



PLANNING COMMISSION  
STAFF REPORT

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<b>DATE:</b>	March 29, 2023
<b>APPLICATION NO:</b>	Municipal Code Text Amendment No. TA-23-32
<b>LOCATION:</b>	Central Lathrop Specific Plan and Mossdale Village
<b>REQUEST:</b>	Consider Adoption of a Resolution Recommending the City Council (1) Adopt an Ordinance to Add Chapter 17.78 Hotel Limitations and modify Section 17.62.072 of the Central Lathrop Commercial Office Zoning District of the Lathrop Municipal Code; (2) Adopt a Resolution Amending the Permitted and Conditional Land Use List for Mossdale Landing, Mossdale Landing East, and Mossdale Landing South Urban Design Concepts to Limit Hotel Development in the Central Lathrop Specific Plan and Mossdale Village Development Areas.
<b>APPLICANT:</b>	City of Lathrop 390 Towne Centre Drive Lathrop, CA 95330
<b>CEQA STATUS:</b>	Exempt according to California Environmental Quality Act Article 5 §15061 (b) (3), by the “Common Sense Exemption”.

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**SUMMARY:**

The proposed Municipal Code Text Amendment (TA) is a Council-initiated proposal to limit hotel establishments in the City. The areas of limitation are the Central Lathrop Specific Plan and Mossdale Landing development areas. The amendments include adding a new Chapter 17.78 “Hotel Limitations” and amending Section 17.62.072 of the Central Lathrop Commercial Office Zoning District of the Lathrop Municipal Code (LMC). In addition amendments are proposed for the Permitted and Conditional Land Use Lists for the Mossdale Landing, Mossdale Landing East, and Mossdale Landing South Urban Design Concepts (UDC).

**BACKGROUND:**

On February 13, 2023, the City Council discussed the potential limitation of hotel establishments in the City. The discussion was prompted by a disproportionately large number of applications for entitlements and construction permits for hotels. Following this discussion, the City Council instructed staff to prepare amendments to ensure that adequate land is available for a variety of potential commercial development such as retail, office, services, etc., within the undeveloped commercial land along Interstate-5. At the end of the discussion, the City Council provided

## ITEM 8.1

direction to staff to prepare an Ordinance to limit new hotel developments in the Central Lathrop Specific Plan and Mossdale Landing development areas.

### ANALYSIS:

According to the Lathrop Municipal Code, amendments to the Zoning Ordinance must be reviewed by the Planning Commission and forwarded to the City Council for approval. Before any recommendation to approve by the Planning Commission, or final approval by the City Council, the finding that the proposed amendment will be consistent with applicable provisions of the General Plan must be made. In regards to Mossdale Landing, the Urban Design Concept considers modification of permitted and conditionally permitted uses as a “Major Amendment”. Major Amendments are referred to the Planning Commission for approval, no City Council action is required (unless appealed). The following is a general overview of the proposed changes to the LMC and UDC’s.

#### New LMC Chapter 17.78: Hotel Limitations (Attachment #6)

This chapter identifies the zoning districts where hotel establishments are limited. The total number of hotels that are permitted to operate at any given time is six (6). The affected zoning districts are as follows:

- CO-CL, Commercial Office, Central Lathrop
- CS-MV, Service Commercial, Mossdale Village
- CH-MV, Highway Commercial, Mossdale Village East
- CS-MV, Service Commercial, Mossdale Village East
- CS-MV, Service Commercial, Mossdale Village South

#### Revised Section 17.62.072 (Permitted Uses) of the CO-CL Zoning District (Attachment #2)

This section is amended with a new footnote that any new hotel establishment is subject to Chapter 17.78 Hotel Limitations as described above.

#### Revised UDC Permitted and Conditional Land Use List

In similar fashion to Section 17.62.072 amendment, the UDC’s for Mossdale Landing (Attachment #3), Mossdale Landing East (Attachment #4), and Mossdale Landing South (Attachment #5) include a new footnote that any new hotel establishment is subject to Chapter 17.78 Hotel Limitations of the LMC.

