



# CITY OF LODI

# COUNCIL COMMUNICATION

**AGENDA TITLE:** Improvement Deferral Agreement for 13333 North West Lane

**MEETING DATE:** November 16, 1994

**PREPARED BY:** Public Works Director

**RECOMMENDED ACTION:** That the City Council approve the Improvement Deferral Agreement for off-site improvement (curb, gutter, sidewalk, commercial driveway approaches, street paving and utilities) at 13333 North West Lane and direct the City Manager and City Clerk to execute the Improvement Deferral Agreement (copy attached) on behalf of the City.

**BACKGROUND INFORMATION:** The subject property is located at the southwest corner of Harney Lane and West Lane in San Joaquin County. The owner of the property, Mr. Carl Fink, has received approval for a use permit from San Joaquin County Community Development Department for the construction of a golf driving range on a portion of the property (See attached Exhibit A). Since the portion of Harney Lane fronting this parcel is located within the Lodi city limits, the County has required that the owner satisfy the following conditions with the City of Lodi prior to establishment of the use or issuance of a building permit:

1. The owner shall dedicate necessary street rights-of-way and corner cut-offs as set out in an agreement entered into by the City of Lodi and Carl Fink on November 19, 1992.
2. The owner shall enter into an Improvement Deferral Agreement with the City of Lodi for street improvements (curb, gutter, sidewalk, paving, public utilities, etc.) along the Harney Lane right-of-way.
3. The owner or owner's contractor shall obtain an encroachment permit from the City of Lodi Department of Public Works for the construction of the driveway along Harney Lane.

In order to satisfy the second condition, the owner has signed the Improvement Deferral Agreement in which he agrees to pay for the cost of construction and installation of off-site improvements at such time as requested by the City. The executed agreement will be recorded and run with the land, and shall be binding on the successors, heirs, or assigns of the current owner. The first and third conditions have been addressed separately and do not require Council action.

**FUNDING:** Recording fees paid by property owner.

  
 Jack L. Ronsko  
 Public Works Director

Prepared by Sharon A. Welch, Associate Civil Engineer

JLR/SAW/pmf

**Attachments**

cc: City Attorney  
 Associate Civil Engineer - Development Services  
 San Joaquin County Community Development Department  
 Mr. Carl Fink

APPROVED: 

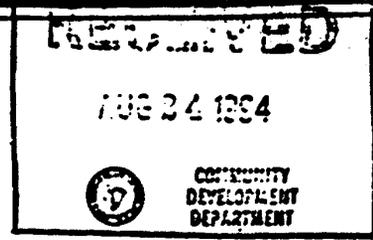
THOMAS A. PETERSON  
City Manager





SAN JOAQUIN COUNTY  
COMMUNITY DEVELOPMENT DEPARTMENT

1918 E. HAZELTON AVE., STOCKTON, CA 95205-8232  
PHONE: 209-488-3128 Fax: 209-488-3188



August 22, 1994

Carl Fink  
560 S. Mill Street  
Lodi, CA 95242

Dear Mr. Fink:

Re: Use Permit Application No. UP-94-8 of Carl Fink (c/o Kenneth Choo) (APN: 058-100-03; 13333 N. West Lane, Lodi)

This is to notify you that on July 7, 1994, the San Joaquin County Planning Commission approved the above-referenced application subject to the enclosed Conditions of Approval. The approval expiration date is January 16, 1996.

Please be advised that, unless otherwise specified in the Conditions of Approval, you must fulfill all Conditions of Approval prior to establishment of the use or issuance of building permits. You should contact the responsible agencies for assistance in fulfilling their Conditions of Approval.

For your convenience, a copy of the Improvement Plan Handout is enclosed. The Handout is subject to change. If you have questions regarding the Handout, you may contact the Development Services Division of the Community Development Department.

Sincerely,

*Richard Larrouy*  
RICHARD LARROUY  
Associate Planner

RL/blm

Enclosure: Conditions, Handout, Map

cc: Kenneth Choo  
Susan Ryan  
Air Pollution Control District  
City of Lodi  
Department of Public Works  
Building Inspection Division  
Public Health Services  
County Assessor

## CONDITIONS OF APPROVAL

UP-94-8  
Carl Fink

Unless otherwise specified, all the Conditions of Approval and Ordinance Requirements shall be fulfilled prior to the issuance of any building permits and prior to the initiation of the use.

