



CITY OF LODI

COUNCIL COMMUNICATION

AGENDA TITLE: Report on Alignment of Flag City Boulevard and De Broggi Road

MEETING DATE: December 6, 1995

PREPARED BY: Community Development Director

RECOMMENDED ACTION: Received a report on the alignment of Flag City Boulevard and De Broggi Road.

BACKGROUND INFORMATION: A major topic discussed at the Public Hearing on the Final Environmental Impact Report on the California Youth Soccer Association's Lodi soccer complex was the realignment of the Flag City Boulevard and De Broggi Road intersection on the Joe Halloum property just east of the Flag City development.

As presently constructed, the two streets are joined by a curve. The proposal is to eliminate the curve and replace it with a T-intersection. Attached is a copy of the San Joaquin County Community Development Department's staff report on an appeal of Jose Alva, attorney for Flag City, of a minor subdivision (i.e. Tentative Parcel Map) which changes the street alignment to a T-intersection.

Apparently, additional data will be presented by representatives of both Flag City and Mr. Halloum before the County Planning Commission hearing. City staff will present this information at the City Council meeting.

Cecil Dillon, a principal in Flag City, will be at the Council meeting to assist the City staff in answering Council members concerns on this matter.

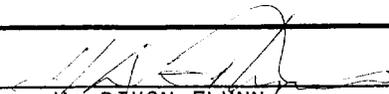
FUNDING: None Required


James B. Schroeder
Community Development Director

JBS/lw

Attachment

APPROVED: _____


H. DIXON FLYNN
City Manager



recycled paper

STAFF REPORT - Minor Subdivision (Appeal)

Application Information

Owner:	Joe Halloum		
Appellant:	Jose Alva		
File Number:	MS-95-36		
Location:	On the south side of State Route 12 on both sides of Flag City Boulevard, west of Lodi		
Address:	5790 West State Route 12, Lodi		
General Plan:	C/FS	Community:	None
Zoning:	C-FS	APN:	055-160-20
Project Size:	3.92 acres	Parcel Size:	41.46 acres
Water Supply:	CSA 31	Sewage Disposal:	CSA 31
Storm Drainage:	CSA 31	100-Year Flood:	No
Williamson Act:	No	Supervisorial District:	4
Staff:	Chandler Martin	CEQA Determination:	Negative Declaration

Project Description

This is an appeal by Jose Alva, attorney for Flag City, of staff's approval of a Minor Subdivision to subdivide 41.46 acres to create four commercial lots, ranging in size from .90 acres to 1.01 acres, a public well site lot, and a designated remainder. Access for each commercial parcel and the remainder is by frontage on Flag City Boulevard. As part of this proposal, Flag City Boulevard is to be straightened and moved 50 feet easterly to meet the extension of De Broggi Road at a right angle.

Recommendation

Approve the appeal, and deny the Minor Subdivision without prejudice due to information received from Caltrans after the appeal. A letter received from Caltrans on November 11, 1995, indicates that the property needed to extend DeBroggi Road is not available to Joe Halloum.

Referrals and Replies

The application referrals were mailed on August 4, 1995, with responses due by August 29, 1995.

