AGENDA ITEM I-1

CITY OF LODI
COUNCIL COMMUNICATION

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AGENDA TITLE: **Conduct a Public Hearing to consider the Planning Commission's recommendation for the 2006 Growth Management Allocations for Brett & Kathy Haring and Taj Khan.**

MEETING DATE: **August 1,2007**

PREPARED BY: **David Morimoto, Senior Planner**

RECOMMENDED ACTION: Conduct a Public Hearing to consider the Planning Commission's recommendation for the 2006 Growth Management Allocations for Brett & Kathy Haring and Taj Khan.

BACKGROUND INFORMATION: Every year, as part of the City's Growth Management program, the Planning Commission reviews the requests that have been submitted to the City. Following a public hearing, the Commission makes a recommendation for City Council consideration. This public hearing is being held for the Council to award some of the 2006 allocations.

On June 27th the Planning Commission held a public hearing regarding the 2006 Residential Growth Management Development Plan review and Allocations. At this hearing the Planning Commission reviewed two Development Plans totaling 26 dwelling units. Of the requested 26 dwelling units, both were medium density projects (7.1 to 20 units per acre). The 2 projects seeking residential growth management allocations are as follows:

GM-06-02 Brett and Kathy Haring, located at 1911 South Church Street, on the west side of S. Church Street, one block north of Century Boulevard, **7** Medium Density Allocations; and

GM-06-03 Taj Khan, 865 East Olive Avenue (County address), on the east side of Lower Sacramento Road, one block south of Kettleman Lane, 19 Medium Density Allocations.

The Planning Commission originally received seven separate residential growth management applications for 2006 totaling 981 units. For 2006,450 units were calculated to be available for allocation. This does not include several thousand unallocated units that have been "banked" from previous years. Five of those applications were outside of the City limits and would have required annexation to the City prior to receiving allocations. One of those applications (Khan) has subsequently annexed to the City as part of the **S.W.**Gateway annexation. The remaining four applications remain outside of the City limits. These four applications, totaling 909 units, have agreed to postpone further processing of their application until the City completes the update of the General Plan, which is currently underway. In addition to the Khan and Haring applications, there is an additional application from F&M Bank that is

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APPROVED: _____
Blair King, City Manager

within the City limits. This application is in the process of preparing an environmental study and will be reviewed by the Planning Commission later this year.

Finally, there are two projects that were granted allocations for 2006 by the City Council through the use of Development Agreements. The Reynolds Ranch project and the Southwest Gateway project were granted allocations over a period of years based on a development plan and a specific development schedule. A third project, the Westside development was also granted multi-year allocations through a Development Agreement, but those allocations do not begin until 2007. Because of allocations that have been "banked" from past years, there are a sufficient number of allocations to provide for all of the projects.

The Haring project application was originally submitted as a 6-unit residential project but was later resubmitted as a 7-unit residential project. The units are two story town house condominiums clustered in two buildings and are located on a one-third acre vacant parcel. The project parcel is surrounded by other properties that are fully developed with similar residential uses and the site is classified as an in-fill project. Through-out this evaluation process staff and Ms. Haring have been in communication as this project has evolved over time. Attached is a memo which answers concerns raised by Ms. Haring at the July 18, 2007 City Council Meeting.

The Khan project is designed as a 19-unit residential development, with individual houses on small individual lots. The lots will average about 2,200 square feet in size. The lots will be located on private streets that will connect to Lower Sacramento Road by way of a private street that will be shared jointly with a number of adjoining properties. The parcel is located in a small rural residential development that was developed many years ago when this area was more than a mile outside of the City. Since then, the City has grown around the project area and includes an adjacent shopping center.

FISCAL IMPACT: None

FUNDING AVAILABLE: N/A

Community Development Director

Attachments:

1. Memo dated 7/25/07 to Blair King, City Manager
2. Memo dated 5/21/07 to Steve Schwabauer, City Attorney
3. Planning Commission Staff Report for Brett & Kathleen Haring
4. Planning Commission Staff Report for Taj Khan
5. Planning Commission Approved Resolutions

RH/dm/kjc

MEMORANDUM, City of Lodi, Community Development Department

To: Blair King, City Manager

From: Community Development Department RH

Date: 7-25-2007

Subject: Haring Growth Management Application

At a recent City Council meeting, the applicant for the Haring Growth Management Application addressed the City Council regarding their proposed residential project. One of the issues they raised was why it was necessary to go through the Growth Management (GM) process when the total number of allocations being requested for 2006 is less than the number of allocations available for that year.

First the process is required by Lodi Municipal Code (LMC) 15.34.070 and its implementing resolution, Resolution 91-171. LMC 15.34.070 provides that: "Prior to the submission of tentative map, parcel map or other approval under the Subdivision Map Act[1]...an application for growth management review shall be made to the Planning Commission...and shall include a Development Plan." The ordinance makes no exception to its "growth management review" process for years in which applications do not exceed available permits. Resolution 91-171 establishes the process for the "growth management review" required by LMC 15.34.070. Its language mirrors LMC 15.34.070 regarding the projects needing review, namely those that must be processed under the Subdivision Map Act.

Consistent with this Council legislative mandate, staff has consistently required all projects to go through the Growth Management Review process, since the Growth Management Ordinance was adopted in 1991. There have been other years in the past when the number of units requested has been less than the number of units available for allocation. We do not have complete details for all the prior years, but in 7 of the prior years that detailed records are available, requested allocations have been less than those available. Further, it was not unusual that requests for allocations involved small projects such as the Haring's. 5 of the projects going through the prior years allocations as referenced above, had a unit count of ***6***. There were also projects involving 3, 7, 8, 9, and 12 units. The City, under the direction of the City Council, has elected to conduct the Growth Management process regardless of the number of units requested. By conducting the GM process, the Planning Commission and City Council has the opportunity to review each project to determine if it meets the intent and requirements of the Growth Management Plan. It is possible that there could be a situation where the

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[1] Because the Haring Project includes 7 ownership units, it is required to be processed under the Subdivision Map Act.

Planning Commission or City Council could determine that they did not want to grant allocations to a project even if sufficient allocations were available. The Growth Management process is also the only opportunity the City Council may have to review certain projects that do not require a rezoning, annexation or other City Council approvals.