This approval will expire 18 months from the effective date of the approval unless (1) all Conditions of Approval have been complied with, (2) all necessary building permits have been secured and remain in force, and (3) all necessary permits from other agencies have been secured and remain in force.

Those Conditions followed by a Section Number or other Statutory Requirement are based on Ordinance requirements. Ordinance requirements cannot be modified.

1. COMMUNITY DEVELOPMENT DEPARTMENT: (Staff Contact: Richard Larrouy, 468-3142)
  - a. This approval shall be for the establishment of a golf driving range on a 12-acre portion of a 30-acre site. The approved project shall include the use of a commercial coach as a pro shop.
  - b. Automobile parking spaces shall be provided as follows: One space for each of the 40 tees on the driving range, 3.3 spaces per 1,000 square feet of offices in the trailer, 4 spaces per 1,000 square feet of retail uses in the trailer, and .67 space per each employee on the largest employment shift. The size and location of the parking spaces and aisle and driveway widths shall be consistent with the requirements of Chapter 9-1015 of the Development Title. Parking calculations shall be shown on the Improvement Plans. Bicycle parking is required as specified in Section 9-1015.7 of the Development Title.
  - c. All parking spaces, driveways, and maneuvering areas shall be surfaced and permanently maintained with base material of appropriate depth and liquid asphalt, asphalt concrete, or Portland cement concrete to provide a durable, dust free surface. Bumper guards shall be provided when necessary to protect adjacent structures or properties. (Development Title Section 9-1015.5)
  - d. Parking lot and security lighting shall be installed according to the requirements of Section 9-1015.5(g) of the Development Title. All lighting shall be designed to confine direct rays to the premises. No spillover beyond the property lines shall be permitted except onto public thoroughfares, provided, however, that such light shall not cause a hazard to motorists. (Development Title Section 9-1015.5[g][4])
  - e. Trash bins shall be kept in an enclosure with solid walls on three sides and gated on the fourth side. (Development Title Section 9-1022.4[e][3])
  - f. Driving range lighting shall be hooded, and all lighting shall be designed to confine direct rays to the premises. This project shall comply with the light and glare performance standards set forth in Section 9-1025.6 of the Development Title. Lighting plans prepared by an electrical engineer, or other lighting professional approved by the Director, shall be submitted with the Improvement Plans.

- g. All areas not used for buildings, parking, driveways, walkways, or other permanent facilities shall be landscaped. A minimum ten-foot-wide planting strip shall be required along the developed portion of the project site's frontage on Harney Lane. Parking lot landscaping shall comply with Section 9-1020.6 of the Development Title. Water efficient landscaping is required. (Development Title Sections 9-1020.3, 9-1020.6, and 9-1020.8)
- h. No material excavated during construction of the approved facility shall be removed from the site. (Development Title Section 9-1405.5)
- i. Golf ball net screening is required around the perimeter of the driving range on the west, south, and east sides as shown on the Site Plan, except that the net screening on the south side shall be 30 feet high. The type, height, and location of the net screening shall be shown on the Improvement Plan.
- j. There shall be no outside storage of vehicles or equipment associated with the operation or maintenance of the approved facility. Storage shall either be within an enclosed structure or inside a fenced and screened outdoor storage area. In the case of the latter, a six-foot-high fence and landscape screening elements shall be included on the Improvement Plan.
- k. A maximum of two advertising signs, only one of which may be a free-standing sign, shall be permitted for the approved use (Development Title Section 9-1710.5[a][7]). Sign details shall be consistent with Chapter 9-1710 of the Development Title and be included on the Improvement Plan.
- l. The applicant shall secure an approved Business License prior to the initiation of the use. (Section 7-1000 of the County Ordinance Code)
- m. Submit an Improvement Plan, prepared by a registered Civil Engineer, showing drainage, driveway access details, on-site parking, surfacing, existing and proposed utility services, lighting details, and grading. The drainage pattern and corresponding storm drain improvements shall be shown on the Improvement Plan. A plan check fee will be required. (Development Title Section 9-884)

2. DEPARTMENT OF PUBLIC WORKS: (Staff Contact: Tom Iwamiya, 468-3023)

- a. Improvements, restrictions, dedications, and permits on Harney Lane shall be as required by the City of Lodi.
- b. The Traffic Impact Mitigation fee will be required for this development. The fee is due and payable prior to issuance of a building permit. The fee currently is \$188.81 per daily trip-end generated in the Lodi area. The fee shall be automatically adjusted July 1 of each year by the Engineering Construction Cost Index as published by the Engineering News Record. If it can be verified that the site has been used within the last two years, a credit may be allowed for the previous use. (Resolutions R-90-304, R-91-1025, R-93-167, and R-94-179)

