GMC, Buick dealership on South Cherokee Lane and the collision repair center near the northwest corner of East Harney Lane and South Stockton Street. His intentions are to develop the project site to bring his interests together in one location.


BACKGROUND

The project area was annexed to the City as the Tecklenburg/Beckman Addition, and the zoning was established as U-H, Unclassified Holding. An Unclassified Holding designation was required by the Community Development Department because the applicant had not provided information on what would be developed on the properties. Staff wanted to ensure that development of the property would be a beneficial use of the City's limited supply of industrial land. U-H zoning allowed the property to be annexed to the City, but limited development to no more than one home per 20-acre lot, farming, and public recreational uses.

The Community Development Department is now recommending light industrial zoning because we know that development of a majority of the property will be an auto dealership with its related uses, and that the remainder may be an expansion to the dealership. The proposed auto dealership will create jobs, sales tax revenue, and is generally a good fit for the area given the plans of the Geweke family to create an auto mall atmosphere on the neighboring properties to the west and northwest along Beckman Road. In addition to being a good fit with the area, the rezoning will remove all instances of "unclassified holding" from the zoning map.

Staff finds that the proposed zoning is consistent with the existing General Plan land use designation of LI, Light Industrial. Staff also finds that the proposed auto dealership is consistent with M-1, Light Industrial zoning.

RECOMMENDATION

Staff recommends approving the request of Dennis Plummer for the Planning Commission's recommendation of approval to the City Council for the rezoning of 1331 and 1349 East Kettleman Lane, and recommendation that the City Council certify Negative Declaration ND-03-02, all subject to the conditions in the attached resolution.

Respectfully Submitted,

Mark Meissner
Associate Planner

Reviewed & Concur,

J.D. Hightower
City Planner

KB/MM/lw

# CITY OF LODI
# PLANNING COMMISSION
# Staff Report

| | |
|---|---|
| MEETING DATE: | March 12, 2003 |
| APPLICATION NO: | Rezone Z-03-01 |
| REQUEST: | The request of Dennis Plummer for the Planning Commission's recommendation of approval to the City Council for the rezoning of 1331 and 1349 East Kettleman Lane from U-H, Unclassified Holding to M-1, Light Industrial. The request also includes a recommendation that the City Council certify Negative Declaration ND-03-02 as adequate environmental documentation for this project. |
| LOCATION: | 1331 and 1349 East Kettleman Lane; 049-250-53 & 52. |
| APPLICANT: | Baumbach and Piazza, Inc.<br>323 West Elm Street<br>Lodi, CA 95240 |
| PROPERTY OWNERS: | Dennis Plummer<br>1011 South Cherokee Lane<br>Lodi, CA 95240<br><br>William Troy Beckman<br>P.O. Box 1537<br>Lodi, CA 95241 |

Site Characteristics:

The subject properties are within the City of Lodi fronting the north side of East Kettleman Lane. Parcel 049-250-53 is 9-acres of irrigated vineyard. Parcel 049-250-52 is 18-acres of vineyard with a rural residence fronting Kettleman Lane. There are no unusual or extraordinary topographic features within or around the project site.

| | |
|---|---|
| General Plan Designation: | LI, Light Industrial |
| Zoning Designation: | UH, Unclassified Holding |
| Property Size: | 27 acres. |

Adjacent Zoning and Land Use:

| | |
|---|---|
| North: | To the north of the project site is land within the City zoned M-1, Light Industrial and consisting of grape vineyards. |
| South: | Adjacent on the south side of the property is Kettleman Lane. Across Kettleman Lane are four farmhouses and their related outbuildings in the County. |
| East: | Adjacent to the east side of the property is land within the County and consists of more grape vineyards. |

West: Adjacent on the west side of the property is land within the City zoned M-1, Light Industrial and is undeveloped industrial property fronting Beckman Road. Across Beckman Road is vacant industrial land.

Neighborhood Characteristics:

The project site is east of highway 99 north of East Kettleman Lane in a primarily undeveloped area of the City that is designated within the City's General Plan to develop with light and heavy industrial uses. Given the close proximity to the intersection of Highways 12 and 99, the area is developing with heavy commercial uses such as highway businesses including gas stations, fast food restaurants, and auto dealerships. The highway exposure is essential to the vitality of these commercial uses. The land off or behind the street front properties is expected to develop as a business park. The area to the east, north, and west of the project area is generally undeveloped. The area to the south of the project site across Kettleman Lane is designated within the City's General Plan for Agriculture, so no development is expected.

ENVIRONMENTAL ASSESSMENTS:

Negative Declaration ND-03-02 was prepared for the Plummer Rezone in compliance with the California Environmental Quality Act (CEQA). No significant impacts are anticipated; however, mitigation measures have been required.

PUBLIC HEARING NOTICE:

Legal Notice for the Development Plan was published on March 1, 2003. A total of 11 notices were sent to all property owners of record within a 300-foot radius of the subject property.

RECOMMENDATION:

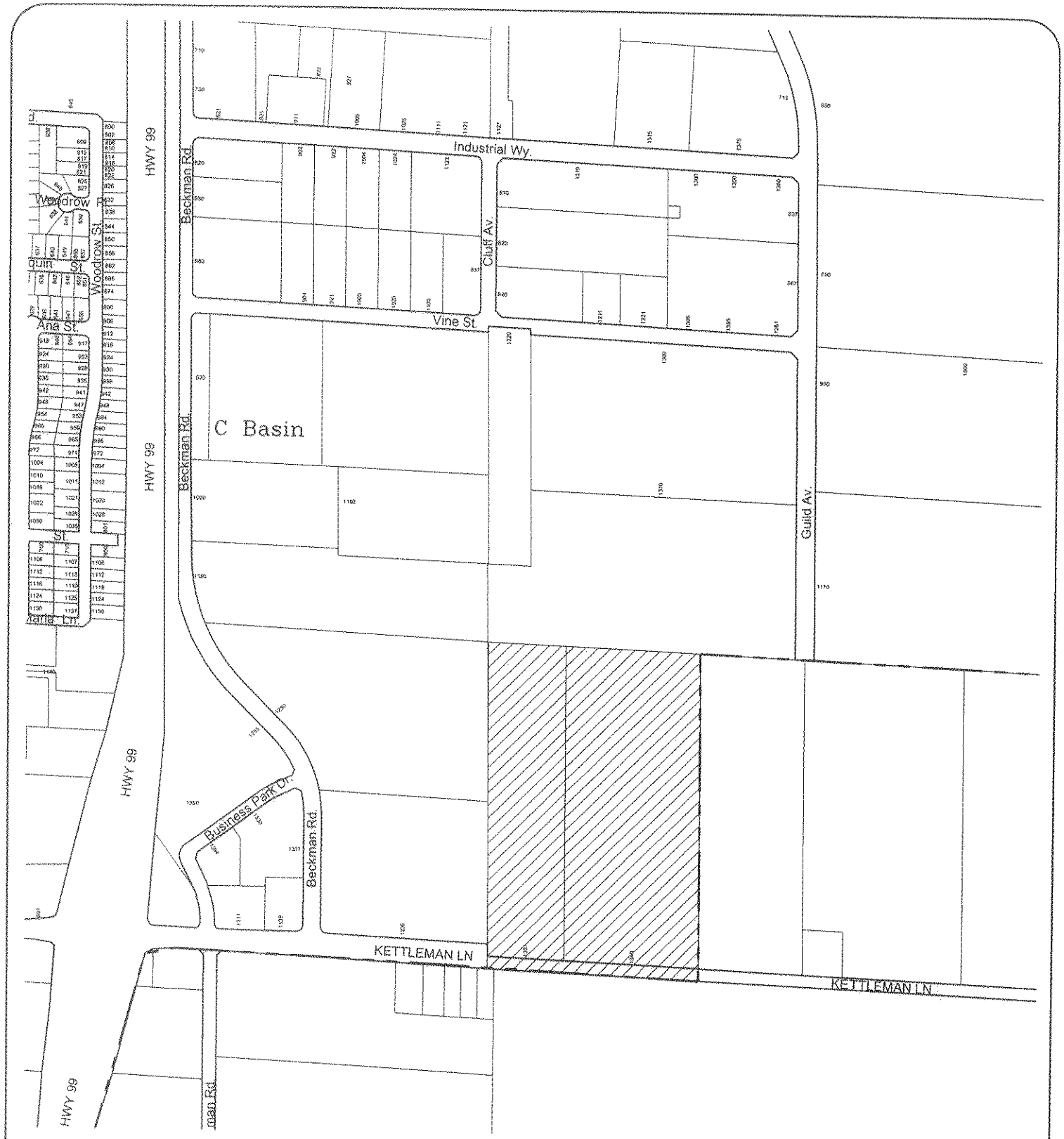
Staff recommends approving the request of Dennis Plummer for the Planning Commission's recommendation of approval to the City Council for the rezoning of 1331 and 1349 East Kettleman Lane, and recommendation that the City Council certify Negative Declaration ND-03-02, all subject to the conditions in the attached resolution.

ALTERNATIVE PLANNING COMMISSION ACTIONS:

- Approve the rezone with alternate conditions.
- Deny the rezone.
- Continue the request.

ATTACHMENTS:

1. Vicinity Map
2. Negative Declaration
3. Draft Resolution




# VICINITY MAP

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# NEGATIVE DECLARATION NO. 03-02

FOR

# Plummer Rezone

## APPLICANT: Baumbach & Piazza

PREPARED BY:

CITY OF LODI
Community Development Department
P.O. BOX 3006
LODI, CA 95241

February, 2003

Complete no mylar

**RESOLUTION NO. P.C. 03__**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LODI RECOMMENDING APPROVAL OF THE REQUEST OF DENNIS PLUMMER FOR PREZONING Z-03-01 TO THE LODI CITY COUNCIL.**

WHEREAS, the Planning Commission of the City of Lodi has heretofore held a duly noticed public hearing, as required by law, on the requested Prezoning in accordance with the Government Code and Lodi Municipal Code Chapter 17.84, Amendments;

WHEREAS, the properties are located at 1331 and 1349 East Kettleman Lane, (049-250-53 & 52);

WHEREAS, the project proponent is Dennis Plummer, 1011 South Cherokee Lane, Lodi, CA 95240;

WHEREAS, the properties have a zoning designation of U-H, Unclassified Holding;

WHEREAS, all legal prerequisites to the approval of this request have occurred.