### PUBLIC NOTICE:

A Notice of Public Hearing was advertised in the Manteca Bulletin and email notification sent to Public Hearing subscribers on March 17, 2023. In addition, the meeting agenda was posted at the Council Chambers bulletin board and three (3) other locations accessible to the public. The agenda is also posted to the City’s website. As of the writing of this report, no comments were received in favor or against the proposed amendment.

## **ITEM 8.1**

### **CEQA REVIEW:**

The proposed Municipal Code Text Amendment is exempt according to the California Environmental Quality Act (CEQA) Article 5 §15061 by the “Common Sense Exemption” that CEQA applies only to projects that have a potential for causing a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment. Specific development projects undertaken in the future pursuant to the amended Municipal Code would be required to comply with CEQA at that time.

### **RECOMMENDATION:**

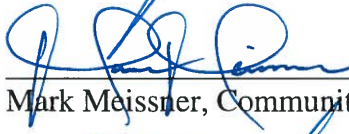
Based on direction from Council, staff prepared this item to allow the Planning Commission to consider Resolution No. 23-4 recommending the City Council (1) adopt an Ordinance to add Chapter 17.78 Hotel Limitations and modify Section 17.62.072 of the Central Lathrop Commercial Office Zoning District of the Lathrop Municipal Code; (2) adopt a Resolution amending the Permitted and Conditional Land Use Lists for Mossdale Landing, Mossdale Landing East, and Mossdale Landing South Urban Design Concepts to Limit Hotel Development in the Central Lathrop Specific Plan and Mossdale Village development areas.

**Approvals:**



Rick Caguiat, Assistant Community Development Director

3/23/23  
Date



Mark Meissner, Community Development Director

3/23/2023  
Date



Salvador Navarrete, City Attorney

3.23.2023  
Date

**Attachments:**

1. Planning Commission Resolution No. 23-4
2. Mark up of Section 17.62.072 CO-CL Zoning District
3. Mark up of CS-MV, Mossdale Landing
4. Mark up of CH & CS-MV, Mossdale Landing East
5. Mark up of CS-MV, Mossdale Landing South
6. New Chapter 17.78 Hotel Limitations

**CITY OF LATHROP  
PLANNING COMMISSION RESOLUTION NO. 23-4**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LATHROP  
RECOMMENDING CITY COUNCIL AMEND TITLE 17 OF THE LATHROP  
MUNICIPAL CODE AND APPROVE AMENDMENTS TO THE MOSSDALE  
LANDING URBAN DESIGN CONCEPT TO LIMIT HOTEL DEVELOPMENT IN THE  
CENTRAL LATHROP SPECIFIC PLAN AND MOSSDALE VILLAGE  
DEVELOPMENT AREAS (TA-23-32)**

**WHEREAS**, the City of Lathrop Planning Commission held a duly noticed public hearing to consider the text amendment pursuant to the Lathrop Municipal Code; and

**WHEREAS**, the proposed text amendment applies to the Central Lathrop Specific Plan and Mossdale Village development areas; and

**WHEREAS**, Chapter 17.124 of the Lathrop Municipal Code mandates the transmittal of a recommendation to the City Council by resolution; and

**WHEREAS**, major amendments to the Mossdale Landing Urban Design Concept require Planning Commission approval; and

**WHEREAS**, the proposed text amendment is exempt according to the California Environmental Quality Act (CEQA) Article 5 §15061(b)(3) by the “Common Sense Exemption” that CEQA applies only to projects that have a potential for causing a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment; and

**WHEREAS**, the Planning Commission finds that the proposed text amendment is consistent with applicable provisions of the Lathrop General Plan and will implement the City’s Economic Development goals; and

**WHEREAS**, proper notice of this public hearing was given in all respects as required by law; and

**WHEREAS**, the Planning Commission has reviewed all written evidence and oral testimony presented to date.

**NOW, THEREFORE, BE IT RESOLVED** that the Planning Commission of the City of Lathrop based on substantial evidence in the administrative record of proceedings and pursuant to its independent review and consideration, does hereby recommend the City Council (1) adopt an Ordinance to add Chapter 17.78 Hotel Limitations and modify Section 17.62.072 of the Central Lathrop Commercial Office Zoning District of the Lathrop Municipal Code; (2) adopt a Resolution amending the Permitted and Conditional Land Use List for Mossdale Landing, Mossdale Landing East, and Mossdale Landing South Urban Design Concepts Limit Hotel Development in the Central Lathrop Specific Plan and Mossdale Village development areas as shown in Attachments 2 through 6 of the Staff Report, incorporated by reference herein.