In the case of this year's Growth Management process, the number of units requesting allocations changed dramatically from the time the process began. When the allocation request submittal period ended, there were seven applications with a total of 981 units requesting allocations. It was only after the process was well underway that four of the applications choose to delay their projects until the General Plan update is completed. This eliminated 90% of the allocation requests, however the GM process was already underway and the City, based on past practice, decided to continue the process. If the City Council/Planning Commission determines that in the future years they want to forego the Growth Management Allocation process when there are fewer requests for units than there are available allocations, The Resolution and our procedures can be changed accordingly.

Finally, attached is a memo we prepared for the City Attorney that briefly outlines the time line for the Haring project.

MEMORANDUM, City of Lodi, Community Development Department

To: Steve Schwabauer, City Attorney

From: David Morimoto

Date: 5/21/07

Subject: Haring GM application

Outline of Haring application.

- 5-5-06 Application packet received from Dillon and Murphy Engineers for six residential units clustered in three duplexes in a U-shaped pattern.
- 8-21-06 Application deemed complete by CDD after receipt of requested material.
- 9-5-06 Plans sent out for review and comments by City Departments.
- 9-29-06 Comments due back from Departments.
- 10-5-06 Letter sent to Dillon and Murphy explaining process.
- 12-4-06 Letter sent to Dillon and Murphy explaining two tier GM process authorized by City Council and included comments received from various City departments.
- 3-20-07 Dillon and Murphy submit parcel information to confirm size of parcel.
- 4-25-07 New site plan submitted by Dillon and Murphy with seven residential units clustered in two buildings.
- 4-30-07 New site plan sent out for review by City Departments.
- 5-21-07 Comments due back from Departments.
- 6-27-07 Date for Planning Commission review of Haring GM project and possible building allocations.

There was a period early in the process when things were delayed because the City Council and City staff determined that there were inconsistencies in the processing dates. The City Council determined that the GM Ordinance should be amended to clarify the process prior to the next GM application year.

CITY OF LODI
PLANNING COMMISSION
Staff Report

MEETING DATE:	June 27, 2007
APPLICATION NOS:	Growth Management Allocations 06-GM-02
REQUEST:	The request of Dillon and Murphy Engineers on behalf of Brett and Kathleen Haring for Growth Management Allocations, to permit and construct 7 dwelling units at 1911 South Church Street. (Applicant: Dillon and Murphy Engineers. File Number 06-GM-02).
LOCATION:	1911 South Church Street, Lodi. APN 031-040-42
APPLICANT:	Dillon and Murphy, Engineers 1820 W. Kettleman Lane, Suite E Lodi, CA 95242
PROPERTY OWNER:	Brett and Kathleen Haring 1033 E. Mokelumne Street Woodbridge, CA 95258

RECOMMENDATION

Staff recommends that the Planning Commission approve the request of Dillon and Murphy Engineers on behalf of Brett and Kathleen Haring, recommending that the City Council award 7 medium density growth management allocation units (GM-06-02) subject to the conditions in the attached resolution.

SUMMARY

The proposed project would permit the construction of 7 residential condominium units on 0.35 acres on the west side of South Church Street, one block north of Century Boulevard, at 1911 South Church Street. Prior to constructing the project, the applicant must secure building allocations as part of the City's Growth Management process. The property is currently a vacant lot. Previously there was an older single-family residence on the property.

PROJECT/AREA DESCRIPTION

General Plan Designation	MDR, Medium Density Residential
Zoning Designation	R-MD, Residential, Medium Density
Project Size	0.35 acres

The adjacent zoning designations and land uses are as follows:

North:	R-MD, Residential-Medium Density and PD, Planned Development. The area to the north of the project has a mixture of older single-family residences, duplexes and apartment buildings in a range of sizes.
South:	PD, Planned Development. South of the project site are a mixture of duplexes and apartment units. South of Century Blvd. are single-family residences.

West: R-MD, Residential-Medium Density. West of the project site are apartments and the Twin Arbors health club.

East: R-MD, Residential-Medium Density and PD. East of the project site are a mixture of single-family residences, duplexes and apartments. There is also a small neighborhood park located on a dead-end section of Century Blvd., east of Church Street.

The project site consists of a single 0.35 acre parcel on the west side of S. Church Street, one block north of Century Boulevard. The project site was previously developed with a single-family home. The house has been removed and the property is currently vacant. The area surrounding the project site is fully developed with a variety of single and multi-family residences. Some of the older residences are probably more than 60 years old. Most of the multiple-family developments were constructed in the last 30 years.

BACKGROUND

The Planning Department originally received seven separate residential growth management applications for 2006. Five of the applications were outside of the City limits and will require annexation to the City prior to receiving allocations. One of those applications (Khan) has subsequently been annexed into the City as a part of the S.W. Gateway annexation. The remaining four applications remain outside of the City limits and the City and the applicants have agreed to postpone further processing of these applications until the City General Plan is updated. The update of the General Plan is underway and should be completed in the next year to eighteen months. The update of the General Plan will make the processing of these other applications easier by identifying the future land uses anticipated for these areas by the General Plan and laying out an infrastructure and circulation design in these outlying areas. The three growth management applications currently being processed are shown below in Table A. In past years, the Community Development Department has processed all the applications for Residential Growth allocations simultaneously and presented all the requests in one staff report to the Planning Commission and City Council. Due to the varying requirements for environmental review and annexations for the three projects, two of the projects (Haring and Khan) are being processed first. The third project (F&M) will be reviewed following completion of an environmental document.

Additionally, two projects were granted allocations for 2006 by the City Council through the use of Development Agreements that grant allocations over a period of years based on a development plan and a specific development schedule. The two projects are Reynolds Ranch and Southwest Gateway. A third project, the Westside development, was granted multi-year allocations through a Development Agreement, but those allocations do not begin until 2007.

The Haring project application was originally submitted as a 6-unit residential project, with 3 duplex buildings arranged in a U-shape. The buildings all faced onto a central driveway that opened out to Church Street. The units were two-story townhouses with attached two car garages. Earlier this year the applicant submitted a new application and a new conceptual site plan that added a 7th unit. The site plan was significantly revised from the original site plan and is reflected in the site plan that is currently under consideration.