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

1. Negative Declaration File No. ND-03-02 has been prepared in compliance with the California Environmental Quality Act of 1970, as amended, and the Guidelines provided there under. Further, the Commission has reviewed and considered the information contained in said Negative Declaration with respect to the project identified in this Resolution.

2. It is found that the parcels to be prezoned are the parcels located at 1331 and 1349 East Kettleman Lane, (049-250-53 & 52).

3. It is found that the requested rezoning of M-1, Light Industrial is not in conflict with adopted plans or policies of the General Plan of the City and will serve sound Planning practice.

4. It is further found that the parcels of the proposed rezoning are physically suitable for the development of an auto dealership.

5. The Planning Commission of the City of Lodi hereby recommends approval of Rezone Z-03-01 to the City Council of the City of Lodi.

Dated: March 12, 2003

I hereby certify that Resolution No. 03-__ was passed and adopted by the Planning Commission of the City of Lodi at a special meeting held on March 12, 2003, by the following vote:

AYES: Commissioners:

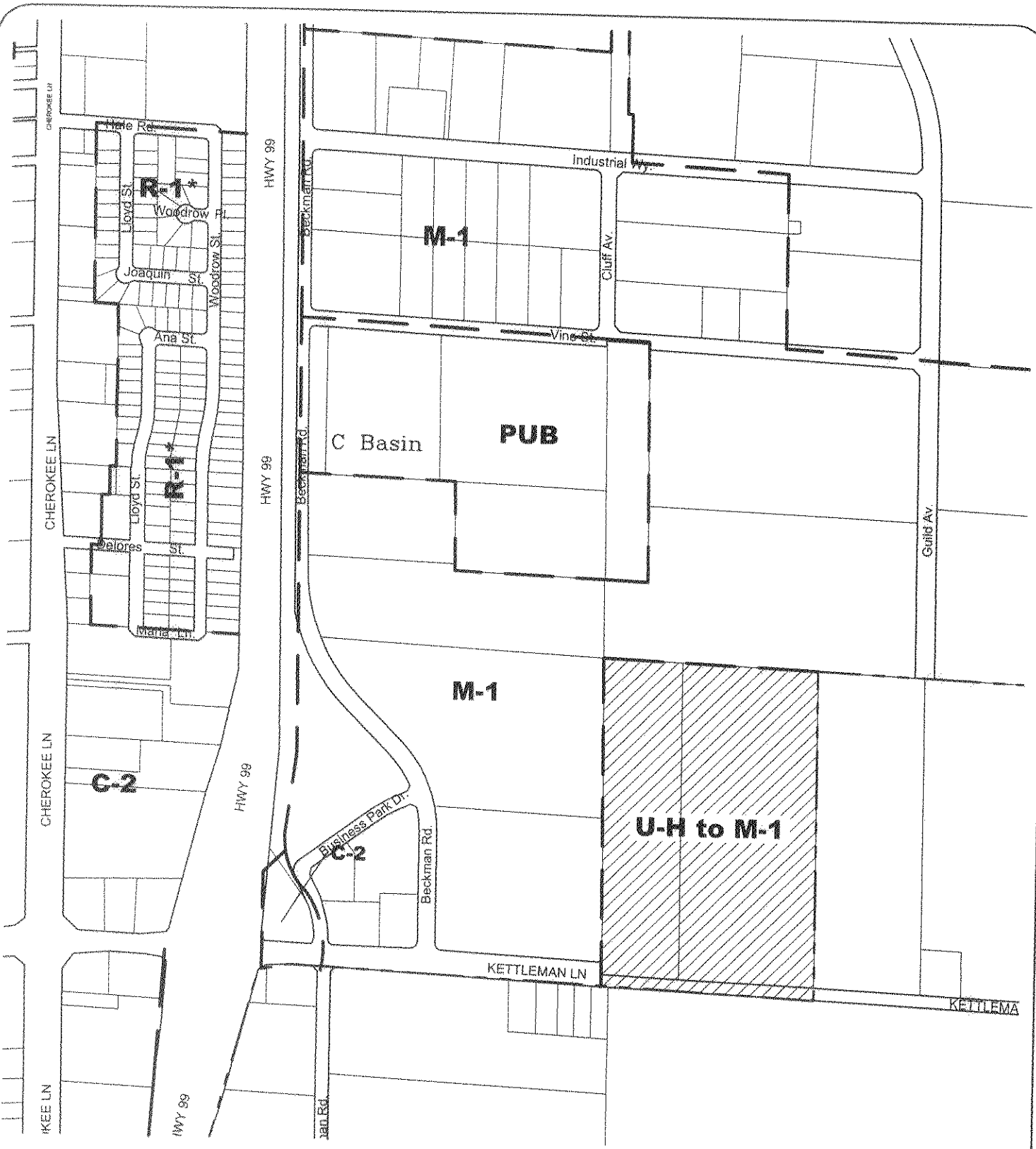
NOES: Commissioners:

ABSENT: Commissioners:

ABSTAIN: Commissioners:

**ATTEST:** _____

**Secretary, Planning Commission**




# PROPOSED ZONING MAP

Plummer Rezone Z-03-01

LEGEND

RESIDENTIAL ZONES:

R-1 - SINGLE FAMILY
R-2 - SINGLE FAMILY
R-LD- LOW DENSITY
R-GA- GARDEN APARTMENT
R-MD- MEDIUM DENSITY (APARTMENT)
R-HD- HIGH DENSITY (APARTMENT)
P-D - PLANNED DEVELOPMENT
R-1*- SINGLE-FAMILY (EASTSIDE)

COMMERCIAL ZONES:

R-CP- PROFESSIONAL OFFICES
R-CP*- PROFESSIONAL OFFICES (EASTSIDE)
C-1 - NEIGHBORHOOD
C-2 - GENERAL
C-S - SHOPPING CENTER

OTHER ZONES:

U-H - UNCLASSIFIED HOLDING (AGRICULTURAL)
F-P - FLOOD PLAIN
PUB - PUBLIC

N

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# NEGATIVE DECLARATION NO. 03-02

FOR

# Plummer Rezone

## APPLICANT: Baumbach & Piazza

PREPARED BY:

CITY OF LODI
Community Development Department
P.O. BOX 3006
LODI, CA 95241

February, 2003

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# CITY OF LODI

## The Plummer Rezone

PROJECT DESCRIPTION

**Baumbach and Piazza, Inc. on behalf of Dennis Plummer is applying to the City of Lodi for the rezoning of two properties from U-H, Unclassified Holding to M-1, Light Industrial. The parcels are located at 1331 and 1349 East Kettleman Lane. The parcels are within the City Limits, and encompass a total of approximately 27 acres. The Parcels have an existing general plan land use designation of LI, Light Industrial, which is consistent with the proposed zoning. The rezone is necessary to allow the use of the property as an automotive sales, repair and collision center.**

ENVIRONMENTAL CHECKLIST FORM

1. Project title:
   The Plummer Rezone
2. Lead agency name and address:
   City of Lodi-Community Development Department
   Box 3006, Lodi, CA 95241
3. Contact person and phone number:
   Mark Meissner
   Associate Planner
   (209) 333-6711
4. Project location:
   San Joaquin County, CA.;
   1331 and 1349 East Kettleman Lane
   Lodi, CA 95240
   Assessor Parcel Numbers: 049-250-53 & 52
5. Project sponsor's name and address:
   Baumbach and Piazza, Inc.
   323 West Elm Street
   Lodi, CA 95240
6. Property Owner
   Dennis Plummer
   1011 South Cherokee Lane
   Lodi, CA 95240
7. General plan designation: LI, Light Industrial
8. Zoning: U-H, Unclassified Holding.
9. Description of project: See "Project Description" section above.
10. Surrounding land uses and setting: The subject properties are within the City of Lodi fronting the north side of East Kettleman Lane. Parcel 049-250-53 is 9-acres of irrigated vineyard. Parcel 049-250-52 is 18-acres of vineyard with a rural residence fronting Kettleman Lane. To the north of the project site are more grape vineyards. Adjacent on the west side of the property is an undeveloped industrial property fronting Beckman Road. Across Beckman Road is more vacant industrial land. Adjacent on the south side of the property is Kettleman Lane. Across Kettleman Lane are four farmhouses and their related outbuildings. Finally, on the east side of the property are more grape vineyards.
11. Other public agencies whose approval is required: None

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a ("Potentially Significant Impact" by the checklist on the following pages.

| | | |
|---|---|---|
| ☐ Land Use and Planning | ☐ Transportation/Circulation | ☐ Public Services |
| ☐ Population and Housing | ☐ Biological Resources | ☐ Utilities and Service Systems |
| ☐ Geological Problems | ☐ Energy and Mineral Resources | ☐ Aesthetics |
| ☐ Water | ☐ Hazards | ☐ Cultural Resources |
| ☐ Air Quality | ☐ Noise | ☐ Recreation |
| | | ☐ Mandatory Findings of Significance |