3. PUBLIC HEALTH SERVICES: (Staff Contact: Greg Oliveira, 468-0341)

- a. The well must be repaired with the installation of a sanitary seal under permit and inspection by the Environmental Health Division. (Development Title Section 9-1115.4(e))

- b. Connection to a public sewer system is required (Development Title Section 9-1105.2(b)). Connect to an approved public water supply system as required by Development Title Section 9-1120.2. Prior to issuance of building permits, a letter from the water supplier will be required which states that they have the capacity to serve the development and that the system meets State standards. (Development Title Section 9-1100.3)

If the applicant is unable to obtain public services by letter from the City of Lodi, the following conditions will apply:

- (1) The sewage disposal system shall comply with the on-site sewage standards of San Joaquin County prior to approval of the Improvement Plan. A percolation test and a sewage disposal area, as determined by the percolation test, are required prior to approval by the Environmental Health Division. A permit for the percolation test must be obtained from the Environmental Health Division. (Development Title Sections 9-1110.3, 9-1110.4(c), and 9-1110.5)
- (2) State on revised plans or improvement plans the maximum number of employees the sewage disposal system is being designed for and that the leach field area will be barricaded so that it cannot be driven over, parked on, or used as a storage area. This leach field area must be used for that specific purpose only and cannot contain any underground utility lines. (Development Title Section 9-1110.4(c)(5).
- (3) Construct a water well under permit and inspection by the Environmental Health Division prior to occupancy. Should the number of nonresident individuals exceed 24 for at least 60 days per year, or the number of service connections exceed four, a yearly permit to operate a public water system, under the provisions of the California Code of Regulations, Title 22, will be required by the Environmental Health Division and by Development Title Sections 9-1120.2 and 9-1115.9.

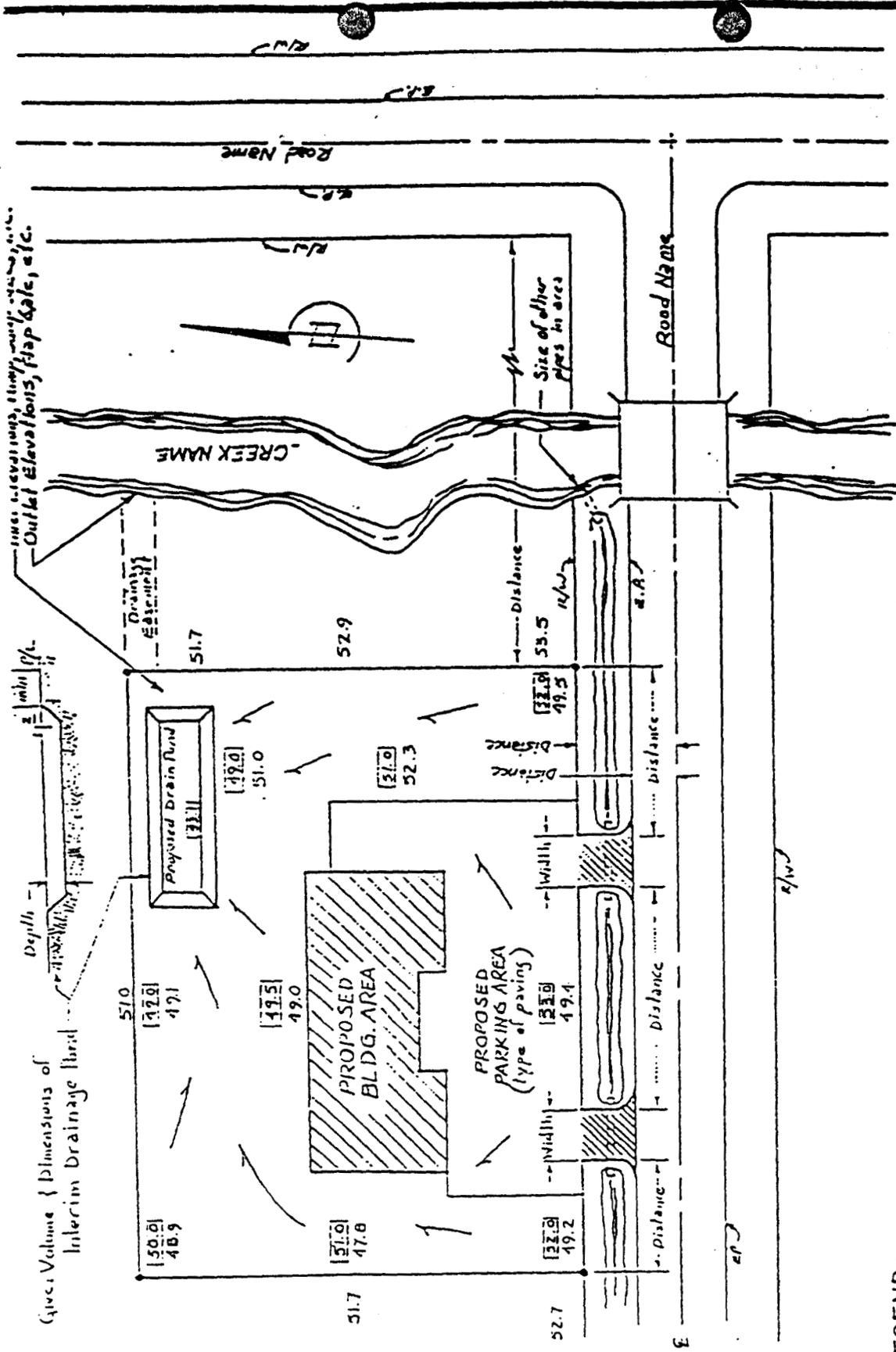
4. SAN JOAQUIN VALLEY UNIFIED AIR POLLUTION CONTROL DISTRICT: (Staff Contact: David J. Stagnero, 545-7000)