Table A: 2006 Growth Management Applications Received

	Project Name	Location	Priority	Residential Units [a]			
				Single-Family	Medium-	High-Density	Total
1	Haring Project	1911 South Church Street	1	0	7	0	7
2	Taj Khan Project	865 East Olive Street	1	0	19	0	19
3	F&M Bank Project*	S.W. corner of W. Turner Road and S. Lower Sacramento	1	0	47	0	47
4	Reynolds Ranch **	South of Harney Lane, between Highway 99 and Union Pacific RR	3	150	0	200	350
5	Southwest Gateway**	West of Lower Sacramento Road between WID Canal	3	300	0	300	600
6	Westside Development*** (allocations begin in 2007)	West of Lower Sacramento Road, north and south of Lodi Ave.	3	0	0	0	0
Total				450	73	500	1023

[a] F&M Project will receive allocations following completion of environmental review.

** Allocations granted from prior years unused reserve allocations and development schedule approved as part of Development Agreements.

*** Allocations for the Westside project will begin in 2007.

ANALYSIS

Growth Management Allocations

The Growth Management Allocation Ordinance was adopted by the City Council on September 18, 1991 to regulate the growth, location, amount and timing of residential development in the City. The Growth Management system limits the number of residential units to two percent of the City's population, compounded annually. Once the amount of allocation units is figured, the City requires that the allocation units be distributed among housing types as follows; 65 percent low density, 10 percent medium density and 25 percent high density. For example, the following explains the 450 units available for 2006:

1) Calculate two percent of the City's current population: 62,817 x 2% = 1,256.

2) Divide 1,256 by the average number of persons per household 1,256/2.789 = 450

3) Divide the 450 units into the 3 housing types:

   65% low density = 293 units
   10% medium density = 45 units
   25% high density = 112 units

Applications for 2006 Growth Management Allocations

As indicated above in the background discussion, there are three projects being reviewed for growth management allocations for 2006. There are also two projects that received 2006 allocations through Developments Agreements. Though the City has

historically held one hearing for all of the allocation applications submitted for the calendar year, for purposes of timing, Staff is presenting the Haring project and the Khan project in one hearing. The F&M project will be held later in the year once the environmental work is completed.

The two applicants have submitted applications for a total of 26 medium density growth management allocation units. There are 45 medium density allocation units allocated for 2006; however, the City also has medium density growth management units that were not issued in prior years as shown in Table B below, which leaves a "bank of units" from previous years. The 45 medium density allocations available for 2006 will are sufficient to provide for the two projects. The Commission may note that though the Khan project proposes to build single-family homes, the application requests medium density growth management units because the project density falls in the medium density category. Table B shows a history of growth management allocation units.

Table B: Growth Management Allocation History

Density	Available Allocations				
	Scheduled from 1989-2005	**Granted from 1989-2005**	**Remaining from 1989-2005**	**2%Allocations for 2006**	**Total Available for 2006**
Low (0.1-7)	4,608	2,893	1,715	291	2,006
Medium (7.1-20)	709	301	408	45	388
High (20.1-30)	1,772	0[a]	1,772	112	1,884
TOTAL	**7,089**	**3,194**	**3,895**	**448**	**4,278**

[a] There have been high density allocations granted over the past 15 years; however they have expired or withdrawn prior to issuance of building permits.

Table C: 2006 Growth Management Allocation Summary

Density	Total Allocations Available for 2006 from Prior Years	Allocations Requested for 2006	Total Allocations Remaining
Low	2,006	450	1,556
Medium	388	73	315
High	1,884	500	1,384
TOTAL	**4,278**	**1023**	**3,255**

Priority Location Map and Point System

The Growth Management Ordinance includes a priority location map and a point system to assist the City with prioritizing issuance of growth management allocations. The priority location map designates lands available for development and provides development categories of one, two or three, with Priority Area 1 being the first priority area for development. The priority areas are based on availability of city services (e.g., water, wastewater, storm drains, streets, police, fire and parks). The Haring project site is classified as an in-fill project and is not included in the Priority Area map however for scoring purposes in-fill projects are considered Priority Area 1 projects. The point system was established to rate projects based on various project merits in order to determine if

one project should be approved before another, particularly if there are more allocation requests than there are available allocations. Staff evaluated the proposed plan against the point system and determined that the Haring project scored 300 points out of 330+ points possible.

Growth Management Allocation Recommendation

The Haring project site is located in In-fill location. The Haring project is in an area that is fully developed with residential uses except for the subject property and the surrounding uses are consistent with the type of development proposed by the applicant. For these reasons, staff recommends approval of the request for 7 medium density growth management allocation units for the Haring project subject to the conditions outlined in the attached resolution. The applicant must also demonstrate that seven units can fit on the property and meet all City design and building code requirements. It should be noted that securing the 7 growth management allocations does not guarantee that this number of units can be built. The applicant must still demonstrate that they can design a 7-unit project that can meet all City zoning and design requirements. For this reason, a condition of the allocation approval will be that the applicant submits a detailed development plan showing exact dimensions and building details. The plan must show that the proposed number of units can be constructed on the property and can meet all City development requirements. If there are issues of nonconformity, the applicant must submit for appropriate administrative deviations or variances, and be granted some type of exception before they can proceed.

No Zone Change Required

The Haring request of 7-units will not require any zoning change. The property is zone R-MD, residential medium density. The project is consistent with the existing General Plan designation of MDR (Medium Density Residential) and the proposed density of 20-units per acre is within the MDR density range of 7.1-20 dwelling units per acre.

Discussion of Proposed Development Plan

Prior to the approval of the project, a development plan must be reviewed and recommended for approval by the Planning Commission. Once approved, the project site must be developed in accordance with the approved development plan. The applicant has submitted a conceptual development plan depicting the proposed layout and design for the 7 unit project. The Planning Commission can approve GM allocations based on this plan if they feel the proposal is generally acceptable. However, prior to final approval of an actual construction permit, the applicant must submit a final development plan that details all the required components of the project with exact dimensions, architectural details and landscape plans. This plan must meet all requirements of the zoning ordinance, including setbacks, parking area dimensions, lot coverage, etc. If the plan can not comply with specific zoning requirements, the applicant may need to apply for an Administrative Deviation or Variance depending on the exceptions required.

The development plan shows 7 townhouse units arranged in two buildings, three-units in the front building and 4-units in the rear building. Each unit will have 1,520 square feet of living space on two floors with an attached 400 square foot two-car garage. Access to the property will be from a driveway from Church Street connected to a central driveway providing access to the individual garages. The driveway is a dead-end access so vehicles will have to turn around to exit the property.