ENVIRONMENTAL IMPACTS:

| I. LAND USE AND PLANNING. *Would the proposed:* | Potentially Significant Impact | Potentially Significant Unless mitigation Incorporated | Less than Significant Impact | No Impact |
|---|---|---|---|---|
| a) Conflict with general plan designation or zoning? | ☐ | ☐ | ☑ | ☐ |
| b) Conflict with applicable environmental plans or policies adopted by agencies with jurisdiction over the project? | ☐ | ☐ | ☐ | ☑ |
| c) Be incompatible with existing land use in the vicinity? | ☐ | ☐ | ☐ | ☑ |
| d) Affect agricultural resources or operations (e.g., impacts to soils or farmlands, or impacts from incompatible land uses)? | ☐ | ☐ | ☑ | ☐ |
| e) Disrupt or divide the physical arrangement of an established community (including a low-income or minority community)? | ☐ | ☐ | ☐ | ☑ |
| II POPULATION AND HOUSING. *Would the proposal:* | | | | |
| a) Cumulatively exceed official regional or local population projections? | ☐ | ☐ | ☐ | ☑ |
| b) Induce substantial growth in an area either directly or indirectly (e.g., through projects in an undeveloped area or extension of major infrastructure)? | ☐ | ☐ | ☐ | ☑ |
| c) Displace existing housing, especially affordable housing? | ☐ | ☐ | ☐ | ☑ |
| III. GEOLOGIC PROBLEMS. *Would the proposal result in or expose people to potential impacts involving:* | | | | |
| a) Fault rupture? | ☐ | ☐ | ☐ | ☑ |
| b) Seismic ground shaking? | ☐ | ☐ | ☐ | ☑ |
| c) Seismic ground failure, including liquefaction? | ☐ | ☐ | ☐ | ☑ |
| d) Seiche, tsunami, or volcanic hazard? | ☐ | ☐ | ☐ | ☑ |
| f) Erosion, changes in topography or unstable soil conditions from excavation, grading or fill? | ☐ | ☐ | ☐ | ☑ |
| g) Subsidence of land? | ☐ | ☐ | ☐ | ☑ |
| h) Expansive soils? | ☐ | ☐ | ☐ | ☑ |
| i) Unique geologic or physical features? | ☐ | ☐ | ☐ | ☑ |

| IV. WATER. *Would the proposal result in:* | Potentially Significant Impact | Potentially Significant Unless mitigation Incorporated | Less than Significant Impact | No Impact |
|---|---|---|---|---|
| a) Changes in absorption rates, drainage patterns, or the rate and amount of surface runoff? | ☐ | ☐ | ☐ | ☑ |
| b) Exposure of people or property to water related hazards such as flooding? | ☐ | ☐ | ☐ | ☑ |
| c) Discharge into surface waters or other alteration of surface water quality (e.g., temperature, dissolved oxygen or turbidity? | ☐ | ☐ | ☐ | ☑ |
| d) Changes in the amount of surface water in any water body? | ☐ | ☐ | ☐ | ☑ |
| e) Changes in currents, or the course or direction of water movements? | ☐ | ☐ | ☐ | ☑ |
| f) Change in the quantity of ground water, either through direct additions or withdrawals, or through interception of an aquifer by cuts or excavation or through substantial loss of ground water recharge capability? | ☐ | ☐ | ☐ | ☑ |
| g) Altered direction or rate of flow of groundwater? | ☐ | ☐ | ☐ | ☑ |
| h) Impacts to groundwater quality? | ☐ | ☐ | ☐ | ☑ |
| I) Substantial reduction in the amount of groundwater otherwise available for public water supplies? | ☐ | ☐ | ☐ | ☑ |
| V. AIR QUALITY. *Would the proposal:* | | | | |
| a) Violate any air quality standard or contribute to an existing or projected air quality violation? | ☐ | ☐ | ☐ | ☑ |
| b) Expose sensitive receptors to pollutants? | ☐ | ☐ | ☐ | ☑ |
| c) Alter air movement, moisture, or temperature, or cause any change in climate? | ☐ | ☐ | ☐ | ☑ |
| d) Create objectionable odors? | ☐ | ☐ | ☐ | ☑ |
| VI. TRANSPORTATION/CIRCULATION. *Would the proposal result in:* | | | | |
| a) Increased vehicle trips or traffic congestion? | ☐ | ☐ | ☑ | ☐ |
| b) Hazards to safety from design feature, (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)? | ☐ | ☐ | ☐ | ☑ |
| c) Inadequate emergency access or access to nearby uses? | ☐ | ☐ | ☐ | ☑ |
| d) Insufficient parking capacity onsite or offsite? | ☐ | ☐ | ☐ | ☑ |
| e) Hazards or barriers for pedestrians or bicyclists? | ☐ | ☐ | ☐ | ☑ |
| f) Conflicts with adopted policies supporting alternative transportation (e.g., bus turnouts, bicycle racks)? | ☐ | ☐ | ☐ | ☑ |
| g) Rail, waterborne or air traffic impacts? | ☐ | ☐ | ☐ | ☑ |

| VII. BIOLOGICAL RESOURCES. *Would the proposal result in impacts to:* | Potentially Significant Impact | Potentially Significant Unless mitigation Incorporated | Less than Significant Impact | No Impact |
|---|---|---|---|---|
| a) Endangered, threatened or rare species or their habitats (including but not limited to plants, fish, insects, animals, and birds? | ☐ | ☐ | ☑ | ☐ |
| b) Locally designated species (e.g., heritage trees)? | ☐ | ☐ | ☑ | ☐ |
| c) Locally designated natural communities (e.g., oak forest, coastal habitat, etc.)? | ☐ | ☐ | ☑ | ☐ |
| d) Wetland habitat (e.g., marsh, riparian, and vernal pool)? | ☐ | ☐ | ☑ | ☐ |
| e) Wildlife dispersal migration corridors? | ☐ | ☐ | ☑ | ☐ |
| **VIII. ENERGY AND MINERAL RESOURCES.** *Would the proposal:* | | | | |
| a) Conflict with adopted energy conservation plan? | ☐ | ☐ | ☐ | ☑ |
| b) Use nonrenewable resources in a wasteful and inefficient manner? | ☐ | ☐ | ☐ | ☑ |
| c) Result in the loss of availability of a known mineral resource that would be of future value to the region and the residents of the State? | ☐ | ☐ | ☐ | ☑ |
| **IX. HAZARDS.** *Would the proposal involve:* | | | | |
| a) A risk of accidental explosion or release of hazardous substances (including, but not limited to, oil, pesticides, chemicals, or radiation)? | ☐ | ☐ | ☐ | ☑ |
| b) Possible interference with an emergency response plan or emergency evacuation plan? | ☐ | ☐ | ☐ | ☑ |
| c) The creation of any health hazard or potential health hazard? | ☐ | ☐ | ☐ | ☑ |
| d) Exposure of people to existing sources of potential health hazards? | ☐ | ☐ | ☐ | ☑ |
| e) Increased fire hazard in areas with flammable brush, grass, or trees? | ☐ | ☐ | ☐ | ☑ |
| **X. NOISE.** *Would the proposal result in:* | | | | |
| a) Increase in existing noise levels? | ☐ | ☐ | ☑ | ☐ |
| b) Exposure of people to severe noise levels? | ☐ | ☐ | ☐ | ☑ |
| **XI. PUBLIC SERVICES.** *Would the proposed have an effect upon, or result in a need for new or altered government services in any of the following areas:* | | | | |
| a) Fire protection? | ☐ | ☐ | ☑ | ☐ |
| b) Police protection? | ☐ | ☐ | ☑ | ☐ |
| c) Schools? | ☐ | ☐ | ☐ | ☑ |
| d) Maintenance of public facilities, including roads? | ☐ | ☐ | ☑ | ☐ |
| e) Other government services? | ☐ | ☐ | ☐ | ☑ |

| XII. UTILITIES AND SERVICE SYSTEMS. *Would the proposal result in a need for new systems or supplies, or substantial alterations to the following utilities:* | Potentially Significant Impact | Potentially Significant Unless mitigation Incorporated | Less than Significant Impact | No Impact |
|---|---|---|---|---|
| a) Power or natural gas? | ☐ | ☐ | ☑ | ☐ |
| b) Communications systems? | ☐ | ☐ | ☐ | ☑ |
| c) Local or regional water treatment or distribution facilities? | ☐ | ☐ | ☑ | ☐ |
| d) Sewer or septic tanks? | ☐ | ☐ | ☑ | ☐ |
| e) Storm water drainage? | ☐ | ☐ | ☑ | ☐ |
| f) Solid waste disposal? | ☐ | ☐ | ☑ | ☐ |
| g) Local or regional water supplies? | ☐ | ☐ | ☐ | ☑ |
| XIII. AESTHETICS. *Would the proposal:* | | | | |
| a) Affect a scenic vista or scenic highway? | ☐ | ☐ | ☐ | ☑ |
| b) Have a demonstrable negative aesthetic effect? | ☐ | ☐ | ☑ | ☐ |
| c) Create light or glare? | ☐ | ☐ | ☑ | ☐ |
| XIV. CULTURAL RESOURCES. *Would the proposal:* | | | | |
| a) Disturb paleontological resources? | ☐ | ☐ | ☐ | ☑ |
| b) Disturb archaeological resources? | ☐ | ☐ | ☐ | ☑ |
| c) Have the potential to cause a physical change which would affect unique ethnic cultural values? | ☐ | ☐ | ☐ | ☑ |
| d) Restrict existing religious or sacred uses within the potential impact area? | ☐ | ☐ | ☐ | ☑ |
| XV. RECREATION. *Would the proposal:* | | | | |
| a) Increase the demand for neighborhood or regional parks or other recreational facilities? | ☐ | ☐ | ☐ | ☑ |
| b) Affect recreation opportunities? | ☐ | ☐ | ☐ | ☑ |

| XVI. MANDATORY FINDINGS OF SIGNIFICANCE | Potentially Significant Impact | Potentially Significant Unless mitigation Incorporated | Less than Significant Impact | No Impact |
|---|---|---|---|---|
| a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or pre-history? | ☐ | ☐ | ☐ | ☑ |
| b) Does the project have the potential to achieve short-term, to the disadvantage of long-term, environmental goals? | ☐ | ☐ | ☐ | ☑ |
| c) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects) | ☐ | ☐ | ☐ | ☑ |
| d) Does the project have environmental effects, which will cause substantial adverse effects on human beings, either directly or indirectly? | ☐ | ☐ | ☐ | ☑ |

XVII. EARLIER ANALYSES.

Earlier analyses may be used where, pursuant to the tiering, program EIR, or other CEQA process, one or more effects have been adequately analyzed in earlier EIR or negative declaration. Section 15063(c)(3)(D).

Earlier analyses used.