**PASSED AND ADOPTED** by the Planning Commission of the City of Lathrop at a Special meeting on the 29<sup>th</sup> day of March, 2023 by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

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Gloryanna Rhodes, Chair

ATTEST:

APPROVED AS TO FORM:



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Mark Meissner, Secretary

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Salvador Navarrete, City Attorney

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## **Chapter 17.62 CO-CL: Commercial Office Zoning District**

[...]

### **17.62.072 Permitted uses.**

[...]

B. Service retail uses including, but not limited to:

1. Fur repair and storage
2. Automobile repair
3. Automobile upholstery and top shops
4. Banks/credit unions/savings and loans/financial institutions
5. Facial/massage
6. Cafeterias
7. Catering
8. Cleaning, pressing and dyeing establishments (using noninflammable and nonexplosive cleaning fluid)
9. Day care centers
10. Emergency medical/dental clinics, and prescribing pharmacies within
11. Electronics repair
12. Employment agency
13. Equipment rental
14. Rug cleaning and dyeing
15. Hotel/~~motel~~/apartment hotels (subject to Chapter 17.78 Hotel Limitations)
16. Inns providing temporary visitor accommodations and accessory recreational and commercial facilities

[...]

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## **Permitted and Conditional Land Uses – Service Commercial, Mossdale Landing**

### **Conditional Uses:**

Administrative offices- City, county, state, and federal  
Auditoriums / Concert Hall  
Adult Novelty Store  
Ambulance Stations  
Any facility or business serving alcoholic beverages or selling hard alcohol.  
Any facility or business producing excessive noise, sounds or music.  
Billiards / Pool Hall  
Bowling Alley  
Business and professional schools and colleges  
Car Wash  
Church / Religious Facility  
Cocktail Lounge / Bar  
Community / Civic Centers  
Skating rinks and other similar commercial recreation facilities.  
Expansion or remodeling of an existing non-conforming use of a structure or land, up to 50% or less of the value of the structure, or reestablishment of a nonconforming use which has been damaged, except non-conforming signs and outdoor advertising structures, non-conforming uses occupying a structure with an assessed valuation of less than \$200, and non-conforming fences, walls and hedges.  
Fire / Police Station  
Gaming / Gambling / Bingo Parlor  
Gas and electrical transmission lines  
Gas / Service Station / Convenience store  
Governmental offices  
Hospital / Medical center  
Hotel ~~and motel~~ (subject to LMC Chapter 17.78 Hotel Limitations)  
Library  
Museums  
Nightclub / Micro-brewery  
Recreational facility / Indoor  
Senior / Youth Centers  
Temporary Christmas tree lot  
Temporary pumpkin patch  
Theater (Dinner, Movie, Live, etc.)  
Transit Stations



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## **Permitted and Conditional Land Uses – Highway Commercial, Mossdale Landing East**

### **Conditional Uses:**

Administrative offices- City, county, state, and federal  
Amusement / Arcade  
Auditoriums / Concert Hall  
Adult Novelty Store  
Ambulance Stations  
Any facility or business producing excessive noise, sounds or music.  
Beer / Wine store  
Billiards / Pool Hall  
Bowling Alley  
Business and professional schools and colleges  
Car Wash  
Church / Religious Facility  
Community / Civic Centers  
Skating rinks and other similar commercial recreation facilities.  
Expansion or remodeling of an existing non-conforming use of a structure or land, up to 50% or less of the value of the structure, or reestablishment of a nonconforming use which has been damaged, except non-conforming signs and outdoor advertising structures, non-conforming uses occupying a structure with an assessed valuation of less than \$200, and non-conforming fences, walls and hedges.  
Fire / Police Station  
Gaming / Gambling / Bingo Parlor  
Gas and electrical transmission lines  
Gas / Service Station / Convenience store  
Governmental offices  
Hospital / Medical center  
Hotel ~~and motel~~ (subject to LMC Chapter 17.78 Hotel Limitations)  
Library  
Museums  
Nightclub / Cocktail Lounge / Bar  
Private Clubs  
Recreational facility / Indoor  
Senior / Youth Centers  
Temporary Christmas tree lot  
Temporary pumpkin patch  
Theater (Dinner, Movie, Live, etc.)  
Transit Stations