The 7-units will all have similar floor plans and exterior elevations. Units 1, 2 and 3 will be identical, with a first floor living area and with 2nd floor bedrooms. The units will have their front entry on Church Street with the garages accessed from the rear of the units. Units 4, 5, 6 and 7 will be in the rear building and will front on the project's interior driveway. These units will differ somewhat from the front units. The rear units will have a reversed floor plan with the living area on the 2nd floor and the bedrooms on the first floor. Residents will enter the units from a front stairway leading up to the 2nd floor. The second floor living area will have a balcony extending over the garage. Garages for the rear building will be on the front elevations of the units, facing the interior driveway.

The front building, Units 1, 2 and 3, will have stucco siding on the rear and side elevations. The front or street elevation will have either horizontal lap siding or stone veneer on the front elevations of the ground floor and horizontal lap siding on the front elevations of the second floor. The front elevation will have a small covered porch over each front entry way.

The rear building, Units 4, 5, 6 and 7, will be primarily stucco on all four sides. The front elevation will have some horizontal lap siding treatment along the roof line and some wood and stone veneer treatment on the balconies and as accent treatment. These units will have their garage openings on their front elevations.

The site plan as submitted does have some site design issues that do not fully comply with City design standards. The proposed site plan is designed with the front building having a front yard setback of 16 feet instead of the 20 foot set back required by the Zoning Ordinance. It does not appear that the building can be setback to 20 feet without reducing the dimensions of one or both of the buildings or redesigning the layout. An administrative deviation or variance may be required.

The second issue is the width of the driveway serving the project. The width of the driveway is 25 feet, which meets the minimum dimension. The problem is that the driveway serves all of the garages in the complex and is a dead-end driveway. The width of the driveway will make backing out of Units 3 and 7, the end units, very difficult. The narrow width of the driveway is compounded by the exterior stairways that jut out from the front of Units 4, 5, 6 and 7; and the refuse enclosures that are located at the south end of the driveway. There is no maneuvering room for vehicles backing out of the end garages. Unit 1 also may have a problem with access to their garage. In order to get into the garage for Unit 1, a vehicle will have to make a complete U-turn from the driveway leading from Church Street. This might only be possible with a relatively small vehicle because of the tight turning radius. Because there are not any spare parking spaces on the project site, if the residents do not find using their garages convenient or easy to use, they will end up having to park on the street. Additionally, because the driveways are immediately adjacent to the buildings, particularly Unit 1, there is no physical separation protecting the building from the vehicles driving by or backing out of the garages. This could lead to possible damage to the structure of the building.

Finally, because the site is compact in size, much of the site will be covered with buildings or paving. Except for the front area adjacent to the street, there will be very little landscaping or open space designed into the project.

There are no easy solutions to these issues. The most obvious solution would be to redesign the project with a different layout, although the small size of the parcel does not provide much flexibility in the design. The site design might also be improved if the building footprints were smaller or if the number of units were reduced. When the

project was originally submitted, there were only 6 units proposed. Having fewer units will allow greater flexibility in designing the site plan, allow more maneuvering room for vehicles and provide greater opportunity for landscaping/open space.

ENVIRONMENTAL ASSESMENT

The Haring project qualifies for a CEQA Categorical Exemption, Section 15332, In-Fill Development Project, Class 32. The project is consistent with the General Plan, is located in the City limits, is less than 5-acres in size and is surrounded by existing urban uses. The project site is not a habitat for any rare or endangered species of plant or wildlife, and the project will not create a significant environmental impact.

PUBLIC HEARING NOTICE

A legal notice for the Growth Management Allocation Application was published on June 16, 2007 in the Lodi News Sentinel. 25 public hearing notices were sent to all property owners of record within a 300-foot radius of the subject property.

CONCLUSION

The City Council has final action on the requests for the Growth Management Allocations however; these requests must first be reviewed by the Planning Commission with a recommendation forwarded to the City Council. Therefore, staff recommends that based upon its review and consideration; and the evidence submitted to the Commission, including the evidence presented in this staff report; and oral and written evidence presented at the public hearing; the Planning Commission take the following actions: recommend approval of the Growth Management Allocation application (GM-06-02) to grant 7 growth management allocation units subject to the conditions found in the attached draft resolutions.

RECOMMENDATION

The Planning Commission hereby conditionally approves the request of Brent and Kathy Haring and recommends to the City Council the award of 7 medium density growth management allocation units subject to the conditions in attached Resolution P.C. 07-17.

ALTERNATIVE PLANNING COMMISSION ACTIONS

- Recommend Approval of the Request with Alternate Conditions
- Recommend Denial of the Request
- Continue the Request

