



# CITY OF LODI

# COUNCIL COMMUNICATION

AGENDA TITLE: Public Hearing to consider appeal received from Tim and Emily Howard regarding Planning Commission's decision on Use Permit #98-07, Lodi Memorial Hospital

MEETING DATE: December 16, 1998

PREPARED BY: Community Development Director

**RECOMMENDED ACTION:** Staff is recommending that the City Council deny an appeal of the Planning Commission's approval of Use Permit 98-07, permitting the expansion of the parking lot at Lodi Memorial Hospital's West Campus, located at 2407 West Vine Street. Denial of the appeal will permit the expansion project to proceed as proposed.

**BACKGROUND INFORMATION:**

**The Appeal**

The City Clerk's office received a formal appeal from Tim and Emily Howard on October 21, 1998. Mr. and Mrs. Howard reside at 852 Alder Place and are serving as the representatives of the Alder Place residents. The formal appeal identifies concerns presented in two letters to the Planning Commission, and in one letter from CCS Planning and Engineering (see attached). The appellant also points to a 1990 survey map of the subject property indicating parking spaces, among other things, at the north east corner of the property formerly owned by the hospital. Finally, the appellant is under the belief that the project did not receive proper review under the California Environmental Quality Act (CEQA).

**The Project Proposal**

The proposed project is an expansion of the parking facilities to serve the on-site medical offices and dialysis unit at the existing Lodi Memorial Hospital West Campus. The medical offices operate weekdays from 8:00 AM to 5:00 PM and Lodi Dialysis operates Monday through Saturday from 6:00 AM to 6:00 PM. The proposed area of work is roughly .60 acres and is located at the corner of West Vine Street and Alder Place. Upon completion of the work, there will be a net increase of 49 parking spaces along with a new ingress/egress onto Alder Place. Access from both West Vine Street and Alder Place, will provide adequate circulation within and through the parking lot. In addition to the new paved area, there will be new parking lot lighting and new landscaping to screen the parking area from the homes across Alder Place. Finally, the "hot tub" planter on the north west corner of West Vine and Alder Place will be removed and replaced with curb, gutter, and sidewalk, and the existing driveway cut in the curb along West Vine Street will be removed.

**Planning Commission Action**

The Planning Commission conducted a Public Hearing on this item on October 14, 1998, at which time the Commission approved the Use Permit. Originally, the hearing was scheduled several weeks prior to this date; however, two continuances were granted by the Commission to give the proponent and neighbors an opportunity to meet and try and reach an agreement acceptable to both parties. The hospital wants to utilize the Alder Place frontage to access their parking lot, while the residents are adamantly opposed to any access off Alder Place. This is the central issue of concern.

APPROVED: \_\_\_\_\_

H. Dixon Flynn -- City Manager

During the public comments portion of the meeting, the Commission heard complaints from several residents living on the east side of Alder Place. In addition, the Community Development Department received numerous letters from these same residents opposing the project. Their opposition centered on the proposed access points serving the parking lot from the Alder Place private driveway.

In reviewing the proposal, staff discussed several aspects of the parking lot design. The culmination of our review resulted in several recommendations to the Planning Commission. Staff's recommendations were approved by the Commission and are embodied by Resolution No. 98-17. Among the required conditions within the Resolution are; that the project utilize a bermed landscaping strip along the edge of the parking lot, as well as along the entire length of Alder Place to mitigate any visual impacts on the residents, that a new drainage system for the parking lot be connected to the existing on-site drainage system, and that one of the indicated new driveways be removed. The Resolution is included in its entirety in this packet.

### **History of the Site**

Lodi Memorial Hospital West Campus has been in existence at its current location since approximately 1965, though it was originally developed in the county and was known as Community Hospital. Originally, the hospital was located at 800 South Lower Sacramento Road, on the corner of Lower Sacramento and West Vine Street. It wasn't until about 1979 that the hospital expanded to the adjacent site at 2415 West Vine Street. Because of the proximity to the Lodi City limits, the Lodi Planning Commission was consulted during the Use Permit approval process, and during subsequent expansions, City of Lodi Planning, Public Works, and the Site Plan and Architectural Review Committee continued to review the site. In 1975, Community Hospital was annexed to the City of Lodi, and 34.7 acres of land were pre-zoned R-CP, Residential, Commercial Professional. Today, the land bordered by Lower Sacramento Road on the west, Cochran Road on the north, the rear of the Alder Place residential lots on the east, and West Vine Street on the south (approximately 14 acres) remains zoned for residential, commercial-professional uses. A breakdown of property still owned by the hospital is as follows. The total size of the hospital property today is about 8.74 acres. The corner of Lower Sacramento and West Vine (the original hospital site) is roughly 4.9 acres. Just to the east is a 1.3 acre property containing the medical office complex. The remaining vacant land, including the area of the proposed parking lot covers approximately 2.65 acres.