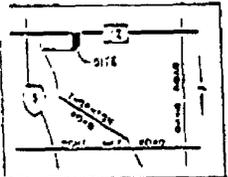
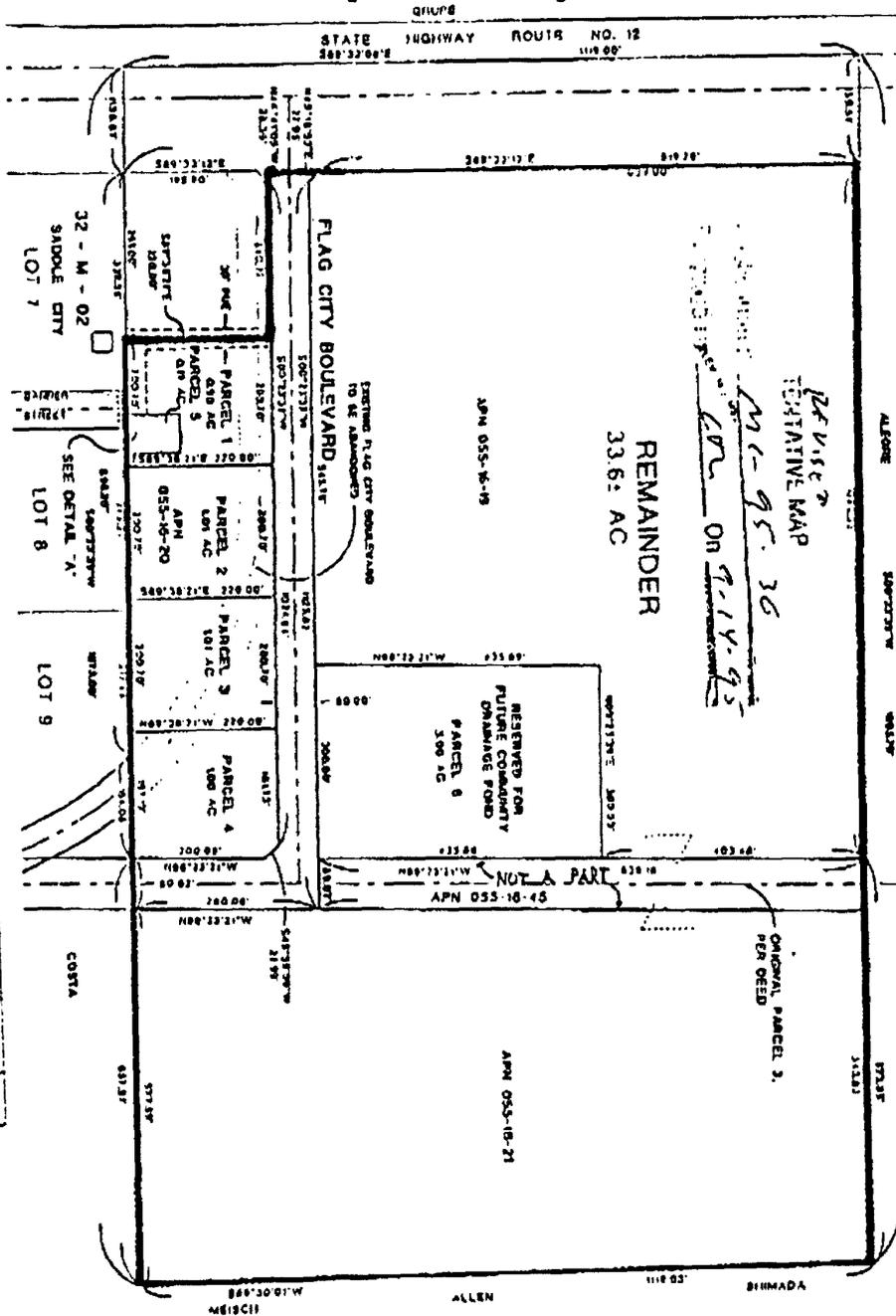
AGENCY	RESPONSE DATE (through October 10, 1995)
Public Works	September 22, 1995,
Public Health Services	August 16, 1995
Air Pollution Control	August 23, 1995
Pacific Gas & Electric	August 21, 1995
Caltrans	November 9, 1995
Parks & Recreation	
Delta Fire District	
Lodi School District	
Kingdon Airport	
Lodi Airport	
Pacific Bell	
Airport Land Use Commission	

A legal ad for the public hearing was published in the **Stockton Record** on **November 6, 1995**.

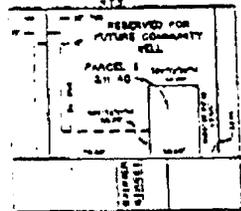
13 public hearing notices were mailed on **November 3, 1995**.