Respectfully Submitted,

David Morimoto
Senior Planer

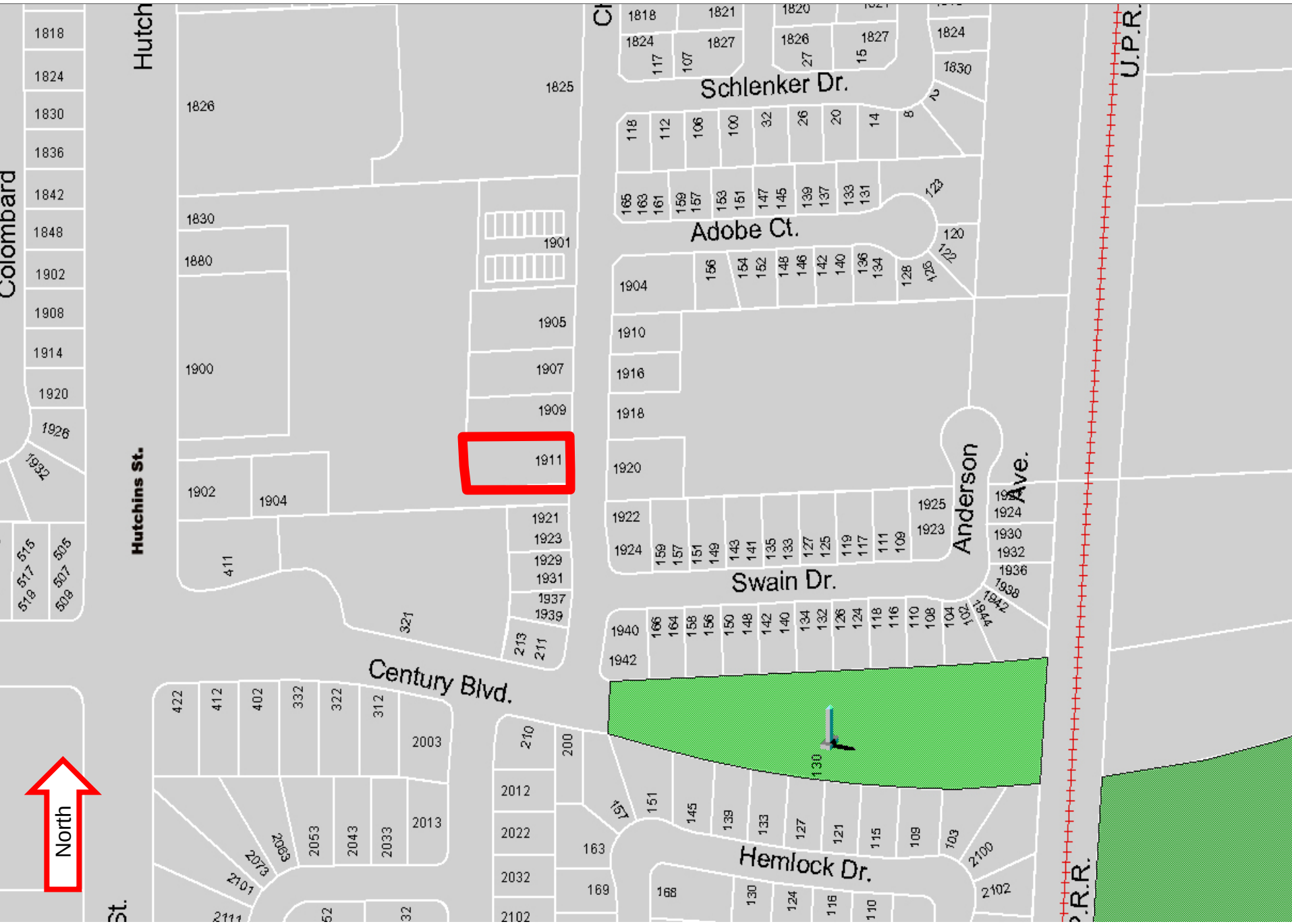
Concurred by:

For Randy Hatch
Community Development Director

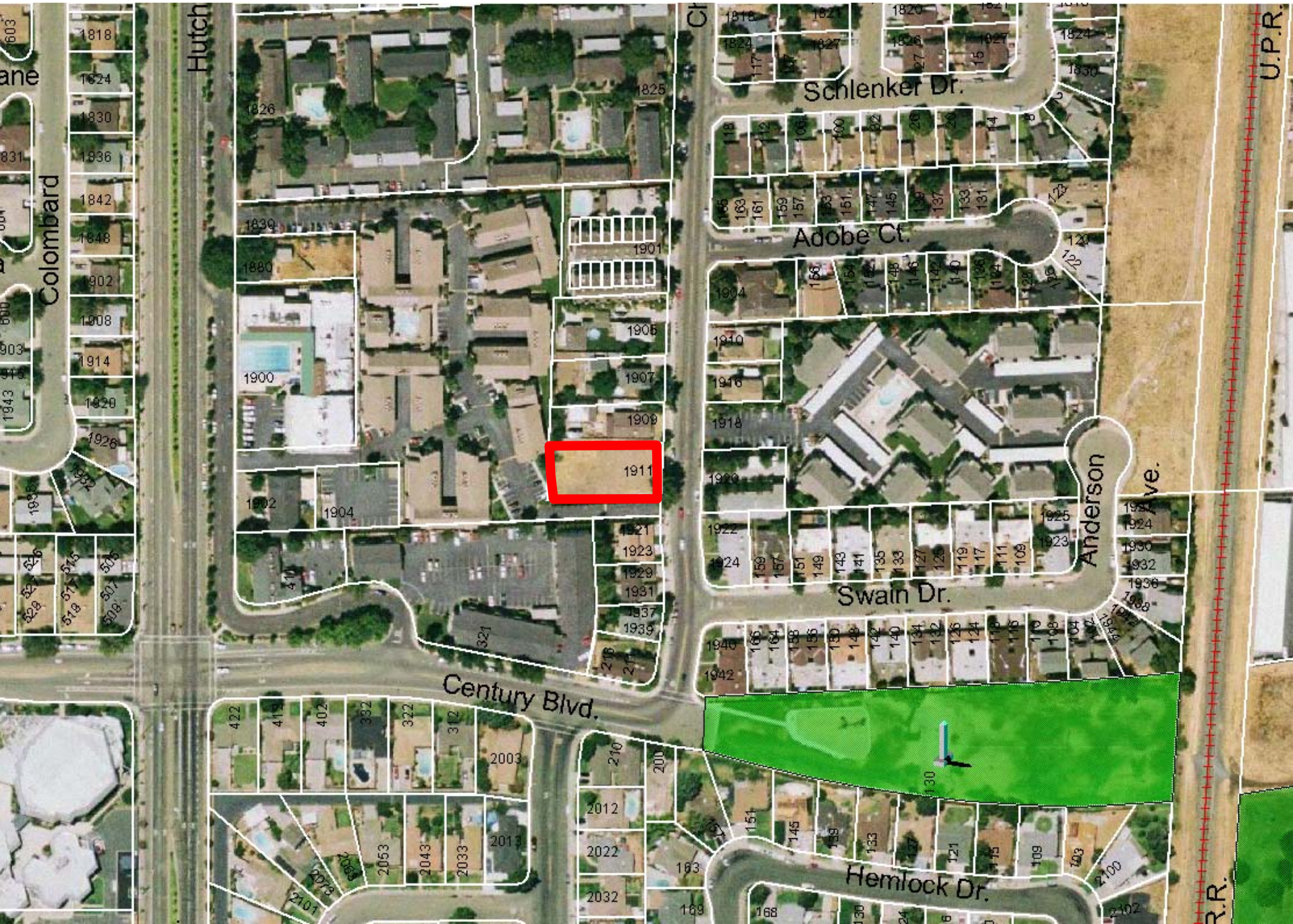
Attachments:
1. Vicinity Map
2. Aerial Photo
2. Site Plan
3. Priority Location Map
4. Draft Resolution P.C. 07-17