June 1991. City of Lodi General Plan EIR. This area was identified in the Lodi General Plan and discussed in the Environmental Impact Report SCH# 9020206

September 1999. Negative Declaration ND-99-02 for the Tecklenburg/Beckman Annexation. This document was certified by the Planning Commission and City Council of the City of Lodi as adequate environmental documentation by Resolution PC-99-41.

a) Mitigation measures. See Attached Summary for discussion.

## SUMMARY OF POTENTIAL IMPACTS

### I. LAND USE AND PLANNING

The Community Development Department finds that the proposed action to change the zoning of the project site will not have a physical effect on the environment. We acknowledge that the anticipated development of the properties as an auto sales, repair and collision center will physically change the project site.

The subject properties have a general plan land use designation of LI, Light Industrial. The General Plan defines LI as follows: "This designation provides for industrial parks, warehouse, distribution center, light manufacturing, public and quasi-public uses, and similar and compatible uses." The proposed M-1, Light Industrial zoning designation is consistent with the general plan, as is the proposed auto center.

The subject properties total approximately 27-acres of rural residential and agricultural land. Page 3-2 of the General Plan Policy Document identifies the conversion of agricultural land as an adverse impact of residential, commercial and industrial development. In order to mitigate the adverse impacts of converting farmland to urban uses, Chapter Three of the General Plan Policy Document specifies on page 3-4, among other things, that the City shall encourage the preservation of agricultural uses surrounding the city and to discourage any premature urbanization of farmland. Specific policies in the Conservation Element are aimed at delaying the loss of prime agricultural lands and facilitating their continued use, including: 1. Designating an open space greenbelt around the urbanized area of the City. The City of Lodi is a participant with the County in establishing a greenbelt area between Stockton and Lodi, for which the Lodi City Council has authorized up to $25,000 for further study of the area. 2. Support the continuation of agricultural uses on lands designated for urban uses until such time that urban development is imminent. 3. Allow the continuation of viable agricultural activities around the City.

Changing the zoning of the project area does not take the agricultural land out of production; however, its anticipated development as an auto center could diminish its viability for continued farming. There is no requirement of the City to stop the agricultural activities on these properties after their zoning is changed to light industrial.

Inappropriate and premature conversion of productive agricultural land would occur if "leap frog" development were taking place, involving development of land not adjacent to the existing City limits. Annexing and developing the subject land as an auto center is in keeping with the City's General Plan policies and ordinances promoting orderly and planned growth. Through continued efforts of the City to establish a greenbelt, continued participation in the San Joaquin County Multi-Species Habitat Conservation and Open Space Plan, continued implementation of the City's Growth Management practices, and continued enforcement of the City's "Right to Farm" ordinance, the City will remain the most compact city in the County, and one of the most compact cities in the State (see attached). We find that impacts associated with the conversion of the subject property from agricultural to urban uses are deemed less than significant.

## II. POPULATION AND HOUSING

The M-1, light industrial zoning designation does not allow the development of homes, so the change in zoning or development of the site as an auto center will have no effect on the population of Lodi. Furthermore, development of the project site will not induce growth in the area of the project site because there is no residential zoning within the City Limits east of State Highway 99. Along the same lines, any extensions of infrastructure to the project area for project site development would only serve other commercial or industrial projects. As far as the loss of affordable housing is concerned, there is only one residence in the project area and its loss whether affordable or not would not be deemed significant.

## III. GEOLOGIC PROBLEMS

The Project area is located in the San Joaquin Valley portion of the Central Valley of California. A sequence of sedimentary rocks up to 60,000 feet thick has filled the valley. Basement rocks composed of meta-sediments, volcanics, and granites underlie these deposits. The Midland Fault Zone is the nearest seismic area, and lies approximately 20 miles west of Lodi. Based upon the inactive status of this fault, the area has not been identified as a Special Studies Zone within the definitions of the Alquist-Priolo Act. However, appropriate construction standards will be utilized to conform to Seismic Zone 3 requirements.

## IV. WATER

This project by itself cannot reduce the amount of groundwater available for public water supplies; however, future industrial development will contribute to the existing decline in the quantity of ground water by creating additional demand on the groundwater basin. According to the City's "Urban Water Management Plan, June 2001," the City of Lodi obtains all of its fresh water supply from 24 existing water wells that pump groundwater from the Longer San Joaquin Valley Groundwater Basin. The Plan states that the City has been over drafting the groundwater basin, which is the cause of the gradual but continued decrease in groundwater levels. "Overall, the average annual decrease in groundwater levels from 1927 to 2000 has been 0.35 feet per year. Generally, groundwater elevations have decreased with the increase in population and water production."

At the time the General Plan was drafted in 1987, water demand stood at 13.7 MGD. In 1991, it had grown to 14.1 MGD. According to estimates prepared in 1991, development provided for by the General Plan would create demand for approximately 7.8 MGD of water, or 76 percent more than the current amount. The "Urban Water Management Plan" provides many recommendations the City could implement to ensure that the City maintains an adequate supply of fresh water. These recommendations include: Developing a conjunctive use program to reduce overall pumping of groundwater, recycling waste water, continuing current water conservation efforts, and adopting many "Best Management Practices" (BMP) water conservation processes established by the California Urban Water Conservation Council. The basic finding of the report is that if the City is going to continue its sole reliance on groundwater, it must establish additional conservation programs or the City will eventually run out of groundwater.

Even with the existing efforts of the City, water usage of existing homes, businesses, and industry are continuing to overdraft the groundwater basin. For this reason, the City is actively pursuing each of the recommendations cited in the Urban Water Management Plan; however, these recommended efforts are comprehensive to the City as a whole. At this time the City has not established a mechanism to mitigate by compensation or other means the cumulative impact on the City's fresh water supply at the individual project level. For this reason the City of Lodi finds that future development of the Plummer Rezone project area shall, at the time of establishment of the mechanism for compensation, be required to compensate the City on a "fair share" basis for the difference in water consumption between the original use of the land and an

industrial/commercial development. We find that the preceding sentence as well as the continuing effort of the City to regulate water usage and promote water conservation, shall suffice as mitigation to reduce the impacts of the future development of the Plummer Rezone project area on groundwater supply to less than significant.

## V. AIR QUALITY

Rezoning of this property will not have a significant effect on the air quality of the project area; however, the future development of the project site may cause a small decrease in ambient air quality standards dust during construction and to trips to and from the site. Chapter 15, Air Quality, of the City of Lodi General Plan Environmental Impact Report states that the City of Lodi will coordinate development project review with the San Joaquin Valley Air Pollution Control District (SJVAPCD) in order to minimize future increases in vehicle travel and to assist in implementing any indirect source regulations adopted by the SJVAPCD.

In order to determine the significance of potential air quality impacts we have utilized the SJVAPCD "Guide for assessing and mitigating air quality impacts." According to this document, we have determined that the project falls within the "Small Project Analysis Level (SPAL)," and does not require further air quality analysis. Based on the Institute of Transportation Engineers "Trip Generation" manual, we have found that development of the 27-acre project site under the proposed light industrial zoning has the potential of generating 1,399 daily vehicle trips. According to SJVAPCD, these numbers are under the threshold of significance (1,506 trips per day) qualifying them under Small Project Analysis Level (SPAL). Individual uses within the developing project area may require project review, permits, or mitigation by the SJVAPCD, but this rezoning is under the threshold of significance set by SJVAPCD.

Although the project does not involve any development at this point, the City of Lodi will, at the time of development, implement impact-reducing measures prescribed by the San Joaquin Valley Unified Air Pollution Control District in order to reduce the potential impact from fugitive dust (PM-10) due to earth moving and other construction activities. The "Regulation VIII control measures" are listed as follows:

- All disturbed areas, including storage piles, which are not being actively utilized for construction purposes, shall be effectively stabilized of dust emissions using water, chemical stabilizer/suppressant, covered with a tarp or other suitable cover or vegetative ground cover.
- All on-site unpaved roads and off-site unpaved access roads shall be effectively stabilized of dust emissions using water or chemical stabilizer/suppressant.
- All land clearing, grubbing, scraping, excavation, land leveling, grading, cut & fill, and demolition activities shall be effectively controlled of fugitive dust emissions utilizing application of water or by presoaking.
- With the demolition of buildings up to six stories in height, all exterior surfaces of the building shall be wetted during demolition.
- When materials are transported off-site, all material shall be covered, or effectively wetted to limit visible dust emissions, and at least six inches of freeboard space from the top of the container shall be maintained.

- All operations shall limit or expeditiously remove the accumulation of mud or dirt from adjacent public streets at the end of each workday. *(The use of dry rotary brushes is expressly prohibited except where preceded or accompanied by sufficient wetting to limit the visible dust emissions.) (Use of blower devices is expressly forbidden.)*
- Following the addition of materials to, or the removal of materials from, the surface of outdoor storage piles, said piles shall be effectively stabilized of fugitive dust emissions utilizing sufficient water or chemical stabilizer/suppressant.
- Within urban areas, trackout shall be immediately removed when it extends 50 or more feet from the site and at the end of each workday.
- Any site with 150 or more vehicle trips per day shall prevent carryout and trackout.

By implementing the measures above, the temporary impacts from construction (primary impacts) on air quality will be reduced to less than significant levels.

In addition, the City is reducing impacts from vehicle emissions (secondary impacts) by implementing programs for alternate transportation. Programs such as the City's Dial-A-Ride system, which is a door to door service; or the Grape Line, which is a fixed route transit system; or the City's Bicycle Transportation Master Plan; or even the recent introduction of Amtrak rail service to the City's Multi-Modal station will help to reduce vehicle emissions. The City's programs along with the programs at the Federal, State, and County levels will help to reduce vehicle emissions created by this project to less than significant levels.