Access to and through the hospital property has been an ongoing concern for the hospital. There has historically been a shortage of parking for the complex, and circulation has been problematic for many years. To meet the City's current parking standard, the hospital would need to have another 24 on-site spaces to serve both the offices and the hospital. Furthermore, when an emergency department was added in 1982, the west campus became a full service treatment center, creating still other challenges. A road or driveway was added at this time to provide the necessary access for supply trucks and other vehicles to service the hospital. The road connected with a through street called Community Drive, which would later become the private drive that is now Alder Place.

When the hospital's main complex on Fairmont Avenue came on line, the west campus became primarily an after-care recovery facility (which it still is today) along with doctor's offices. Since then, the service road has been used only on occasion. Recently, some problems have arisen surrounding the service driveway, particularly with trucks driving around the locked gate stirring up dust.

ANALYSIS:

**Appellant Concerns**

The appellants have requested that the City respond to several issues raised in letters to Lodi Memorial Hospital and to the Planning Commission, to a traffic analysis prepared on behalf of the residents by CCS Planning and Engineering, and to their contention that this project did not conform to review requirements under the California Environmental Quality Act (CEQA).

1) In a letter written to Lodi Memorial Hospital dated September 18, Mrs. Emily Howard outlines her concern about some of the hospital's internal policies. She asserts that this project is inconsistent with the hospital's stated desire to maintain community partnerships. The City of Lodi cannot respond to issues addressed to Lodi Memorial Hospital.

2) Another letter written by Mr. and Mrs. Howard dated September 23 addressed to the Planning Commission outlines their concerns about safety to life and property stemming from the proposed parking lot. According to the Howard's, the following adverse consequences will result if the parking lot is built.

- a. Safety of children living on Alder Place will be compromised.
- b. Security of residents will be jeopardized.
- c. Garbage collection would be hindered.
- d. Getting daily mail would be an unnecessary hazard.
- e. Additional noise would be offensive.
- f. The residents' night sky would be compromised
- g. Increased storm runoff would create increased potential for flooding.
- h. Increased risk of pet injury.

3) The traffic study done by CCS Planning and Engineering makes three determinations about the project proposal; that the increased traffic on Alder would create a significant impact, that a driveway on Alder Place is unnecessary from a circulation and capacity standpoint, and that traffic other than residential traffic should not be placed on residential cul-de-sacs.

**Staff Response to Appellant Concerns**

First and foremost, staff's recommendation to the Council is that we cannot deny Lodi Memorial Hospital the use of Alder Place, which is owned, in part, by the hospital. To do so would expose the City to the real possibility of inverse condemnation litigation. Historical records, including a "Joint Access Easement", a "Street Maintenance Agreement", and documents reflecting a shared financial responsibility for maintenance costs by both the residents of Alder Place and Lodi Memorial (copies of which are provided as attachments in this packet), provide a very accurate portrait of the ownership and access rights questions at the crux of this matter. To deny the hospital access to their drive would be denying them an existing legal right. In approximately 1980 when the former Doctor's Hospital sold the land on the east side of Alder Place for homes, Community Drive had already been transformed into Alder Place, a private drive serving the residences on the east, and the hospital on the west. Shared ownership and access was a moot point from that time forward. In effect, the hospital already has a drive access to their property from West Vine Street. It happens to be named Alder Place.

In addition to the overriding concern about infringing on the hospital's ability to utilize Alder Place, there is the issue of possible adverse impacts associated with installation of a new parking lot at this location. In fact, the parking lot will not generate additional traffic as there are no additional structures or square footage proposed. Upon completion, there will be no more cars than there were before the project. And contrary to Mr. and Mrs. Howard's point of view, staff does not believe the project to be injurious to life and property. The project is in full compliance with the California Environmental Quality Act (CEQA), which means that according to the laws under which CEQA operates, no significant impacts will result. The statute is clear when exempting this "small parking lot" project from further review under CEQA. To imply such things as the night sky being compromised, the retrieving of mail to be hazardous, and pets' lives being endangered, is not in keeping with like situations in other parts of the City, particularly where zoning permits such activities.