RH/pp/dm/kjc

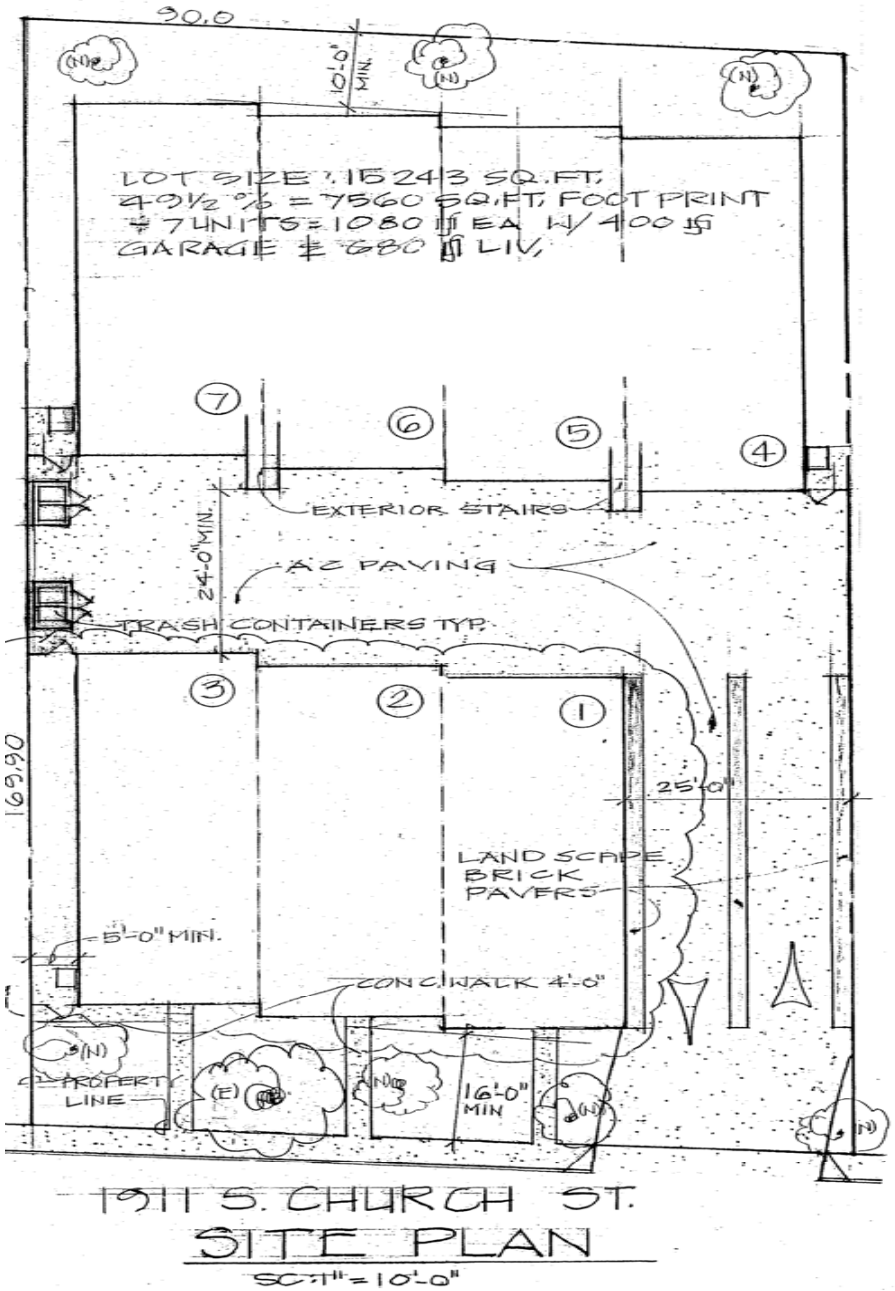
Vicinity Map



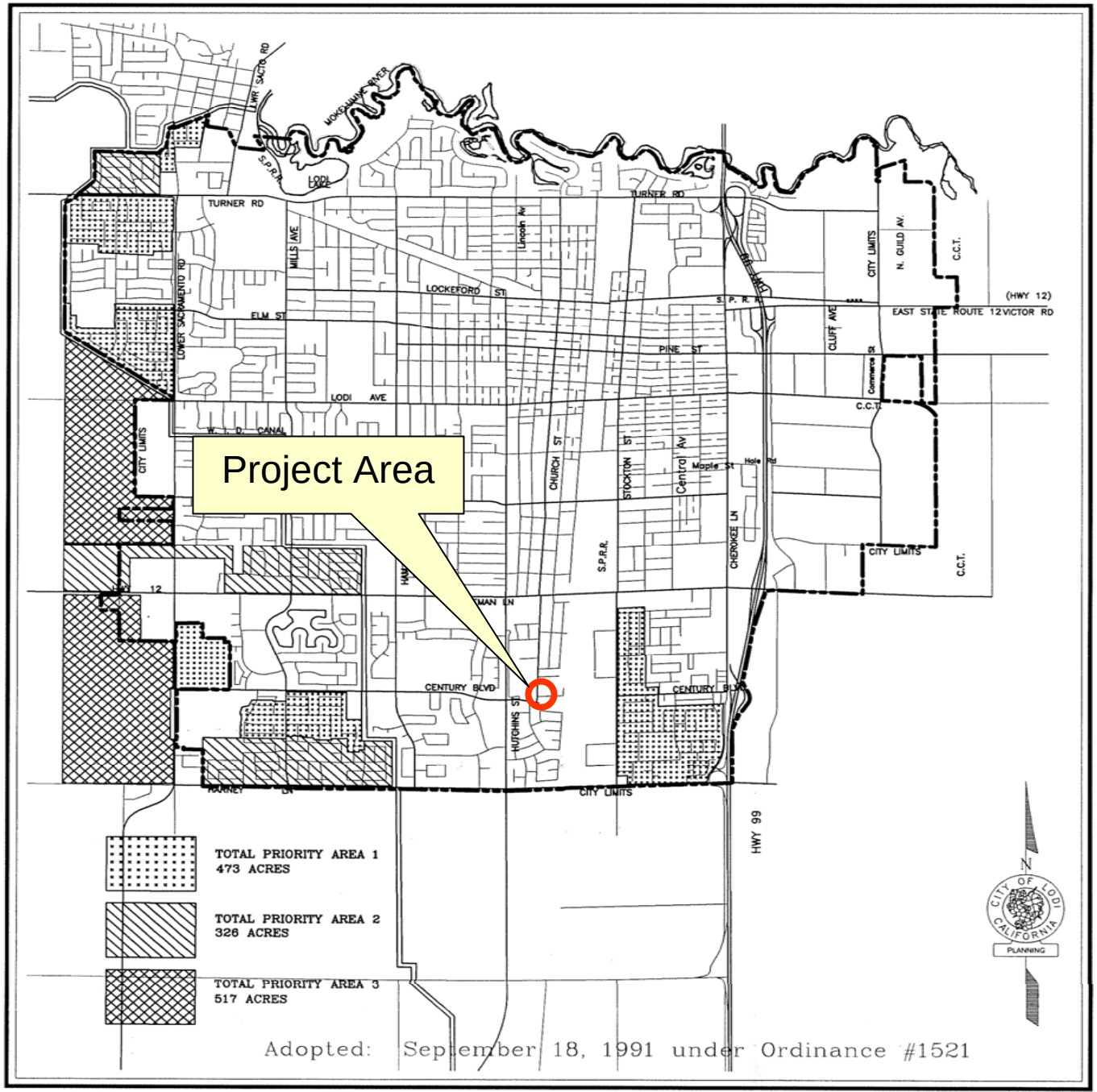
Aerial Photo



Site Plan


90.0
10'-0" MIN.
LOT SIZE: 15243 SQ.FT.
49½ % = 7560 SQ.FT. FOOT PRINT
÷ 7 UNITS = 1080 ▯ EA. W/ 400 ▯
GARAGE ≠ 680 ▯ LIV.
7
6
5
4
EXTERIOR STAIRS
24'-0" MIN.
A.C. PAVING
TRASH CONTAINERS TYP.
3
2
1
169.90
25'-0"
LANDSCAPE BRICK PAVERS
5'-0" MIN.
CONC. WALK 4'-0"
(N)
℄ PROPERTY LINE
(E)
16'-0" MIN
1911 S. CHURCH ST.
SITE PLAN
SC: 1" = 10'-0"

Priority Map



DRAFT

RESOLUTION NO. P.C. 07-17

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LODI RECOMMENDING TO THE CITY COUNCIL THE APPROVAL OF THE REQUEST OF BRETT AND KATHY HARING FOR 7 MEDIUM DENSITY RESIDENTIAL GROWTH MANAGEMENT UNITS AT 1911 SOUTH CHURCH STREET

WHEREAS, the Planning Commission of the City of Lodi has heretofore held a duly noticed public hearing, as required by law, on the requested Growth Management Development Plan as required by Lodi Municipal Code Chapter 15.34; and

WHEREAS, the property is located at 1911 South Church Street (APN: 031-040-42); and

WHEREAS, the project proponent and property owners are Brett and Kathy Haring, 1033 East Mokelumne Street, Woodbridge, CA, 95258; and

WHEREAS, the property is zoned R-MD, Residential-Medium Density; and

WHEREAS, the request is for approval of 7 Medium Density Residential Growth Management Allocations for a 7-unit condominium development, and

WHEREAS, all legal prerequisites to the approval of this request have occurred; and

Based upon the evidence in the staff report and project file, the Planning Commission makes the following findings:

1. The project is found to be categorically exempt according to the standard exemption of CEQA Section 15332, Class 32. – In-Fill Development Projects. The project is consistent with the general plan and zoning, is less than 5-acres in size, is within the City and surrounded by development, there is no habitat value, approval of the project will not result in significant effects relating to traffic, noise, air quality, or water quality, and the project will be adequately served by all required utilities and public services. The project is exempt from further review under CEQA. No significant impacts are anticipated and no mitigation measures have been required.
2. The proposed design and improvement of the site will be designed to be consistent with all applicable standards adopted by the City in that the project, as conditioned and shall conform to the standards and improvements mandated by the City of Lodi Public Works Department Standards and Specifications, and Zoning Ordinance.
3. The standard size, shape and topography of the site are physically suitable for a medium density residential development in that the site is generally flat and has no unusual or extraordinary topographic features.
4. The proposed density of 20 dwelling units per acre is consistent with the General Plan Land Use and Growth Management Elements that limits the density of the project site to a maximum of 20 dwelling units per acre.
