



**CITY OF LODI
COUNCIL COMMUNICATION**

AGENDA TITLE: Conduct Public Hearing to consider the Planning Commission's recommendation of approval to the City Council to amend various sections of the Lodi Zoning Ordinance that deal with the appeal process for planning decisions.

MEETING DATE: March 16, 2005

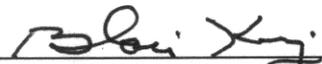
PREPARED BY: David Morimoto, Senior Planner

RECOMMENDED ACTION: That the City Council approve the Planning Commission's recommendation to amend sections of the Lodi Zoning Ordinance that deal with the appeal process for planning decisions. The proposed amendment will establish a standard time period to file all planning appeals and will add language to clarify the appeal process.

BACKGROUND INFORMATION: The ability of individuals or groups to appeal a governmental decision is a fundamental part of the local government process. Most planning or land use decisions can be appealed to a higher authority. This includes planning staff decisions or interpretations, SPARC decisions, or rulings made by the Planning Commission. Staff and SPARC decisions can be appealed to the Planning Commission. Planning Commission decisions can be appealed to the City Council.

Over the years, the Zoning Ordinance has been revised and amended numerous times. Consequently, the method for making appeals is scattered **through** several sections of the ordinance and the language varies from section to section. One particular area of confusion has been the periods of time people are given to file an appeal. The current time periods range between 5-calendar days and 20-calendar days depending on the action. Use Permits and variances have a 5-calendar day filing period. Live entertainment and administrative deviations have a 10-calendar day filing period. Zoning and general plan amendments have a 20-calendar day filing period. It is also confusing as to whether calendar days include weekend days.

In order to clarify this situation, staff is recommending that a consistent filing period be adopted. The recommended time period is seven business days from the date the action takes place. This time period will apply to all appeals covered by the Zoning Ordinance. This seven business day time period would replace any existing language dealing with appeal time periods that is in the Zoning Ordinance.

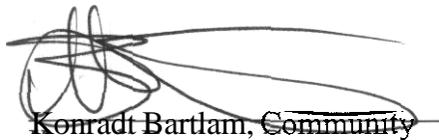
APPROVED: 
Blair King, City Manager

The second recommended change is the addition of a new chapter to the Zoning Ordinance that deals specifically with the appeal process. Currently different sections of the Zoning Ordinance have separate language dealing with appeals each worded in a slightly different way. None of these sections clearly explains who can file an appeal or what the process will be used for reviewing the appeal.

We are proposing to add Chapter 17.88-Appeals to the Zoning Ordinance. This chapter will codify the complete appeal process and hopefully make it easier for both staff and the public to understand the appeal process.

The proposed text changes are attached as Exhibit A and B.

FISCAL IMPACT: There should be no fiscal impact with this action.

A handwritten signature in black ink, appearing to read 'Konradt Bartlam', is written over a horizontal line. The signature is somewhat stylized and overlaps the line.

Development Director

KB/DM/lw

Exhibit A

The following sections of the Zoning Ordinance are to be amended. Existing wording that is proposed to be deleted have a strikethrough (~~word~~). Wording that is proposed to be added is underlined (word). The sections all deal with the appeal process.

Section 17.72 – Use Permits and Adjustments

17.72.110 Appeal to council.

~~A. Any applicant or person claiming to be directly and adversely affected by any action of the planning commission on matters referred to in this chapter may, within five days after the action, file a written appeal with the city clerk for transmittal to the city council. The appeal shall stay the issuance of any permits in connection with the action pending the decision of the city council.~~

~~B. Upon the receipt of any such appeal, the city council shall, after receiving a report from the planning commission, and after at least one public hearing on the case as provided by law, render a decision sustaining, amending or overruling the action of the planning commission on the case. (Prior code § 27-15(e)(2, 3))~~

A. Any actions of the Planning Commission on matters referred to in this chapter may be appealed to the City Council by filing within seven business days, a written appeal with the City Clerk. The appeal shall be processed in accordance with Chapter 17.88- Appeals, of the Lodi Municipal Code.