- a. The project shall comply with the District's Fugitive Dust Rules, Regulation VIII, to reduce the amount of dust and ozone precursors that will result from project construction.

5. CITY OF LODI: (Staff Contact: James B. Schroeder, 334-5634)

- a. The owner shall dedicate necessary street rights-of-way and corner cut-offs as set out in an agreement entered into by the City of Lodi and Carl Fink on November 19, 1992.
- b. The owner shall enter into an Improvement Deferral Agreement with the City of Lodi for street improvements (curb, gutter, sidewalk, paving, etc.) along the Harney Lane right-of-way.
- c. The owner or owner's contractor shall obtain an encroachment permit from the City of Lodi Department of Public Works for the construction of the driveway along Harney Lane.

NOTE: On July 7, 1994, the San Joaquin County Planning Commission approved UP-94-8 subject to the Conditions of Approval listed above.



IMPROVEMENT PLAN HANDOUT

**DESIRED DRAINAGE PLOT PLAN DETAILS**

**FOR PUBLIC WORKS DEPT. APPROVAL**

PER

SAN JOAQUIN COUNTY ORDINANCE NO. 1250

**LEGEND:**

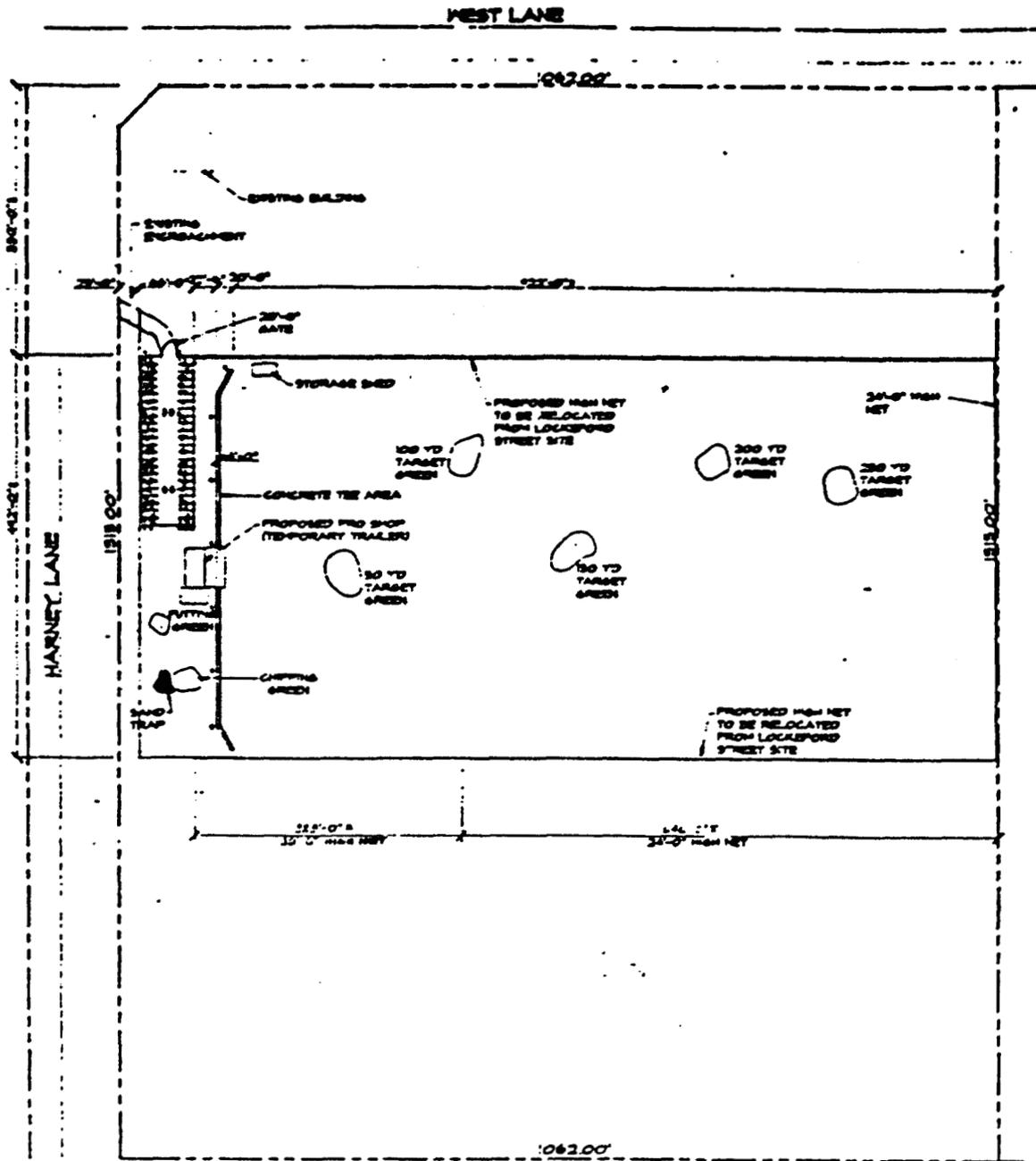
48.7' GRADES PRIOR TO CONSTRUCTION

51.0' = FINISHED GRADES

Runoff & pond, or pipe & pump calculations, see County Form DF-80

**SPECIAL NOTICE:** Two weeks notice should be allowed for Public Works Dept. approval.

# Project Map



WHEN RECORDED, RETURN TO:

City Clerk  
City of Lodi  
221 West Pine Street  
Lodi, CA 95240

**IMPROVEMENT DEFERRAL AGREEMENT**  
**13333 N. West Lane, Lodi, California**  
**APN 058-100-003**

THIS AGREEMENT is made and entered into by and between the CITY OF LODI, hereinafter referred to as "City" and CARL FINK, hereinafter referred to as "Owner".

RECITALS:

Owner is the owner of that certain real property situated in the County of San Joaquin, and described as follows:

That parcel of land as shown on Map of Survey filed for record on July 26, 1972 in Book 22 of Surveys, at page 193, San Joaquin County Records.

A use permit application (UP-94-8) has been approved by San Joaquin County for construction of a golf driving range on the above described parcel. Access to the driving range will be provided from Harney Lane. Since this portion of Harney Lane is located within the City limits of the City of Lodi, the County has required the Owner, as a condition of the use permit, to enter into an agreement with the City of Lodi regarding the installation of off-site improvements along the Harney Lane frontage. Owner is desirous of complying with existing City ordinances and policies regarding off-site improvements as set forth in Title 15, Chapter 15.44 of the Lodi Municipal Code. However, since the parcel being developed is at this time located outside the City limits and no off-site improvements have been constructed on adjacent properties on the south side of Harney Lane, Owner has requested that the City allow issuance of the County use permit prior to the completion of the off-site improvements required with the above development which include installation of curb, gutter, sidewalk, driveway approaches, street paving and underground utilities.

Council of the City will approve the issuance of the County use permit on condition that the owner first enter into and execute this agreement with the City.

NOW THEREFORE, in order to insure satisfactory performance by Owner of Owner's obligations under said city Code, the parties agree as follows:

1. Owner will pay for and complete the installation of all off-site improvements (curb, gutter, sidewalk, street paving, driveway approaches and utility installation) upon written request by the City. Construction of off-site improvements to be completed within one (1) year of the date of the written request from the City.