5. The proposal is compatible with surrounding developments, zoning and land uses.
6. The proposed development plan can be served by all public utilities.
7. The Development Plan complies with the requirements of Section 15.34.070 of the Growth Management Plan for Residential Development Ordinance.

NOW, THEREFORE, BE IT DETERMINED AND RESOLVED by the Planning Commission of the City of Lodi that this recommendation is based on the following conditions:

1. The applicant must submit for approval by the City all required condominium map and related documents to create a legal condominium development.
2. The proposed residential site and development plan for the project must be submitted for Planning Commission review and approval and said plan comply with all applicable zoning and design standards adopted by the City prior to issuance of any construction permits. This will require the applicant to submit a detailed development plan that shows the exact dimensions and building details. The plan must show that the proposed number of units can be built on the property and meet all City development requirements. If there are issues of nonconformity, the applicant must apply for appropriate administrative deviations or variances, and be granted some type of exception before they can proceed.
3. The City in granting the seven medium density growth management allocations for this project will require that the applicant demonstrate that the project can be designed to meet City standards for setbacks and adequate ingress and egress for the parking areas. Redesign of the project to comply with City standards could possibly result in a reduced number of units built on the site.

4. Payment of the Public Works Department Development Plan Fee in the amount of $1,065.00 covering development plan review is required.

5. Separate water and wastewater services shall be provided for each proposed condominium unit.
    a. A public water main shall be extended on-site from the 1O-inch public water main in Church Street to provide water services for each unit. If on-site fire hydrants are required by the Fire Department, the water main may have to be looped.
    b. A private wastewater main shall be extended on-site from the 15-inch wastewater main in Church Street to provide sewer services for each unit.

6. Storm drainage shall be collected on-site and discharged to the 18-inch public storm drain line in Church Street. On-site storm drainage facilities shall be private. Project design and construction shall be in compliance with applicable terms and conditions of the City's Storm water Management Plan (SMP) approved by the City Council on March 5, 2003, and shall employ the Best Management Practices (BMPs) identified in the SMP.
    a. The City is in the process of adopting Development Design Standards for new projects in conformance with the conditions of the City's Storm water Discharge Permit. Building permits issued after the date of adoption of these Standards will be required to comply with the requirements of the Standards.