Section 17.73 – Live Entertainment Permits

17.73.070 Appeals to planning commission

~~All decisions of the community development director, including the applicability of this chapter, shall be subject to appeal to the planning commission, by written request, within ten days after decision. (Ord. 1686 § 1 (part), 2000)~~

Any actions of the reviewing authority on matters referred to in this chapter may be appealed to the planning commission by filing within seven business days, a written appeal to the Community Development Director. The appeal shall be processed in accordance with Chapter 17.88- Appeals, of the Lodi Municipal Code.

Section 17.74 – Administrative Deviations

17.74.070 Appeals to planning commission.

~~All decisions of the reviewing authority, including the applicability of this chapter, shall be subject to appeal to the planning commission, by written request, within ten days after the action. Thereafter, the appeal process shall be as specified in Section 17.72.110. (Ord. 1575 § 1 (part), 1993).~~

Any actions of the reviewing authority on matters referred to in this chapter may be appealed to the Planning Commission by filing within seven business days, a written appeal to the Community Development Director. The appeal shall be processed in accordance with Chapter 17.88- Appeals, of the Lodi Municipal Code.

17.81 Site Plan and Architectural Committee

17.81.070 Appeal from committee.

~~A. When the regulations specify that approval of a proposed development by the approval committee is a condition of issuance of a zoning approval, the decision of the approval committee approving or disapproving the development shall be subject to appeal to the planning commission by any person aggrieved, and shall not be effective until the expiration of the appeal period.~~

~~B. An appeal shall be made in writing to the secretary of the planning commission within five working days of the final decision of the approval committee. (Prior code § 27-18(g))~~

Any actions of the Site Plan and Architectural Committee on matters referred to in this chapter may be appealed to the Planning Commission by filing within seven business days, a written appeal to the Community Development Director. The appeal shall be processed in accordance with Chapter 17.88- Appeals, of the Lodi Municipal Code.

17.84 Amendments (These paragraphs will be deleted and no replacement language added)

~~17.84.050 Disapproval recommendation – Appeal to council.~~

~~If the report of the planning commission recommends disapproval of the proposed change or amendment or reclassification, the applicant upon notification of such action may, within twenty days thereafter, appeal to the city council. After a public hearing with due notice as provided in this chapter and after further reference to the planning commission for a supplementary report, the city council may by a four-fifths vote of the entire council grant any appealed application and adopt by the vote an ordinance effecting such proposed changes or portions thereof. (Prior code § 27-19(d))~~

~~17.84.060 Protest of property owners.~~

~~If at the time of any public hearing before the city council as provided in this chapter a protest against such proposed amendment, supplement or reclassification is presented, duly signed and acknowledged by the owners of twenty percent or more of the frontage of property which will be directly affected by the proposed amendment, supplement or reclassification, or by the owners of twenty percent or more of the frontage of property which is immediately adjacent thereto, either in the rear, on the sides or across the street or alley, no such amendment, supplement or reclassification shall be adopted except by the same vote of the city council as provided for in Section 17.84.050 in case of disapproval by the planning commission. For the purposes of this section, those property owners within a radius of three hundred feet of an area proposed to be changed are "directly affected." (Prior code § 27-19(e))~~

Exhibit B

This Chapter will be added to Lodi Zoning Ordinance as Chapter 17.88 to codify the appeal process for various planning actions.

CHAPTER 17.88 - APPEALS

Sections:

- 17.84.010 - Purpose of Chapter
- 17.84.020 - Commission's Review
- 17.84.030 - Council's Review
- 17.84.040 - Eligibility
- 17.84.050 - Appeal Subjects and Jurisdiction
- 17.84.060 - Application Filing, Processing, Review and Action

17.88.010 - Purpose of Chapter

This Chapter establishes procedures for the following:

- A. Commission's review.** The Commission's review of a decision rendered by the Director or SPARC.
- B. Council's review.** The Council's review of a decision rendered by the Commission; and
- C. Eligibility.** Other eligible appellants, as identified in Section 17.84.040 (Eligibility), below.

17.88.020 - Commission's Review

- A. Review.** The Commission may choose to review a decision rendered by the Director or SPARC.
- B. Discussion.**
 - 1. A member of the Commission may request the opportunity to discuss any decision previously rendered.
 - 2. A majority vote of the Commission is required to initiate an appeal of the decision.
- C. Appeal.** Once the vote to initiate an appeal is passed by a majority, the matter shall be scheduled for hearing by the Director.