## VI. TRANSPORTATION/CIRCULATION

Additional vehicle trips will affect transportation patterns relative to existing traffic loads and street capacity in the immediate project area. In order to reduce impacts from additional traffic, "The City shall review new developments for consistency with the General Plan Circulation Element and the Capital Improvements Program. Those developments found to be consistent with the Circulation Element shall be required to pay their fair share of traffic impact fees. Those developments found to be generating more traffic than that assumed in the Circulation Element shall be required to prepare a site-specific traffic study and fund needed improvements not identified in the capital improvements program in addition to paying their fair share of the traffic impact fees." The traffic impact fee will be used to finance future improvements such as traffic signals and street widening projects for older intersections and streets congested by new development.

The entire project site was originally designated in the City's General Plan as LI, Light Industrial so its circulation needs are projected and have been designed for industrial development. Based on the Institute of Transportation Engineers "Trip Generation" manual, we have found that development of the 27-acre project site under the proposed light industrial zoning has the potential of generating 1,399 daily vehicle trips. At this point, Kettleman Lane is the only access to the project site. Kettleman Lane is planned in the City's Street Master Plan as a minor arterial (94' right-of-way, 4-lanes and left turn median). A preliminary street layout for the project area identifies Guild Avenue as a north south connection to Kettleman Lane approximately 450-feet to the east of the

project site (see attached). Guild Avenue is planned in the City's Streets Master Plan as being a secondary arterial (80' right-of-way, 4-lanes). There are also a 60-foot streets proposed across the north and west boundaries of the project site. With the installation of these roadways, there should be no traffic impacts or reduction in service levels in or around the project site.

We believe that implementation of the City's Circulation Master Plan based on the General Plan Circulation Element and EIR, specifically the items as listed above, will adequately reduce traffic impacts in the immediate area to less than significant levels.

## VII. BIOLOGICAL RESOURCES

Development of the project site is subject to the payment of fees in accordance with the San Joaquin County Multi-Species Habitat Conservation and Open Space Plan.

The proposed project is consistent with the San Joaquin County Multi-Species Habitat Conservation and Open Space Plan (SJMSCP), as amended, as reflected in the conditions of project approval for this proposal. Pursuant to the Final EIR/EIS for the San Joaquin county Multi-Species Habitat Conservation and Open Space Plan (SJMSCP), dated November 15, 2000, and certified by the San Joaquin Council of Governments on December 7, 2000, implementation of the SJMSCP is expected to reduce impacts to biological resources resulting from the proposed project to a level of less-than--significant. That document is hereby incorporated by reference and is available for review during regular business hours at the San Joaquin Council of Governments (6 S. El Dorado St., Suite 400/Stockton, CA 95202) or online at: www.sjcog.org.

## VIII. ENERGY AND MINERAL RESOURCES

Development of the project site will require review by the Building Division of the Community Development Department, who will ensure that the construction adheres to provisions of 2001 Title 24, Part 6 California's Energy Efficiency Standards for Residential and Nonresidential Buildings. The Energy Efficiency Standards for Residential and Nonresidential Buildings were established in 1978 in response to a legislative mandate to reduce California's energy consumption. The standards are updated periodically to allow consideration and possible incorporation of new energy efficiency technologies and methods. New standards were adopted by the Commission in 2001 as mandated by Assembly Bill 970 to reduce California's electricity demand. The new standards went into effect on June 1, 2001. Construction under these standards should eliminate wasteful and inefficient use of nonrenewable resources.

In addition, development of the site is not expected to result in the loss of availability of any known mineral resource that would be of future value to the region and the residents of the State. There are no known mineral deposits within the area. The soil in the area is a sandy loam type with hardpan approximately 6 to 8 feet beneath the surface. There is no indication that valuable minerals are located within the general area. No impacts associated within the loss of minerals are expected because of the project.

## IX. HAZARDS

By establishing the zoning of the project site as M-1, Light Industrial, there could be uses other than the proposed auto center that may involve the creation, handling, processing, or storage of hazardous substances. The development of the site will be reviewed by the City's Building and Fire Departments to ensure that the site as well as any future structures meet or exceed the requirements of the building and fire code.

## X. NOISE

The project area will eventually develop as an automotive sales, service, and repair center with a larger portion developing as uses typically found in a light industrial zone. These developments will be restricted by the City's noise ordinance. The noise ordinance prohibits above ambient noise levels between the hours of 10 p.m. and 7 a.m. Noise generated by the future development of the project site is not anticipated to be an impact to the surrounding areas. The ambient noise level of the nearby Highway 99 is generally high, which will likely drown out the noises associated with the operation of commercial/light industrial uses. The General Plan environmental impact report identifies the project area closest to the highway with a Community Noise Equivalent Level (CNEL) of 70dB to 75dB, which without mitigation could be considered "Normally Unacceptable." Given that the project's location is within a planned industrial area, residences are not an allowable use and would therefore not be impacted by the nearby highway and its noise.

## XI. PUBLIC SERVICES

The change from County agricultural land to its eventual development will generate the need for expanded governmental services including fire and police. The Citywide Development Impact Mitigation Fee schedule was adopted to insure that new development generates sufficient revenue to maintain specified levels of service in Lodi.

Page 9-5 of the General Plan Policy Document states that the City shall add personnel, equipment, or facilities necessary to maintain a minimum three (3) minute travel time for fire calls. Page 9-6 of the Policy Document goes on to state that the City shall also strive to maintain a staff ratio of 3.1 police officers per 1,000 population with response times averaging three (3) minutes for emergency calls and 40 minutes for non emergency calls. Impact fees are calculated on new development based on use and density to generate enough revenue to preserve adequate service levels, thereby mitigating potential adverse impacts on governmental services to less than significant levels.

## XII. UTILITIES AND SERVICE SYSTEMS.

The General Plan EIR points out on page 10-2 that at the time the General Plan was prepared in 1989, there was a design treatment capacity of 6.2 MGD. A planned (and later completed) expansion increased capacity to 8.5 MGD in 1991. Assuming that residential growth was to continue at the planned two (2) percent annual rate, and that flows would increase at a proportionate rate, the City's White Slough Water Pollution Control Facility (WSWPCF) has adequate capacity for the life of the 20 year plan. In fact, residential growth has not reached the two (2) percent mark since the plan was

adopted. Over the last five (5) years, growth has averaged 1.63%. This being the case, there is estimated to be excess carrying capacity at the WSWPCF, enough to mitigate any impacts of the industrial development to less than significant levels.

The General Plan EIR, page 10-3 outlines the City's storm water collection, distribution, and disposal system. In Lodi, storm water is discharged to the Mokelumne River and the Woodbridge Irrigation District (WID) Canal. The project area's storm drainage will flow to the Pixley Park/C-basin drainage basin. The C-basin was engineered with a capacity to handle storm water runoff from a 48-hour, 100-year storm. Storm runoff from the development of the project site will not impact the existing system.

Please refer to section IV. Water above comments related to water supplies.

## XIII. AESTHETICS.

Development of the project area would not affect a scenic vista or scenic highway because there are no known or recognized scenic views or highways in or immediately around the project area. The project area is south of a vineyard, west of a vinyard, east of an undeveloped commercial/industrial property, and north of rural homes across Kettleman Lane.

Given the proposed light industrial zoning, development of the site will be commercial or warehouse structures. We expect the frontage of Kettleman Lane to develop as an auto center. The westernmost portion of this development will be across Kettleman Lane from a few rural residences. While not typically required in industrial zones, the Community Development Director has the discretion to have the City's Site Plan and Architectural Review Committee (SPARC) review the aesthetics of a development. Given the proximity of the homes to the southwest, the Community Development Director may find it necessary to require SPARC review. SPARC is charged with determining, "compliance with the zoning ordinance and to promote the orderly development of the city, the stability of land values, investment and the general welfare, and to help prevent the impairment or depreciation of land values and development by the erection of structures or additions or alterations thereto without proper attention to siting or to unsightly, undesirable or obnoxious appearance." As part of the review by SPARC, lighting is required to be shielded or low level to eliminate potential glare and excessive light on neighboring properties.

## XIV. CULTURAL RESOURCES.

Rezoning of the project area from UH, Unclassified Holding to M-1, Light Industrial will not create a physical change of the project site. The process of establishing land use regulations or zoning for the property gives access for development. The Community Development Department will review future development proposals for their impact on cultural and archaeological values or resources.

## XV. RECREATION.

The Community Development Department finds that development of this property as an auto center and other light industrial uses will not create an increase in the demand for

recreational opportunities in the City of Lodi. Nonetheless, the City's Parks Master plan adopted in January of 1994 has taken into account the recreational needs of Lodi, and has included the project area and its limited demand in its projections.

The Parks Master Plan is a 15-year plan that identifies improvements to existing parks and new park areas throughout Lodi including the existing undeveloped Pixley Park/C-Basin to the northwest. The land area of Pixley Park will be expanded to the south to front the new east/west street that is adjacent to the north boundary of the project site. The park is currently a radio controlled model airplane and vehicle park, but is planned to become a lighted softball complex. Continued progress with the implementation of this plan is anticipated to provide parks and recreational opportunities at no less than a satisfactory level. There are no existing recreational opportunities on this property.

DETERMINATION:

On the basis of this initial evaluation:

☐ I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE declaration will be prepared.

☑ I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because the mitigation measures described on an attached sheet have been added to the project. A NEGATIVE DECLARATION will be prepared.

☐ I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.