The Development Committee did not review this proposal.

Project Map



VICINITY MAP



DETAIL 'A'

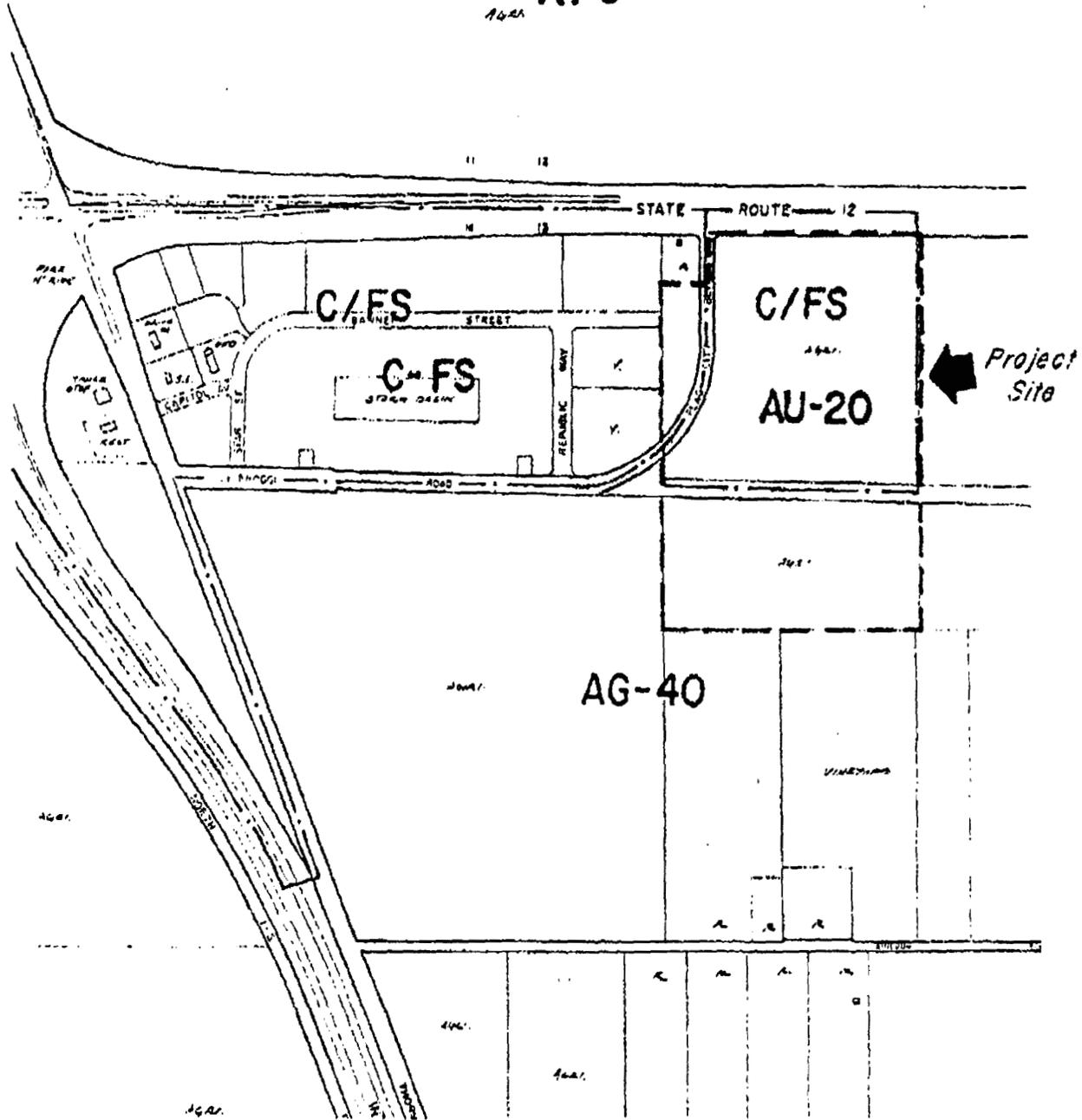
- GENERAL NOTES**
1. SITE AREA 415 AC
 2. ASSESSOR'S PARCEL NUMBER 055-16-18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100
 3. WATER SUPPLY: DISTING CSA NO. 31 FACILITIES
 4. SEWAGE DISPOSAL: DISTING CSA NO. 31 FACILITIES
 5. STORM DRAINAGE: DISTING CSA NO. 31 FACILITIES
 6. DISTING COMM. FREEWAY SERVICE - COMMERCIAL
 7. DISTING GENERAL PLAN FREEWAY SERVICE - COMMERCIAL
 8. WATER TABLE DEPTH: 2' TO 4'
 9. FLOOD CONTROL: NONE
 10. SOIL TYPE: SANDY SILTY SAND
 11. HAZARDOUS WASTE: NONE
 12. SLOPE: 4%