17.88.030 - Council's Review

- A. Review.** The Council may choose to review a decision rendered by the Commission.
- B. Discussion.**
 - 1. A member of the Council may request the opportunity to discuss any decision

previously rendered.

2. A majority vote of the Council is required to initiate an appeal of the decision.

- C. **Appeal.** Once the vote to initiate an appeal is passed by a majority, the matter shall be scheduled for hearing by the City Clerk.
- D. **Decision final.** The decision of the Council on the appeal shall be final and shall become effective upon adoption of the resolution by the Council.

17.88.040 – Eligibility

An appeal may be filed by:

- A. **Administrative determination.** Any person affected by an administrative determination or action by the Director.
- B. **Land-use permit or hearing decision.** In the case of a land use permit or hearing decision, by anyone who, in person or through a representative, presented testimony at a public hearing in connection with the decision being appealed, or who otherwise informed the City in writing of the nature of their concerns before the hearing.

17.88.050 - Appeal Subjects and Jurisdiction

Determinations and actions that may be appealed, and the authority to act up on an appeal shall be as follows:

- A. **Ordinance administration and interpretation.** The following determinations and actions of the Director or SPARC may be appealed to the Commission and then to the Council:
 - 1. Determinations on the meaning or applicability of the provisions of this Zoning Ordinance that are believed to be in error, and cannot be resolved with staff;
 - 2. Any determination that a permit application or information submitted with the application is incomplete, in compliance with State law (Government Code Section 65943); and
 - 3. Any enforcement action in compliance with Chapter 17.87 (Enforcement).
- B. **Permit/entitlement and hearing decisions.** Decisions by the Director or SPARC may be appealed to the Commission. Decisions by the Commission may be appealed to the Council.

17.88.060 - Appeal Filing, Processing, Review and Action

A. Timing and form of appeal.

- 1. Appeal applications shall be submitted before 5:00 p.m. on the 7th business day following the date the decision is rendered by the Director or SPARC, or the adoption of the resolution by the Commission.

2. Appeal applications addressed to the Commission shall be filed with the Department, while appeals addressed to the Council shall be filed with the City Clerk.

3. The appeal application shall:

- a. Specifically state the pertinent facts of the case and the basis for the appeal;
- b. Be accompanied by the information identified in the Department hand out for appeal applications; and
- c. Be accompanied by the filing fee established by the Council's Fee Resolution.

B. Delay of proceedings. Filing of an appeal shall delay all proceedings associated with the matter subject to the appeal (e.g., issuance of a Certificate of Occupancy, Building or Grading Permit, etc.), pending the City's final action on the appeal.

C. Joining an appeal.

1. Only those persons who file an appeal within the specified appeal period shall be considered appellants of the matter under appeal.
2. Any person who wishes to join an appeal shall follow the same procedures for an appellant.
3. A person (s) shall not be allowed to join an appeal after the end of the specified appeal period.

D. Action on appeals. The appeal body shall conduct a public hearing in compliance with Chapter 17.88 (Public Hearings).

1. Scope of review and decision. When reviewing an appeal the review authority may:

a. Consider any issues associated with the decision being appealed, in addition to the specific grounds for the appeal. The review authority shall also consider any environmental determination applicable to the entitlement or decision being appealed;

b. By resolution, uphold, uphold in part, or reverse the action, the determination, or decision that is the subject of the appeal;

c. Adopt additional conditions of approval deemed reasonable and necessary; and

d. Disapprove the land use permit approved by the previous review authority, even though the appellant only requested a modification or elimination of one or more conditions of approval.

2. New evidence. If new or different evidence is presented during the appeal hearing, the Commission or Council may refer the matter back to the Director, SPARC, or Commission, as applicable, for a report on the new or different evidence before a final decision on the appeal.

3. Findings. When reviewing an appeal the review authority shall adopt findings in support of the intended action on the appeal. The nature of the findings shall be in compliance with the findings adopted by the original review authority.

- E. Mailing of resolution.** The Director or City Clerk, as applicable to the level of review authority, shall mail a copy of the resolution to the appellant, the applicant (if not the appellant), the Commission, and the Council within 10 days after the date the decision is Rendered.