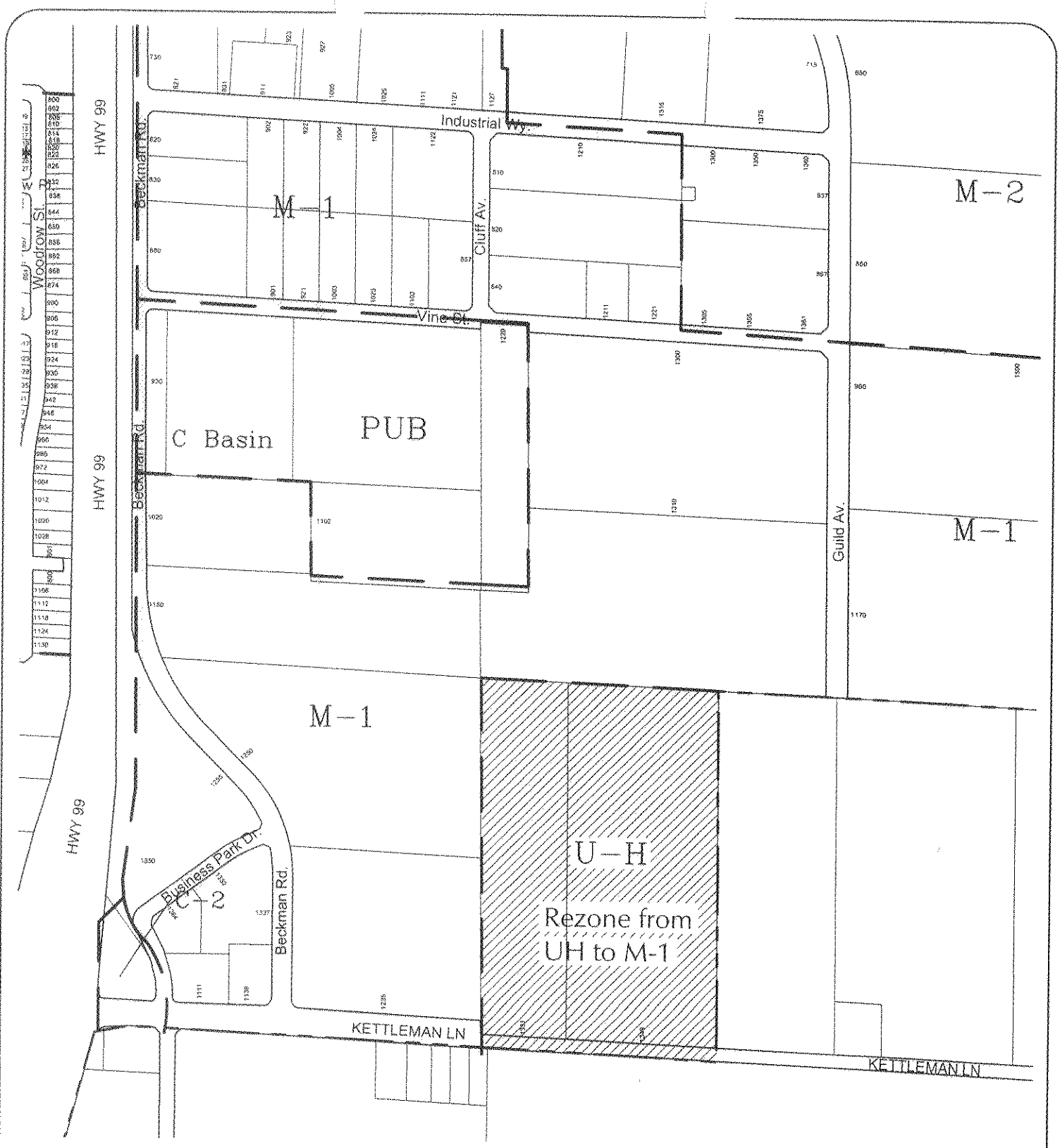
☐ I find that the proposed project MAY have a significant effect(s) on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets' if the effect is a "potentially significant impact" or "potentially significant unless mitigated."

☐ I find that although the proposed project could have a significant effect on the environment, there WILL NOT be a significant effect in this case because all potentially significant effects (a) have been analyzed adequately in an earlier EIR pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR, including revisions or mitigation measures that are imposed upon the proposed project

Signature: _____ Date: 2-5-03

Printed Name: Mark Meissner

For: City of Lodi




# VICINITY MAP

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RESOLUTION NO. P.C. 03-03

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LODI RECOMMENDING APPROVAL OF THE REQUEST OF DENNIS PLUMMER FOR PREZONING Z-03-01 TO THE LODI CITY COUNCIL.**

WHEREAS, the Planning Commission of the City of Lodi has heretofore held a duly noticed public hearing, as required by law, on the requested Prezoning in accordance with the Government Code and Lodi Municipal Code Chapter 17.84, Amendments;

WHEREAS, the properties are located at 1331 and 1349 East Kettleman Lane, (049-250-53 & 52);

WHEREAS, the project proponent is Dennis Plummer, 1011 South Cherokee Lane, Lodi, CA 95240;

WHEREAS, the properties have a zoning designation of U-H, Unclassified Holding;

WHEREAS, all legal prerequisites to the approval of this request have occurred.

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

1. Negative Declaration File No. ND-03-02 has been prepared in compliance with the California Environmental Quality Act of 1970, as amended, and the Guidelines provided there under. Further, the Commission has reviewed and considered the information contained in said Negative Declaration with respect to the project identified in this Resolution.

2. It is found that the parcels to be prezoned are the parcels located at 1331 and 1349 East Kettleman Lane, (049-250-53 & 52).

3. It is found that the requested rezoning of M-1, Light Industrial is not in conflict with adopted plans or policies of the General Plan of the City and will serve sound Planning practice.

4. It is further found that the parcels of the proposed rezoning are physically suitable for the development of an auto dealership.

5. The Planning Commission of the City of Lodi hereby recommends approval of Rezone Z-03-01 to the City Council of the City of Lodi.

Dated: March 12, 2003

I hereby certify that Resolution No. 03-03 was passed and adopted by the Planning Commission of the City of Lodi at a meeting held on March 12, 2003, by the following vote:

| | | |
|---|---|---|
| AYES: | Commissioners: | Aguirre, Crabtree, Haugan, and White |
| NOES: | Commissioners: | |
| ABSENT: | Commissioners: | Mattheis, Phillips, and Heinitz |
| ABSTAIN: | Commissioners: | |

**ATTEST:** _____
**Secretary, Planning Commission**

DRAFT

Minutes from the March 12, 2003 Planning Commission meeting.

**The request of Dennis Plummer for the Planning Commission's recommendation of approval to the City Council for the rezoning of 1331 and 1349 East Kettleman Lane from U-H, Unclassified Holding to M-1, Light Industrial. The request also includes a recommendation that the City Council certify Negative Declaration ND-03-02 as adequate environmental documentation for this project.** City Planner Hightower presented the matter to the Commission. The applicant was proposing to relocate an existing car dealership at the subject location. Staff was comfortable with the proposed development and felt the proposed M-1, Light Industrial zoning was the highest and best use for the property. Staff was recommending approval of the request.

Commissioner Crabtree asked what the zoning was for the properties surrounding the subject property. Mr. Hightower replied the two parcels were the only properties within the City with a U-H, Unclassified Holding zoning.

**Hearing Opened to the Public**
Steve Pechin, 323 W. Elm Street, Lodi. Mr. Pechin was the Engineer for the subject project. He was in agreement with all conditions set forth by staff. He felt it would be a good fit for the area.

Mike Tiehm, co-owner of subject property. Mr. Tiehm was in agreement to the conditions set forth by staff.

**Hearing Closed to the Public**

The Planning Commission on motion of Commissioner Haugan, second by Aguirre, voted to approve and recommend to the City Council the request of Dennis Plummer for the Planning Commission's recommendation of approval to the City Council for the rezoning of 1331 and 1349 East Kettleman Lane from U-H, Unclassified Holding to M-1, Light Industrial. The request also includes a recommendation that the City Council certify Negative Declaration ND-03-02 as adequate environmental documentation for this project by the following vote:

| | | |
|---|---|---|
| AYES: | Commissioners: | Aguirre, Crabtree, Haugan, and White |
| NOES: | Commissioners: | |
| ABSENT: | Commissioners: | Mattheis, Phillips, and Heintz |
| ABSTAIN: | Commissioners | |

ORDINANCE NO. ____

AN ORDINANCE OF THE LODI CITY COUNCIL AMENDING THE OFFICIAL DISTRICT MAP OF THE CITY OF LODI AND THEREBY REZONING 1331 AND 1349 EAST KETTLEMAN LANE (APN 049-250-53 & 049-250-52) FROM U-H, UNCLASSIFIED HOLDING TO M-1, LIGHT INDUSTRIAL

BE IT ORDAINED BY THE LODI CITY COUNCIL AS FOLLOWS:

Section 1. The Official District Map of the City of Lodi adopted by Title 17 of the Lodi Municipal Code is hereby amended as follows:

> Parcels located at 1331 and 1349 East Kettleman Lane (APN 049-250-53 & APN-049-250-52) are hereby rezoned from U-H, Unclassified Holding to M-1, Light Industrial, as shown on Exhibit "A" attached, which is on file in the office of the City Clerk.

Section 2. The Planning Commission adopted Resolution No. P.C. 03-03 recommending approval of this request for a rezone at their meeting of March 12, 2003.

Section 3. A Negative Declaration (ND-03-02) has been prepared in compliance with the California Environmental Quality Act of 1970, as amended, and the Guidelines provided thereunder. Further, the Planning Commission has reviewed and considered the information contained in said Negative Declaration with respect to the project identified in their Resolution No. P.C. 03-03.

Section 3 - 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 4 - Severability. If any provision of this ordinance or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application. To this end, the provisions of this ordinance are severable. The City Council hereby declares that it would have adopted this ordinance irrespective of the invalidity of any particular portion thereof.

Section 5. The alterations, changes, and amendments of said Official District Map of the City of Lodi herein set forth have been approved by the City Planning Commission and by the City Council of this City after public hearings held in conformance with provisions of Title 17 of the Lodi Municipal Code and the laws of the State of California applicable thereto.

Section 6. All ordinances and parts of ordinances in conflict herewith are repealed insofar as such conflict may exist.

Section 7. This ordinance shall be published one time in the "Lodi News Sentinel", a daily newspaper of general circulation printed and published in the City of Lodi and shall be in force and take effect thirty days from and after its passage and approval.

Approved this _____ day of _____, 2003.

_____
SUSAN HITCHCOCK
Mayor

Attest:

SUSAN J. BLACKSTON
City Clerk

State of California
County of San Joaquin, ss.