**Permitted and Conditional Land Uses – Service Commercial, Mossdale Landing East****Conditional Uses:**

Administrative offices- City, county, state, and federal  
Amusement / Arcade  
Auditoriums / Concert Hall  
Adult Novelty Store  
Ambulance Stations  
Any facility or business producing excessive noise, sounds or music.  
Beer / Wine store  
Billiards / Pool Hall  
Bowling Alley  
Business and professional schools and colleges  
Car Wash  
Church / Religious Facility  
Cocktail Lounge / Bar  
Community / Civic Centers  
Skating rinks and other similar commercial recreation facilities.  
Expansion or remodeling of an existing non-conforming use of a structure or land, up to 50% or less of the value of the structure, or reestablishment of a nonconforming use which has been damaged, except non-conforming signs and outdoor advertising structures, non-conforming uses occupying a structure with an assessed valuation of less than \$200, and non-conforming fences, walls and hedges.  
Fire / Police Station  
Gaming / Gambling / Bingo Parlor  
Gas and electrical transmission lines  
Gas / Service Station / Convenience store  
Governmental offices  
Hospital / Medical center  
Hotel ~~and motel~~ ([subject to LMC Chapter 17.78 Hotel Limitations](#))  
Library  
Museums  
Nightclub  
Private Clubs  
Recreational facility / Indoor  
Senior / Youth Centers  
Temporary Christmas tree lot  
Temporary pumpkin patch  
Theater (Dinner, Movie, Live, etc.)  
Transit Stations

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## **Permitted and Conditional Land Uses – Service Commercial, Mossdale Landing South**

### **Conditional Uses:**

Administrative offices- City, county, state, and federal  
Amusement / Arcade  
Auditoriums / Concert Hall  
Ambulance Stations  
Any facility or business producing excessive noise, sounds or music.  
Billiards / Pool Hall  
Bowling Alley  
Business and professional schools and colleges  
Car Wash  
Cocktail Lounge / Bar  
Community / Civic Centers  
Skating rinks and other similar commercial recreation facilities.  
Expansion or remodeling of an existing non-conforming use of a structure or land, up to 50% or less of the value of the structure, or reestablishment of a nonconforming use which has been damaged, except non-conforming signs and outdoor advertising structures, non-conforming uses occupying a structure with an assessed valuation of less than \$200, and non-conforming fences, walls and hedges.  
Fire / Police Station  
Gaming / Gambling / Bingo Parlor  
Gas and electrical transmission lines  
Gas / Service Station / Convenience store  
Governmental offices  
Hospital / Medical center  
Hotel ~~and motel~~ (subject to LMC Chapter 17.78 Hotel Limitations)  
Library  
Museums  
Nightclub  
Private Clubs  
Recreational facility / Indoor  
Senior / Youth Centers  
Temporary Christmas tree lot  
Temporary pumpkin patch  
Theater (Dinner, Movie, Live, etc.)  
Transit Stations  
Water quality ponds / associated facilities

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## **Chapter 17.78 Hotel Limitations**

### **17.78.010 Purpose**

The purpose and intent of this chapter is to define the zoning districts where hotel establishments are limited. The provisions of this chapter are in addition to any other permits, licenses and approvals which may be required to operate a hotel establishment business in the City.

### **17.78.020 Applicability**

This section applies to the following zoning districts:

CO-CL, Commercial Office, Central Lathrop

CS-MV, Service Commercial, Mossdale Village

CH-MV, Highway Commercial, Mossdale Village East

CS-MV, Service Commercial, Mossdale Village East

CS-MV, Service Commercial, Mossdale Village South

### **17.78.030 Maximum Allowed**

The number of hotels permitted to operate in the city within the zoning districts listed in Section 17.78.020 at any one given time shall be a total of six (6).