PROPERTY OWNER
 THOMAS K. HALLOUM/MAH T. HALLOUM
 768 SHIMMEL ROAD
 ALHAMBRA, CA 94402
 (916) 480-2218

SITE ADDRESS
 7700 W. ST. RTE HWY 3
 LODD, CA 94523

General Plan/Zoning/Land Use

A/G



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Analysis

BACKGROUND

On February 16, 1995, the Community Development Department approved Minor Subdivision No. MS-94-42. That application was a vesting tentative map to create a parcel at the north end of this site. The application included the abandonment of a portion of Flag City Boulevard and the realignment of Flag City Boulevard. Flag City Partners appealed the approval to the Planning Commission. On March 16, 1995, the Planning Commission voted to uphold the appeal and deny the Minor Subdivision application. Joe Halloum appealed the Planning Commission's denial to the Board of Supervisors. On April 11, 1995, the Board of Supervisors upheld the appeal and approved Minor Subdivision No. MS-94-42.

On August 28, 1995, Joe Halloum submitted a Revisions of Approved Actions application to the Community Development Department to modify Public Works Conditions 2.h. and 2.i. The revision to Condition 2.h. is to allow use of unused capacity in the CSA 31 drainage system on an interim basis. The revision to Condition 2.i is to allow use of unused capacity in the CSA 31 water system on an interim basis, with surety for construction of a \pm 10,000-gallon storage tank to be posted. The Revisions to Approved Actions application is scheduled to be heard by the Board of Supervisors on November 14, 1995.

On October 5, 1995, the Planning Commission denied Zone Reclassification No. ZR-95-7 to reclassify approximately 27 acres from AU-20 to C-FS. That item is scheduled to be heard by the Board of Supervisors on December 14, 1995.

Appeal Statement No. 1

In his appeal, Mr. Alva states:

"Approximately 80% of lot 4, 50% of lot 3, and 20% of lots 2 and 1 are in areas not zoned Highway Service. The present existing zone is the centerline of Flag City Boulevard. Approval of this subdivision map is in violation of the subdivision map act and the zoning ordinance. The demarcation of the zone is very specific, and there exists no uncertainty allowing the director any discretion. Any movement of a road does not create uncertainty, nor does it shift zoning by simply moving a road."

Response to Appeal Statement No. 1

This issue was reviewed by the Board of Supervisors in its approval of Minor Subdivision No. MS-94-42. The Board agreed with staff that the Director may determine when a road movement changes the zone boundary.

The Community Development Department has determined that the zone boundary will be at the centerline of future Flag City Boulevard for the following reasons:

- Where uncertainty exists, Section 9-105.6(4) allows the Director some discretion in determining a zone boundary.

- Because the C-FS zone extends to the centerline of Flag City Boulevard, moving Flag City Boulevard should effectively shift the zoning line with the road.