2. If Owner fails to complete the required improvements within the time period specified in Item #1 above, the Public Works Director or the City Council may serve written notice upon Owner for breach of this agreement and the default of Owner.
3. In the event that the Public Works Director shall give to Owner notice of default as described above, Owner shall have 30 calendar days from the date of such notice to initiate construction of all improvements required hereunder. If construction of such improvements is not initiated in 30 days, the Public Works Director is empowered to complete such improvements for the account of and at the expense of Owner, who shall be liable to the City for any excess cost or damage incurred by City. Any and all reasonable costs incurred by City shall constitute a lien upon the property.
4. Development Impact Mitigation Fees (Lodi Municipal Code Title 15, Chapter 15.64) for the driving range development will be collected at the time of annexation to the City and development of any portion of the parcel remaining undeveloped at this time, or upon connection to City services.
5. This agreement shall run with the land and be binding on the Owner, its heirs, successors or assigns.
6. A copy of the Agreement shall be recorded in the office of the San Joaquin County Records, P. O. Box 1968, Stockton, California 95201-1968.
7. All notices herein required shall be in writing, and delivered in person or sent by registered mail, postage prepaid.

Notices required to be given to City shall be addressed as follows:

Jack L. Ronsko  
Public Works Director  
City of Lodi  
P. O. Box 3006  
Lodi, CA 95240-1910

Notices required to be given to Owner shall be addressed as follows:

Mr. Carl Fink  
560 S. Mills Avenue  
Lodi, California 95242

IN WITNESS WHEREOF, the parties hereto have set their hands the day, month and year appearing opposite their names.

CITY OF LODI, a Municipal Corporation

Dated: \_\_\_\_\_ 1994

By: \_\_\_\_\_

Thomas A. Peterson, City Manager

Attest: \_\_\_\_\_

Jennifer M. Perrin, City Clerk

OWNER(S)

Dated: 11/9/94 1994

Carl T. Fink

Judith M. Fink

Approved as to form: \_\_\_\_\_

Bob McNatt  
City Attorney

Dated: \_\_\_\_\_ 1994

CITY COUNCIL

JACK A. SIEGLOCK, Mayor  
STEPHEN J. MANN  
Mayor Pro Tempore  
RAY G. DAVENPORT  
PHILLIP A. PENNINO  
JOHN R. (Randv) SNIDER

# CITY OF LODI

CITY HALL, 221 WEST PINE STREET  
P.O. BOX 3006  
LODI, CALIFORNIA 95241-1910  
(209) 334-5634  
FAX (209) 333-6795

THOMAS A. PETERSON  
City Manager  
JENNIFER M. PERRIN  
City Clerk  
BOB McNATT  
City Attorney

November 9, 1994

Mr. Carl Fink  
560 South Mills Ave.  
Lodi, CA 95242

**SUBJECT: Improvement Deferral Agreement for 13333 North West Lane**

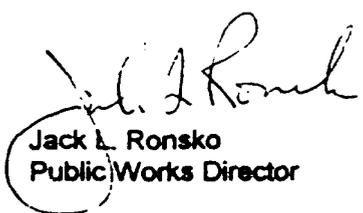
Enclosed is a copy of background information on an item that is on the City Council agenda of Wednesday, November 16, 1994, at 7 p.m. The meeting will be held in the City Council Chamber, Carnegie Forum, 305 West Pine Street.

This item is on the consent calendar and is usually not discussed unless a Council Member requests discussion. The public is given an opportunity to address items on the consent calendar at the appropriate time.

If you wish to write to the City Council, please address your letter to City Council, City of Lodi, P. O. Box 3006, Lodi, California, 95241-1910. Be sure to allow time for the mail. Or, you may hand-deliver the letter to City Hall, 221 West Pine Street.

If you wish to address the Council at the Council meeting, be sure to fill out a speaker's card (available at the Carnegie Forum immediately prior to the start of the meeting) and give it to the City Clerk. If you have any questions about communicating with the Council, please contact Jennifer Perrin, City Clerk, at (209) 333-6702.

If you have any questions about the item itself, please call Sharon Welch at (209) 333-6706.

  
Jack L. Ronsko  
Public Works Director

JLR/m

Enclosure

cc: San Joaquin County Community Development Department - Larry Matthews  
City Clerk