I, Susan J. Blackston, 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 April 16, 2003 and was thereafter passed, adopted and ordered to print at a regular meeting of said Council held _____, 2003 by the following vote:

AYES: COUNCIL MEMBERS –

NOES: COUNCIL MEMBERS –

ABSENT: COUNCIL MEMBERS –

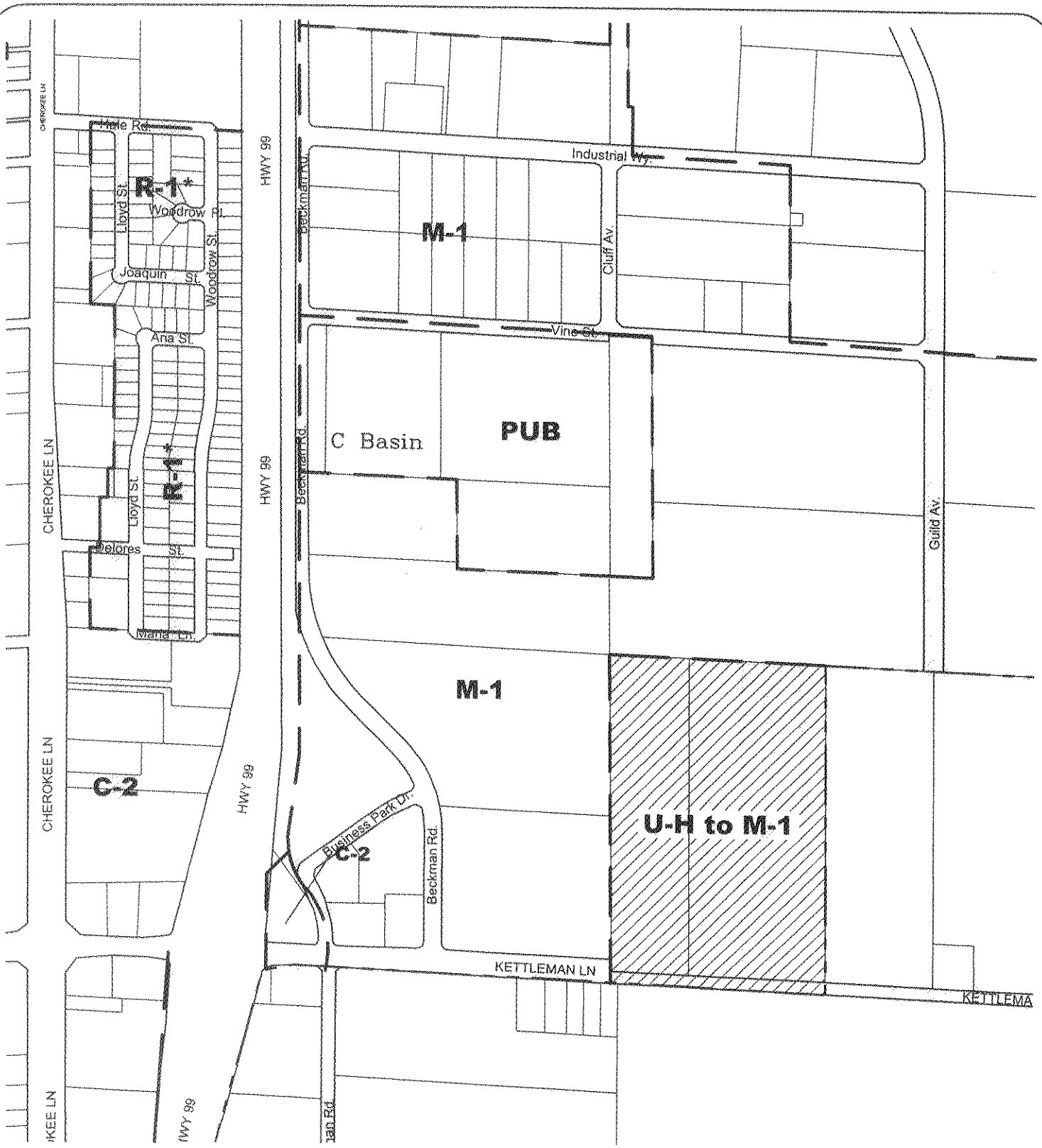
ABSTAIN: COUNCIL MEMBERS –

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.

SUSAN J. BLACKSTON
City Clerk

Approved as to Form:

RANDALL A. HAYS
City Attorney




# PROPOSED ZONING MAP

Plummer Rezone Z-03-01

**EXHIBIT A**

LEGEND

RESIDENTIAL ZONES:
- R-1 - SINGLE FAMILY
- R-2 - SINGLE FAMILY
- R-LD- LOW DENSITY
- R-GA- GARDEN APARTMENT
- R-MD- MEDIUM DENSITY (APARTMENT)
- R-HD- HIGH DENSITY (APARTMENT)
- P-D - PLANNED DEVELOPMENT
- R-1*- SINGLE-FAMILY (EASTSIDE)

COMMERCIAL ZONES:
- R-CP- PROFESSIONAL OFFICES
- R-CP*- PROFESSIONAL OFFICES (EASTSIDE)
- C-1 - NEIGHBORHOOD
- C-2 - GENERAL
- C-S - SHOPPING CENTER

OTHER ZONES:
- U-H - UNCLASSIFIED HOLDING (AGRICULTURAL)
- F-P - FLOOD PLAIN
- PUB - PUBLIC

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RESOLUTION NO. 2003-66

A RESOLUTION OF THE LODI CITY COUNCIL CERTIFYING THE NEGATIVE DECLARATION (ND-03-02) AS ADEQUATE ENVIRONMENTAL DOCUMENTATION FOR THE REZONE OF PROPERTY LOCATED AT 1331 AND 1349 EAST KETTLEMAN LANE, LODI

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WHEREAS, public hearings were held by the Planning Commission and City Council on March 12, 2003 and April 16, 2003, respectively, on the following described Rezone:

> Rezone of two parcels totaling 27-acres located at 1331 and 1349 East Kettleman Lane (APN 049-250-53 and APN 049-250-52) from U-H, Unclassified Holding to M-1, Light Industrial, as shown on Exhibit "A" attached, which is on file in the office of the City Clerk.

WHEREAS, a Negative Declaration (ND-03-02) has been prepared in compliance with the California Environmental Quality Act of 1970, as amended, and the Guidelines provided thereunder. Further, the Planning Commission has reviewed and considered the information contained in said Negative Declaration with respect to the project identified in its Resolution No. P.C. 03-03; and

WHEREAS, it is the Planning Commission's recommendation that City Council approve its finding that the Negative Declaration is adequate environmental documentation.

NOW, THEREFORE, BE IT RESOLVED that the City Council has reviewed all documentation and hereby certifies the Negative Declaration as adequate environmental documentation for the rezone of 1331 and 1349 East Kettleman Lane.

Dated: April 16, 2003

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I hereby certify that Resolution No. 2003-66 was passed and adopted by the City Council of the City of Lodi in a regular meeting held April 16, 2003, by the following vote:

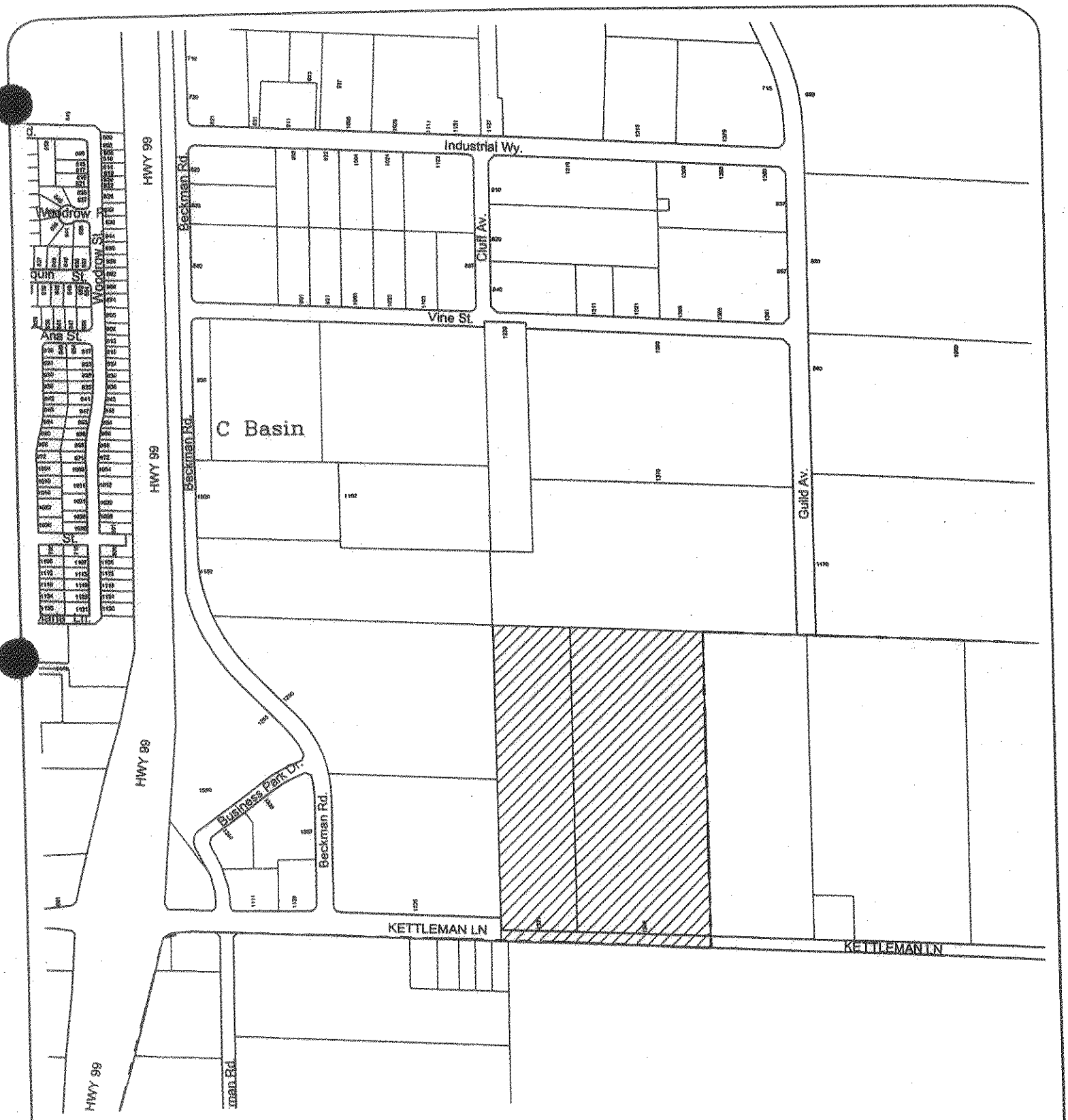
AYES: COUNCIL MEMBERS – Beckman, Hansen, Howard, Land, and Mayor Hitchcock