The traffic study done by CCS Planning and Engineering concludes that the parking lot project will have significant traffic related impacts, especially related to the ingress/egress onto Alder Place. Using the hospital's figures, and with the help of the City's Traffic Engineer, staff has determined that a total of 320 daily trips are being generated by the office complex. These are not peak hour trips, meaning the trips are not seen more at one particular time of day; rather, the medical offices see clients steadily throughout the day.

According to City standards, Alder Place was constructed to handle between 500 and 4,000 daily trips. The capacity of Alder Place far exceeds any additional load that will be placed on it as a result of the parking lot, even if it absorbed the full 320 daily trips. In all likelihood, the number of new trips on Alder Place will be less than 160 because the present and future distribution of parking spaces is evenly divided in proximity to the driveway locations. A majority of patients will continue to enter the office complex from West Vine Street, as the majority of parking spaces will still be located west of the Vine Street driveways.

CCS also stated that the proposed parking lot cannot justify a drive on Alder Place from either a capacity or circulation standpoint. To support this contention, they cite the fact that West Vine Street is currently operating at a Level of Service (LOS) of A (traffic flow is unimpeded). As a minor collector, West Vine Street has a capacity of between 4,000 and 10,000 vehicles per day, and it currently carries approximately 3,000 vehicles per day. What CCS fails to point out is the degree to which the Vine Street driveways may not continue to function adequately at a future build-out condition (more than 10,000 vehicles per day) on West Vine Street. Cars trying to exit onto West Vine Street from the existing driveways may endure much longer waits than estimated as well as longer queues than two to three vehicles.

Finally, CCS contends that Alder Place is classified as a residential street. In fact, Alder Place is classified as a private road. This private road is currently carrying only traffic generated by the residents, or approximately 134 daily trips as per CCS (the calculation should be 140, or 10 trips per residence). According to CCS, the projected increase of traffic as a result of the parking lot connecting to Alder Place would adversely affect the residents from a neighborhood and quality of life standpoint. Traffic analyses usually do not look at subjective factors in determining adverse impacts; therefore, staff does not agree with such findings. Furthermore, staff is comfortable placing traffic other than residential traffic on Alder Place since it was designed to serve both the residents and the hospital, and was not

envisioned as a residential cul-de-sac. Moreover, if the remaining vacant property owned by the hospital were used for single family residences, an additional 14 homes could be built which would generate 140 daily trips on Alder Place, duplicating the current traffic load. As previously discussed, the number of trips anticipated under a worst case scenario would be a 20 trip difference from the alternative buildout (parking lot at 160 daily trips). Such a small number strengthens staff's contention of insignificant affect.

In response to a need for more information, Lodi Memorial Hospital has contracted with KD Anderson, Transportation Engineers to prepare a traffic impact assessment for the proposed parking lot project. Staff received a copy of this report late in the review process, on December 7, 1998. The general conclusion of the traffic report is, that above and beyond any traffic generation numbers or levels of service, the most important issue to be considered is the function of Alder Place. As a street designed and planned to serve the mixed uses approved for the R-CP zone, it will function, as proposed, with no significant impact. A copy of the report is included in this packet.

To reiterate, staff's position and recommendation to the City Council is that the City cannot deny the hospital the use of its property by prohibiting the use of Alder Place, a private drive. A hospital is an allowed use in the R-CP zone with a Use Permit. The Planning Commission has exercised its ability to condition the request so as to minimize any possible adverse impacts on the neighborhood, and so that the proposed project is in keeping with the general public welfare. Therefore, we recommend denying the appeal to overturn the Planning Commission's approval of the proposed parking lot.

FUNDING: There is no request for funding.



Konradt Bartlam  
Community Development Director

Prepared by Eric Veerkamp, Associate Planner

Attachments

**TO AVOID DUPLICATION OF LARGER  
ITEMS IN THE FILEMAGIC PLUS SYSTEM,  
ADDITIONAL BACKGROUND  
INFORMATION REGARDING THIS ITEM  
IS LOCATED AS FOLLOWS:**

- • • City Clerk
- • Public Hearings
- Public Hearing Date: December 16, 1998