ORDINANCE NO. ____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LODI AMENDING LODI MUNICIPAL CODE TITLE 17 – ZONING, BY REPEALING AND REENACTING SECTIONS 17.72.110, 17.73.070, 17.74.070, 17.81.070; REPEALING IN THEIR ENTIRETY SECTIONS 17.84.050 AND 17.84.060; AND FURTHER ADDING CHAPTER 17.88 - RELATING TO APPEALS

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BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LODI AS FOLLOWS:

SECTION 1. Lodi Municipal Code Title 17 – Zoning is hereby amended by repealing and re-enacting Sections 17.72.110, 17.73.070, 17.74.070, 17.81.070 relating to appeals and shall read as follows:

17.72.110 Appeals to Council.

Any actions of the Planning Commission on matters referred to in this chapter may be appealed to the City Council by filing within seven business days, a written appeal with the City Clerk. The appeal shall be processed in accordance with Chapter 17.88- Appeals, of the Lodi Municipal Code.

17.73.070 Appeals to Planning Commission.

Any actions of the reviewing authority on matters referred to in this chapter may be appealed to the planning commission by filing within seven business days, a written appeal to the Community Development Director. The appeal shall be processed in accordance with Chapter 17.88- Appeals, of the Lodi Municipal Code.

17.74.070 Appeals to Planning Commission.

Any actions of the reviewing authority on matters referred to in this chapter may be appealed to the Planning Commission by filing within seven business days, a written appeal to the Community Development Director. The appeal shall be processed in accordance with Chapter 17.88- Appeals, of the Lodi Municipal Code.

17.81.070 Appeal from Committee.

Any actions of the Site Plan and Architectural Committee on matters referred to in this chapter may be appealed to the Planning Commission by filing within seven business days, a written appeal to the Community Development Director. The appeal shall be processed in accordance with Chapter 17.88- Appeals, of the Lodi Municipal Code.

SECTION 2. Lodi Municipal Code Title 17 – Zoning is hereby amended by repealing in their entirety Section 17.84.050 – Disapproval Recommendation—Appeal to Council, and Section 17.84.060 – Protest of Property Owners.

SECTION 3. Lodi Municipal Code Title 17 – Zoning is hereby amended by adding Chapter 17.88 – Appeals, to read as follows:

CHAPTER 17.88 - APPEALS

Sections:

- 17.84.010 - Purpose of Chapter
- 17.84.020 - Commission's Review
- 17.84.030 - Council's Review
- 17.84.040 - Eligibility
- 17.84.050 - Appeal Subjects and Jurisdiction
- 17.84.060 - Application Filing, Processing, Review and Action

17.88.010 - Purpose of Chapter

This Chapter establishes procedures for the following:

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- B. Council's review. The Council's review of a decision rendered by the Commission; and
- C. Eligibility. Other eligible appellants, as identified in Section 17.84.040 (Eligibility), below.

17.88.020 - Commission's Review

- A. Review. The Commission may choose to review a decision rendered by the Director or SPARC.
- B. Discussion.
 - 1. A member of the Commission may request the opportunity to discuss any decision previously rendered.
 - 2. A majority vote of the Commission is required to initiate an appeal of the decision.
- C. Appeal. Once the vote to initiate an appeal is passed by a majority, the matter shall be scheduled for hearing by the Director.

17.88.030 - Council's Review

- A. Review. The Council may choose to review a decision rendered by the Commission.
- B. Discussion.
 - 1. A member of the Council may request the opportunity to discuss any decision previously rendered.
 - 2. A majority vote of the Council is required to initiate an appeal of the decision.
- C. Appeal. Once the vote to initiate an appeal is passed by a majority, the matter shall be scheduled for hearing by the City Clerk.
- D. Decision final. The decision of the Council on the appeal shall be final and shall become effective upon adoption of the resolution by the Council.

17.88.040 – Eligibility

An appeal may be filed by:

- A. Administrative determination. Any person affected by an administrative determination or action by the Director.
- B. Land-use permit or hearing decision. In the case of a land use permit or hearing decision, by anyone who, in person or through a representative, presented testimony at a public hearing in connection with the decision being appealed, or who otherwise informed the City in writing of the nature of their concerns before the hearing.