Appeal Statement No. 2

In his appeal, Mr. Alva states:

'The subdivision fails to meet local design and improvement standards of:

*1) The surrounding area's circulation pattern, which must take into account the extension of Banner Street to connect with Flag City Boulevard. The Circulation Study prepared for San Joaquin County Department of Public Works, as a result of site approval applications for Flag City by Spectrum Engineering, dated June 5, 1995, indicates on Pages 2, 17, and 19 that Banner Street should be extended to connect with Flag City Boulevard.

*2) The design of Lot #1 is illogical creating a parcel within a parcel with very narrow side yards.'

Response to Appeal Statement No. 2

Regarding Paragraph 1, the issue of extending Banner Street was resolved by the Board of Supervisors when it reviewed Minor Subdivision No. MS-94-42. The Board did not require Banner Street to be extended to Flag City Boulevard.

Regarding Paragraph 2, Public Works concurs with the appellant. Parcel 6, the well site, should abut Parcel 2.

Appeal Statement No. 3

In his appeal, Mr. Alva makes the following statement:

'If for some reason Banner Street is not extended as recommended by the Traffic Study of Spectrum Engineering, Flag City filed an abandonment request for that portion of Banner Street from Republic Way to the eastern property line of the Flag City subdivision along with abandonment of all underground utilities. An easement for underground utilities for CSA 31 at this location would be inappropriate, and contrary to policy.'

Response to Appeal Statement No. 3

There are no plans to extend Banner Street. This issue was reviewed by the Board of Supervisors prior to the Board's approval of MS-94-42. The Department of Public Works has not yet reviewed the abandonment proposed by Flag City.

Appeal Statement No. 4

In his appeal, Mr. Alva states:

'The tentative map as approved by staff is without actual written consent from Cal Trans regarding the existing Flag City Boulevard. There is a claim that Cal Trans plans to transfer the road to the County of San Joaquin, no such offer has been made by the state of California, and no acceptance has been made by the Board of Supervisors. These actions are only conjecture and tentative maps that do not have the authorization of the owner should not be approved.'

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Response to Appeal Statement No. 4

After the appeal, information was received from Caltrans indicating that Caltrans may not be able to transfer to Joe Halloum or the County the property needed to extend De Broggi Road and create a "T" intersection. For this reason, the Department of Public Works recommends that the appeal be upheld and the subdivision denied without prejudice. The applicant may reapply when he has acquired the right to extend De Broggi Road.

Appeal Statement No. 5

In his appeal, Mr. Alva makes the following statement:

"The tentative map indicates an easement on property that is not subject to this tentative map. That type of easement cannot be included, thus making the design inconsistent with the Subdivision Map Act."

Response to Appeal Statement No. 5

The tentative map shows a 30-foot-wide public utility easement on the north side of Parcel 1. Mr. Alva's statement is in reference to the half of the easement which is located outside of the boundary of the tentative map. The County Surveyor has indicated that the easement shown on the tentative map does not violate the Map Act. Also, the easement may be created by deed or on the Parcel Map for MS-94-42.

Appeal Statement No. 6

In his appeal, Mr. Alva makes the following statement:

"Conditions included in this tentative map are clearly contradictory with the conditions previously imposed on a portion of the Halloum property per minor subdivision MS-94-42, which required actual construction of certain improvements at the time of development of the Remainder indicated on that map. The conditions of this map continue to reserve the requirement of infrastructure development to a later date, in contravention with ordinance requirements.

"Conditions of the tentative map allow for the use of a vested right held by Flag City of infrastructure improvements developed and paid for by Flag City. The requirement of a bond does not provide Flag City with the immediate access to the infrastructure it has already paid for."

Response to Appeal Statement No. 6

A Revisions of Approved Actions application was submitted for Minor Subdivision No. MS-94-42. The recommended Conditions of Approval for MS-95-36, if approved, are consistent with the recommendation from Public Works for the Revision of Approved Actions application for MS-94-42. Because MS-94-42 was approved by the Board of Supervisors, the Revisions of Approved Actions application will be heard by the Board. The Board of Supervisors is scheduled to hear that item on November 14, 1995.