NOES: COUNCIL MEMBERS – None

ABSENT: COUNCIL MEMBERS – None

ABSTAIN: COUNCIL MEMBERS – None

SUSAN J. BLACKSTON
City Clerk




# VICINITY MAP

N

EXHIBIT A

# DECLARATION OF MAILING

**PUBLIC HEARING TO CONSIDER PLANNING COMMISSION'S RECOMMENDATION OF APPROVAL TO THE CITY COUNCIL FOR THE REZONING OF 1331 AND 1349 EAST KETTLEMAN LANE FROM U-H, UNCLASSIFIED HOLDING TO M-1, LIGHT INDUSTRIAL; THE REQUEST ALSO INCLUDES A RECOMMENDATION THAT THE CITY COUNCIL CERTIFY NEGATIVE DECLARATION ND-03-02 AS ADEQUATE ENVIRONMENTAL DOCUMENTATION OF THIS PROJECT**

On April 3, 2003, in the City of Lodi, San Joaquin County, California, I deposited in the United States mail, envelopes with first-class postage prepaid thereon, containing a public hearing notice to consider the Planning Commission's recommendation of approval to the City Council for the rezoning of 1331 and 1349 East Kettleman Lane from U-H, Unclassified Holding to M-1, Light Industrial; the request also includes a recommendation that the City Council certify Negative Declaration ND-03-02 as adequate environmental documentation of this project, marked Exhibit "A"; said envelopes were addressed as is more particularly shown on Exhibit "B" attached hereto.

There is a regular daily communication by mail between the City of Lodi, California, and the places to which said envelopes were addressed.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on April 3, 2003, at Lodi, California.

ORDERED BY:

**SUSAN BLACKSTON**
**CITY CLERK, CITY OF LODI**

**ORDERED BY:**

JACQUELINE L. TAYLOR
DEPUTY CITY CLERK

JENNIFER M. PERRIN
DEPUTY CITY CLERK

PATRICIA OCHOA
ADMINISTRATIVE CLERK

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# DECLARATION OF POSTING

**PLANNING COMMISSION'S RECOMMENDATION OF APPROVAL TO THE CITY COUNCIL FOR THE REZONING OF 1331 AND 1349 EAST KETTLEMAN LANE FROM U-H, UNCLASSIFIED HOLDING TO M-1, LIGHT INDUSTRIAL; THE REQUEST ALSO INCLUDES A RECOMMENDATION THAT THE CITY COUNCIL CERTIFY NEGATIVE DECLARATION ND-03-02 AS ADEQUATE ENVIRONMENTAL DOCUMENTATION OF THIS PROJECT**

On Thursday, April 3, 2003, in the City of Lodi, San Joaquin County, California, a copy of the notice to set public hearing for April 16, 2003, to consider the Planning Commission's recommendation of approval to the City Council for the rezoning of 1331 and 1349 East Kettleman Lane from U-H, Unclassified Holding to M-1, Light Industrial; the request also includes a recommendation that the City Council certify Negative Declaration ND-03-02 as adequate environmental documentation of this project (attached hereto, marked Exhibit "A") was posted at the following four locations:

Lodi Public Library
Lodi City Clerk's Office
Lodi City Hall Lobby
Lodi Carnegie Forum

I declare under penalty of perjury that the foregoing is true and correct.

Executed on April 3, 2003, at Lodi, California.

ORDERED BY:

**SUSAN J. BLACKSTON**
**CITY CLERK**

Jacqueline L. Taylor
Deputy City Clerk

Patricia Ochoa
Administrative Clerk

Jennifer M. Perrin
Deputy City Clerk

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***Please immediately confirm receipt of this fax by calling 333-6702***

CITY OF LODI
P. O. BOX 3006
LODI, CALIFORNIA 95241-1910

# ADVERTISING INSTRUCTIONS

**SUBJECT:** **TO SET PUBLIC HEARING TO CONSIDER THE PLANNING COMMISSION'S RECOMMENDATION OF APPROVAL TO THE CITY COUNCIL FOR THE REZONING OF 1331 AND 1349 EAST KETTLEMAN LANE**

## LEGAL AD

**PUBLISH DATE:** **SATURDAY, APRIL 5, 2003**

**TEAR SHEETS WANTED:** Three (3) please

**SEND AFFIDAVIT AND BILL TO:**

SUSAN BLACKSTON, CITY CLERK
City of Lodi
P.O. Box 3006
Lodi, CA 95241-1910

**DATED:** THURSDAY, APRIL 3, 2003

**ORDERED BY:**

Patricia Ochoa
PATRICIA OCHOA
ADMINISTRATIVE CLERK

JACQUELINE L. TAYLOR
DEPUTY CITY CLERK

JENNIFER M. PERRIN
DEPUTY CITY CLERK

**Verify Appearance of this Legal in the Newspaper – Copy to File**

Faxed to the Sentinel at 369-1084 at 11:15am (time) on 4/3/03 (date) 2 (pages)
Kelsey 4/3/03 Phoned to confirm receipt of all pages at 4:32 (time) Jac Patricia Jen (initials)

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# CITY OF LODI

**Carnegie Forum**
**305 West Pine Street, Lodi**

**NOTICE OF PUBLIC HEARING**
**Date:** April 16, 2003
**Time:** 7:00 p.m.

For information regarding this notice please contact:
**Susan J. Blackston**
**City Clerk**
**Telephone: (209) 333-6702**

EXHIBIT A

NOTICE OF PUBLIC HEARING

**NOTICE IS HEREBY GIVEN** that on **Wednesday, April 16, 2003** at the hour of 7:00 p.m., or as soon thereafter as the matter may be heard, the City Council will conduct a Public Hearing at the Carnegie Forum, 305 West Pine Street, Lodi, to consider the following matter:

a) Planning Commission's recommendation of approval to the City Council for the rezoning of 1331 and 1349 East Kettleman Lane from U-H, Unclassified Holding to M-1, Light Industrial; the request also includes a recommendation that the City Council certify Negative Declaration ND-03-02 as adequate environmental documentation of this project.

Information regarding this item may be obtained in the office of the Community Development Department, 221 West Pine Street, Lodi, California. All interested persons are invited to present their views and comments on this matter. Written statements may be filed with the City Clerk at any time prior to the hearing scheduled herein, and oral statements may be made at said hearing.

If you challenge the subject matter in court, you may be limited to raising only those issues you or someone else raised at the Public Hearing described in this notice or in written correspondence delivered to the City Clerk, 221 West Pine Street, at or prior to the Public Hearing.

By Order of the Lodi City Council:

Susan J. Blackston
City Clerk

**Dated: April 2, 2003**

Approved as to form:

Randall A. Hays
City Attorney

EXHIBIT B

**Rezone of properties located at 1331 and 1349 E. Kettleman Lane**

1. 04925053;BECKMAN, WILLIAM TROY TR ETAL;PO BOX 1537 ;LODI ;CA;95241
2. 04925052;PLUMMER, DENNIS W TR ETAL ;1011 S CHEROKEE ;LODI ;CA;95240
3. 04925045;CRAIG, BARBARA ANN ETAL ;2105 SCHERWOOD AVE ;MODESTO ;CA;95350
4. 04925044;GFLIP III LP ;920 S CHEROKEE LN SUITE A ;LODI ;CA;95240
5. 04925051;ANAGNOS, GUS & POPI ;5485 E KETTLEMAN LN ;LODI ;CA;95240
6. 06102015;HOFFMAN, ARTHUR & LORENE TR ET;2418 E WOODBRIDGE RD ;ACAMPO ;CA;95220
7. 06102017;HANSEN, MARVIN J & W J ;5100 E KETTLEMAN LN ;LODI ;CA;95240
8. 06102018;WAGNER, LESTER & THELMA TR ;225 E KETTLEMAN LN ;LODI ;CA;95240
9. 06102019;SHAH, IZHAR & MUSARAT ;5174 E KETTLEMAN LN ;LODI ;CA;95240
10. 06102020;WOFFORD, JAMES T & JUNE ;5200 E KETTLEMAN LN ;LODI ;CA;95240
11. 06102016;WONG, WAI SHING & BOO JIN ;5070 E KETTLEMAN LN ;LODI ;CA;95240
12. Baumbach & Piazza

## NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that on Wednesday, April 16, 2003 at the hour of 7:00 p.m., or as soon thereafter as the matter may be heard, the City Council will conduct a Public Hearing at the Carnegie Forum, 305 West Pine Street, Lodi, to consider the following matter:

a) Planning Commission's recommendation of approval to the City Council for the rezoning of 1331 and 1349 East Kettleman Lane from U-H, Unclassified Holding to M-1, Light Industrial; the request also includes a recommendation that the City Council certify Negative Declaration ND-03-02 as adequate environmental documentation of the project.

Information regarding this item may be obtained in the office of the Community Development Department, 221 West Pine Street, Lodi, California. All interested persons are invited to present their views and comments on this matter. Written statements may be filed with the City Clerk at any time prior to the hearing scheduled herein, and oral statements may be made at said hearing.

If you challenge the subject matter in court, you may be limited to raising only those issues you or someone else raised at the Public Hearing described in this notice or in written correspondence delivered to the City Clerk, 221 West Pine Street, at or prior to the Public Hearing.

By Order of the Lodi City Council:
Susan J. Blackston
City Clerk

Dated: April 2, 2003
Approved as to form:
Randall A. Hays
City Attorney
April 5, 2003

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