17.88.050 - Appeal Subjects and Jurisdiction

Determinations and actions that may be appealed, and the authority to act up on an appeal shall be as follows:

- A. Ordinance administration and interpretation. The following determinations and actions of the Director or SPARC may be appealed to the Commission and then to the Council:
 - 1. Determinations on the meaning or applicability of the provisions of this Zoning Ordinance that are believed to be in error, and cannot be resolved with staff;
 - 2. Any determination that a permit application or information submitted with the application is incomplete, in compliance with State law (Government Code Section 65943); and

3. Any enforcement action in compliance with Chapter 17.87 (Enforcement).
- B. Permit/entitlement and hearing decisions. Decisions by the Director or SPARC may be appealed to the Commission. Decisions by the Commission may be appealed to the Council.

17.88.060 - Appeal Filing, Processing, Review and Action

- A. Timing and form of appeal.
1. Appeal applications shall be submitted before 5:00 p.m. on the 7th business day following the date the decision is rendered by the Director or SPARC, or the adoption of the resolution by the Commission.
 2. Appeal applications addressed to the Commission shall be filed with the Department, while appeals addressed to the Council shall be filed with the City Clerk.
 3. The appeal application shall:
 - a. Specifically state the pertinent facts of the case and the basis for the appeal;
 - b. Be accompanied by the information identified in the Department hand out for appeal applications; and
 - c. Be accompanied by the filing fee established by the Council's Fee Resolution.
- B. Delay of proceedings. Filing of an appeal shall delay all proceedings associated with the matter subject to the appeal (e.g., issuance of a Certificate of Occupancy, Building or Grading Permit, etc.), pending the City's final action on the appeal.
- C. Joining an appeal.
1. Only those persons who file an appeal within the specified appeal period shall be considered appellants of the matter under appeal.
 2. Any person who wishes to join an appeal shall follow the same procedures for an appellant.
 3. A person (s) shall not be allowed to join an appeal after the end of the specified appeal period.
- D. Action on appeals. The appeal body shall conduct a public hearing in compliance with Chapter 17.88 (Public Hearings).

1. Scope of review and decision. When reviewing an appeal the review authority may:
 - a. Consider any issues associated with the decision being appealed, in addition to the specific grounds for the appeal. The review authority shall also consider any environmental determination applicable to the entitlement or decision being appealed;
 - b. By resolution, uphold, uphold in part, or reverse the action, the determination, or decision that is the subject of the appeal;
 - c. Adopt additional conditions of approval deemed reasonable and necessary; and
 - d. Disapprove the land use permit approved by the previous review authority, even though the appellant only requested a modification or elimination of one or more conditions of approval.
 2. New evidence. If new or different evidence is presented during the appeal hearing, the Commission or Council may refer the matter back to the Director, SPARC, or Commission, as applicable, for a report on the new or different evidence before a final decision on the appeal.
 3. Findings. When reviewing an appeal the review authority shall adopt findings in support of the intended action on the appeal. The nature of the findings shall be in compliance with the findings adopted by the original review authority.
- E. Mailing of resolution. The Director or City Clerk, as applicable to the level of review authority, shall mail a copy of the resolution to the appellant, the applicant (if not the appellant), the Commission, and the Council within 10 days after the date the decision is Rendered.

SECTION 4. All ordinances and parts of ordinances in conflict herewith are repealed insofar as such conflict may exist.

SECTION 5. 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 toward 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 6. 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 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 _____, 2005

JOHN BECKMAN
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 March 16, 2005, and was thereafter passed, adopted and ordered to print at a regular meeting of said Council held _____, 2005, 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:

D. STEPHEN SCHWABAUER
City Attorney

PROOF OF PUBLICATION

(2015.5 C.C.C.P.)

STATE OF CALIFORNIA

County of San Joaquin

I am a citizen of the United States and a resident of the County aforesaid: I am over the age of eighteen years and not a party to or interested in the above entitled matter. I am the principal clerk of the printer of the Lodi News-Sentinel, a newspaper of general circulation, printed and published daily except Sundays and holidays, in the City of Lodi, California, County of San Joaquin and which newspaper had been adjudicated a newspaper of general circulation by the Superior Court, Department 3, of the County of San Joaquin, State of California, under the date of May 26th, 1953. Case Number 65990; that the notice of which the annexed is a printed copy (set in type not smaller than non-pareil) has been published in each regular and entire issue of said newspaper and not in any supplement thereto on the following dates to-wit:

March 5th

all in the year 2005.