Recommendations

Action

It is recommended that the Planning Commission:

1. Approve the appeal and deny Minor Subdivision No. MS-95-36 due to the inability to make Findings 2, 7 and 8.

Findings Minor Subdivision No. MS-95-36

1. The proposed subdivision is consistent with the General Plan, any applicable Master Plan, Specific Plan, and Special Purpose Plan, and any other applicable plan adopted by the County.
 - This Finding can be made because the C-FS land use designation permits the division proposed. Further, no Specific Plans are involved.
2. The design or improvement of the proposed subdivision is consistent with the General Plan and any applicable Specific Plan or Special Purpose Plan.
 - This Finding cannot be made because the owner does not have the ability to acquire property from Caltrans necessary for the extension and realignment of De Broggi Road.
3. The site is physically suitable for the type of development proposed.
 - This Finding can be made because all development requirements in the County Development Title and all minimum County standards are met.
4. The site is physically suitable for the proposed density of development.
 - This Finding can be made because public services are available, and the site is relatively level.
5. Neither the design of the subdivision nor any proposed improvements are likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.
 - This Finding can be made because the Initial Study prepared for this project indicated that there will be no significant adverse impacts on the environment or upon threatened or endangered species.
6. The design of the subdivision or the type of improvements is not likely to cause serious public health problems.
 - This Finding can be made because public services are available through CSA 31.

7. The design of the subdivision or the type of improvements will not conflict with easements acquired by the public at large for access through or use of property within the proposed subdivision.
 - This Finding cannot be made because the applicant does not have the ability to acquire property needed to extend and realign De Broggi Road.
8. Any land or improvement to be dedicated to the County is consistent with the General Plan, any applicable Specific Plan and Special Purpose Plan, and any other applicable plan adopted by the County.
 - This Finding cannot be made because the applicant does not have the ability to acquire property needed to extend and realign De Broggi Road.
9. The design of the subdivision provides, to the extent feasible, for future passive or natural heating or cooling opportunities in the subdivision as required by Government Code Section 66473.1.
 - This Finding can be made because the lots are large enough so that individual buildings can be situated to take advantage of solar orientation.

Conditions of Approval for Minor Subdivision No. MS-95-36 (underlining and strikeout are the proposed revisions to the original conditions)

Minor Subdivision Application No. MS-95-36 was approved by the San Joaquin County Planning Commission on _____. The effective date of approval is _____. This tentative map approval will expire on _____, which is three years from the effective date of approval, unless (1) all Conditions of Approval have been complied with and (2) a Parcel Map has been filed with and accepted by the County Surveyor.

Unless otherwise specified, all Conditions of Approval and Ordinance requirements shall be fulfilled prior to approval of the Parcel Map. Those Conditions followed by a Section Number have been identified as Ordinance requirements pertinent to this application. Ordinance requirements cannot be modified, and other Ordinance requirements may apply.

1. COMMUNITY DEVELOPMENT DEPARTMENT: (Staff Contact: Chandler Martin, 468-3190)
 - a. LOT SIZE AND WIDTH: The following lot size and width regulations shall apply to this map:
 - (1) Parcels 1 through 4 shall have a minimum lot width of 50 feet, measured at the front yard setback line. (Development Title Section 9-410.4)
 - b. MS-94-42: The Parcel Map for Minor Subdivision No. MS-94-42 shall be recorded prior to or concurrently with the recording of the Parcel Map for Minor Subdivision No. MS-95-36.
2. DEPARTMENT OF PUBLIC WORKS: (Contact Person: Tom Iwamiya, 468-3023)
 - a. A Parcel Map is required. (Development Title Section 9-915.2)