I certify (or declare) under the penalty of perjury that the foregoing is true and correct.

Dated at Lodi, California, this 5th day of March, 2005

Signature

This space is for the County Clerk's Filing Stamp

RECEIVED

MAR 08 2005

City Clerk
City of Lodi

Proof of Publication of

Notice of Public Hearing
City of Lodi, March 16th, 2005

NOTICE OF PUBLIC HEARING
NOTICE IS HEREBY GIVEN that on Wednesday, March 16, 2005, 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 and approve the following matter:

- a) The Planning Commission's recommendation to amend various sections of the Lodi Zoning Ordinance that deal with the appeal process for planning decisions. The proposed amendment will establish a standard time period to file all planning appeals and will also add language to clarify the appeal process.

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: March 2, 2005

Approved as to form:
D. Stephen Schwabauer
City Attorney
March 5, 2005 — 08501551



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 SET PUBLIC HEARING FOR MARCH 16,2005, TO CONSIDER THE PLANNING COMMISSION'S RECOMMENDATION TO AMEND VARIOUS SECTIONS OF THE LODI ZONING ORDINANCE THAT DEAL WITH THE APPEAL PROCESS FOR PLANNING DECISIONS (THE PROPOSED AMENDMENT WILL ESTABLISH A STANDARD TIME PERIOD TO FILE ALL PLANNING APPEALS AND WILL ALSO ADD LANGUAGE TO CLARIFY THE APPEAL PROCESS)

LEGAL AD

PUBLISH DATE: SATURDAY, MARCH 5, 2005

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, MARCH 3, 2005

ORDERED BY: 
KARI J. CHADWICK
ADMINISTRATIVE CLERK

JACQUELINE L. TAYLOR, CMC
DEPUTY CITY CLERK

JENNIFER M. PERRIN, CMC
DEPUTY CITY CLERK

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

SEND PROOF OF ADVERTISEMENT. THANK YOU!!

LNS Faxed to the Sentinel at 369-1084 at _____ (time) on _____ (date) _____ (pages)
Phoned to confirm receipt of all pages at _____ (time) _____ Jac _____ KJC _____ Jen (initials)



CITY OF LODI
Carnegie Forum
305 West Pine Street, Lodi

NOTICE OF PUBLIC HEARING

Date: **March 16, 2005**

Time: **7:00 p.m.**

For information regarding this notice please contact:

Susan J. Blackston
City Clerk
Telephone: **(209) 333-6702**

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY **GIVEN** that on **Wednesday, March 16, 2005**, 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 and approve the following matter:

- a) The Planning Commission's recommendation to amend various sections of the Lodi Zoning Ordinance that deal with ~~the~~ appeal process for planning decisions. The proposed amendment **will** establish a standard time period to file all planning appeals and will also add language to clarify the appeal process.

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: March 2, 2005

Approved as to form:

D. Stephen Schwabauer
City Attorney



DECLARATION OF POSTING

SET PUBLIC HEARING FOR MARCH **16,2005**, TO CONSIDER THE PLANNING COMMISSION'S RECOMMENDATION TO AMEND VARIOUS SECTIONS OF THE LODI ZONING ORDINANCE THAT DEAL WITH THE APPEAL PROCESS FOR PLANNING DECISIONS (THE PROPOSED AMENDMENT WILL ESTABLISH A STANDARD TIME PERIOD TO FILE ALL PLANNING APPEALS AND WILL ALSO ADD LANGUAGE TO CLARIFY THE APPEAL PROCESS)

On Friday, March **4**, 2005, in the City of Lodi, San Joaquin County, California, a copy of a Notice of Public Hearing to consider the Planning Commission's recommendation to amend various sections of the Lodi Zoning Ordinance that deal with the appeal process for planning decisions, (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 March 2, 2005, at Lodi, California

ORDERED BY:

SUSAN J. BLACKSTON
CITY CLERK

Jacqueline L. Taylor, CMC
Deputy City Clerk


Kari J. Chadwick
Administrative Clerk

Jennifer M. Perrin, CMC
Deputy City Clerk