- b. The remainder shall be designated as "Designated Remainder" on the Parcel Map. (Subdivision Map Act Section 66445)
- c. For future development of "Designated Remainder," services shall be provided in accordance with the adopted County Development policies for "Division 11: Infrastructure Standards and Requirements" of the San Joaquin County Development Title and shall be noticed by a statement on the Parcel Map. (Development Title Section 9-1135.11(b))
- d. All easements of record shall be shown on the Parcel Map. (Development Title Section 9-910.20)
- e. All improvements shall be in conformance with the Improvement Standards and Specifications of the County of San Joaquin. All improvement plans and specifications shall include a grading plan for each individual lot, if applicable. These improvement plans and specifications are subject to plan check and field inspection fees and must be approved by the County of San Joaquin Department of Public Works prior to approval of the Parcel Map. (Development Title Section 9-910.2)
- f. If improvements referred to herein are not completed prior to the approval of the Parcel Map, the subdivider shall execute an agreement with the County of San Joaquin that will ensure the completion of improvements within one year after filing the Parcel Map. (Development Title Section 9-1100.3)
- g. Flag City Boulevard shall be dedicated and improved to County standards for a 60-foot-wide right-of-way commercial street, except no curb, gutter, and sidewalk shall be required for this project along the east side of Flag City Boulevard. DeBroggi Road from Republic Way to Flag City Boulevard shall be dedicated and improved to County standards for an 84-foot-wide right-of-way minor arterial street. A 20-foot by 20-foot corner cut-off (snipe) is required on the southwest corner of Parcel 6. After acceptance of the improvements by San Joaquin County, the existing Flag City Boulevard shall be removed, and the area within the right-of-way shall be leveled. (Development Title Section 9-857.4)
- h. A community detention pond in combination with a terminal drainage system shall be provided to meet the requirements of the County ~~and to provide adequate drainage for the subdivision. The existing detention pond for Flag City may be used temporarily until the Flag City subdivision has 20 acres developed. A bond in the amount equivalent to the cost of constructing an alternative detention pond shall be required.~~

~~The developer shall construct said alternative detention pond when the San Joaquin County Department of Public Works determines it is needed. At such time that the San Joaquin County Department of Public Works requires the construction of the alternative detention pond, a drainage study will be required to determine if the size of the alternative community detention pond and outfall to the Highline Canal are sufficient. The alternative community detention pond site shall be irrevocably offered for dedication and constructed of sufficient size to provide for a detention pond terminal drainage system for the land identified by Assessor's Parcel No.'s 055-160-19, 055-160-20, 055-160-21, and 055-160-45.~~

If a storm drainage retention pond was constructed to serve the parcel under Minor Subdivision Application No. MS-94-42, it shall be destroyed and filled in. (Development Title Section 9-1135.2)

Remove the parcel designation, including dimensions, of Parcel 6. This parcel shall be shown as the general location of the alternative detention pond.

- i. The project shall be served by a public water system, including a new well, which conforms to the requirements of the Environmental Health Division of Public Health Services and the Department of Public Works. The public water system shall provide adequate domestic and fire water supply in conformance to the requirements of the County Fire Warden and the local fire district and shall have sufficient capacity to serve the lands identified by Assessor's Parcel No.'s 055-160-19, 055-160-20, 055-160-21, and 055-160-45. A test well which shows that the production well will meet all applicable standards is required prior to the approval of the improvement plans of any work within the site. The water main shall connect to the existing system at the end of Banner Street and at the intersection of DeBroggi Road and Republic Way. Direct access from Flag City Boulevard to the well site shall be provided along the south side of Parcel 1. (Development Title Section 9-1120.2)
- j. The project shall be served by a public sewer collection system constructed in conformance with the requirements of the Environmental Health Division of Public Health Services and the Department of Public Works. (Development Title Section 9-1105.2)
- k. Street lighting shall be provided for the subdivision. (Development Title Section 9-1150.11)
- l. The property shall annex to County Service Area No. 31 prior to approval of the Parcel Map to provide for the operation, maintenance, and improvement of storm drainage, water, sanitary, and street lighting facilities. (Development Title Section 9-1100.4)
- m. A Preliminary Soils Report is required in accordance with County standards for the purpose of determining the R-Value for the design of the roads. (Development Title Section 9-910.2)
- n. All utilities shall be underground except power transmission facilities of 35 KV or greater. Public utility easements shall be provided along the road frontage of the subdivision and as required by the public utility companies. (Development Title Section 9-1155.2)
- o. A grading plan shall be submitted and approved prior to approval of the Parcel Map. The grading plan shall contain the information listed in the U.B.C., Appendix, Chapter 70, Section 7006(1), with complete drainage details and elevations of adjacent parcels. Retaining wall details shall be submitted where applicable. Grading in excess of 5,000 cubic yards shall comply with Section 7014 for "Engineered Grading Requirements." Grading that disturbs more than five acres will require a National Pollutant Discharge Elimination System permit.
- p. The subdivider shall agree to and shall pay user fees for the utility services from the time improvements are accepted by the County until the lots are placed on the County tax rolls, or up to an 18-month period, as the case may be. (Subdivision Map Act Section 66493)

- q. All traffic signs and markings shall conform to the Manual on Uniform Traffic Control Devices and San Joaquin County Standards and shall be shown on the Improvement plans. (Development Title Section 9-1150.2)
 - r. Access rights shall be dedicated and restricted for the Designated Remainder along the frontage of State Route 12. (Development Title Section 9-1150.5)
 - s. Water meters shall be installed on all water services. (Board of Supervisors Order B-91-650)
 - t. An offer of dedication of ground water rights is required.
 - u. The existing Flag City Boulevard outside of the proposed right-of-way shall be abandoned after San Joaquin County acquisition from Caltrans.
 - v. Parcel 5 shall abut Parcel 2.
 - w. Improvements and permits shall be as required by Caltrans for work in State Route 12.
3. PUBLIC HEALTH SERVICES: (Contact Person: Greg Oliveira, 468-0341)
- a. Open, pump, and backfill the septic tank under inspection by the Environmental Health Division. (Development Title Sections 9-1110.3 and 9-1110.4)
 - b. Connection to a public sewer system is required. (Development Title Section 9-1105.2(b))
 - c. Connection to an approved public water supply system is required. (Development Title Section 9-1120.2)
 - d. Destroy or properly seal any abandoned wells under permit and inspection by the Environmental Health Division. (Development Title Section 9-1115.5(e))
4. PACIFIC GAS AND ELECTRIC COMPANY: (Contact Person: Michael Gunby, 942-1797)
- a. Pacific Gas and Electric owns and operates a 12 kv wood pole line along the westerly boundary line of the project. Land use is restricted in proximity to the pole line in accordance with C.P.U.C. General Order 95.
 - b. Pacific Gas and Electric owns and operates a 60 kv (with 12 kv underbuild) wood pole line along the northerly boundary line of Parcel 2 (LA-95-34). Land use is restricted in proximity to the pole line in accordance with C.P.U.C. General Order 95.
 - c. A developer-owned street light circuit exists along the northwesterly right-of-way line of the current alignment of DeBroggi Road. The developer should coordinate with PG&E as soon as possible any relocation of the circuit due to realignment of DeBroggi Road.

5. COUNTY COUNSEL:

- a. **HOLD HARMLESS PROVISION:** Pursuant to Section 66474.9 of the Government Code, the subdivider shall defend, indemnify, and hold harmless the local agency or its agents, officers, and employees from any claim, action, or proceeding against the local agency or its agents, officers, or employees to attack, set aside, void, or annul an approval of the local agency, advisory agency, appeal board, or legislative body concerning a subdivision, which action is brought within the time provided for in Section 66499.37 of the Government Code.