7. Engineered improvement plans and engineering calculations for water, wastewater and storm drainage prepared by a registered civil engineer for all public improvements will be required prior to final map filing or issuance of any building permit.

8. The existing driveway approach shall be removed and replaced by curb, gutter and sidewalk conforming to Standard Plan 135. The proposed driveway approach shall be a commercial driveway conforming to Standard Plan 114. The limits of curb, gutter and sidewalk removal and replacement to accommodate the existing and proposed

driveways shall be to the approval of the Public Works Department and may include the entire Church Street frontage.

9. The trash enclosure/community waste receptacles shall provide separate receptacles for garbage and recyclable materials and shall be maintained by the homeowner's association.

10. Annexation to Community Facilities District 2007-1 (Public Services) to cover the cost of providing various City services is required. Annexation shall be complete prior to final map filing or final of building permits. All costs associated with annexation to the Community Facilities District shall be the responsibility of the developer.

11. Additional comments and conditions will be provided in conjunction with the approval of a tentative map and/or development plan for this project.

12. A streetlight will be installed by the Developer.

13. The Developer to pay for Electric Utility charges in accordance with the Electric Department's Rules and Regulations.

I hereby certify that Resolution No. 07-17 was passed and adopted by the Planning Commission of the City of Lodi at a regular meeting held on June 27, 2007, by the following vote:

AYES: Commissioners:

NOES: Commissioners:

ABSENT: Commissioners:

ABSTAIN: Commissioners:

ATTEST: _____
Secretary, Planning Commission

CITY OF LODI
PLANNING COMMISSION
Staff Report

MEETING DATE:	June 27, 2007
APPLICATION NO:	Growth Management Allocations 06-GM-03
REQUEST:	The request of Taj Khan for Growth Management Allocations, to permit construction of 19 residential units at 865 East Olive Avenue, Lodi
LOCATION:	865 East Olive Avenue, Lodi (County address) APN 031-040-42
APPLICANT:	Taj Khan 1112 Rivergate Drive Lodi, CA 95240
PROPERTY OWNER:	Ramzan Ali 1112 Rivergate Drive Lodi, CA 95240

RECOMMENDATION

Staff recommends that the Planning Commission approve the request of Taj Khan and recommend that the City Council award 19 medium density growth management allocation units (GM-06-03) to allow a 19-lot residential project at 865 East Olive Avenue, subject to the conditions in the attached resolution.

SUMMARY

The proposed project would permit the construction of 19 residential single-family units on 1.48+ acres on the east side of Lower Sacramento Road, one block south of W. Kettleman Lane, at 865 East Olive Drive (S.J. County address). This property is located immediately south of the Sunwest Shopping Center. Prior to constructing the project, the applicant must secure building allocations as part of the City's Growth Management process. The property is currently a large single-family residential lot. This area was recently annexed into the City as a part of the Southwest Gateway annexation.

PROJECT/AREA DESCRIPTION

General Plan Designation	MDR, Medium Density Residential
Zoning Designation	R-MD, Residential, Medium Density
Project Size	1.48 acres

The adjacent zoning designations and land uses are as follows:

North and East: C-S, Commercial Shopping Center. The area to the north and east of the subject property is developed with the Sunwest Shopping Center, which contains Wal-Mart, J.C. Penny and additional commercial businesses.

South: R-MD, Residential Medium Density. South of the project site are several older single-family houses on individual parcels that were developed in the County. South of the residences are three agricultural properties that extend south to Century Blvd. All of these properties were recently annexed into the City.

West: R-MD, Residential-Medium Density. West of the project site are several older residences. Further west, across Lower Sacramento Road, is an undeveloped shopping center site and the proposed Southwest Gateway residential project.

PROJECT DESCRIPTION

The project site consists of a single 1.48 acre parcel on the east side of Lower Sacramento Road, one block south of Kettleman Lane. The parcel is located in a cluster of 8 rural residential properties that contain 10-12 older residences developed in the County. The area was once far out in the country, but over the years has been largely surrounded by the City. The subject property does not actually front on Lower Sacramento Road, but is behind two other residential properties that front on the street. The property has access to the street by way of a private driveway called Olive Drive. The road is shared by seven parcels and runs along their shared property lines. The road is not a dedicated street and is only partially paved and is maintained by the property owners. All the properties currently have private wells and septic systems and are not served by City utilities.

BACKGROUND

The Planning Department originally received seven separate residential growth management applications for 2006. Five of the applications were outside of the City limits and required annexation to the City prior to receiving allocations. One of those applications (Khan) has subsequently been annexed into the City as a part of the S.W. Gateway annexation. The remaining four applications remain outside of the City limits and the City and the applicants have agreed to postpone further processing of these applications until the City General Plan is updated. The update of the General Plan is underway and should be completed in the next year to eighteen months. The update of the General Plan will make the processing of these other applications easier by identifying the future land uses anticipated for these areas by the General Plan and laying out an infrastructure and circulation design in these outlying areas. The three growth management applications currently being processed are shown below in Table A. In past years, the Community Development Department has processed all the applications for Residential Growth allocations simultaneously and presented all the requests in one staff report to the Planning Commission and City Council. Due to the varying requirements for environmental review and annexations for the three projects, two of the projects (Haring and Khan) are being processed first. The third project (F&M) will be reviewed following completion of an environmental document.

Additionally, two projects were granted allocations for 2006 by the City Council through the use of Development Agreements that grant allocations over a period of years based on a development plan and a specific development schedule. The two projects are Reynolds Ranch and Southwest Gateway. A third project, the Westside development, was granted multi-year allocations through a Development Agreement, but those allocations do not begin until 2007.

The Khan project is designed as a planned unit residential development. There will be 19 individual lots, each containing a single-family house. The lots will average about 2,200 square feet. The development will have private streets and a single street connecting the project to Lower Sacramento Road. The subject property does not actually front on Lower Sacramento Road and the access street crosses neighboring properties. The applicant will either have to acquire the necessary right of way or obtain a cross over agreement from his neighbors. The project is requesting 19 growth management allocations.

Table A: 2006 Growth Management Applications Requested

	Project Name	Location	Priority	Residential Units [a]			
				Single-Family	Medium Density	High-Density	Total
1	Haring Project	1911 South Church Street	1	0	7	0	7
2	Taj Khan Project	865 East Olive Street	1	0	19	0	19
3	F&M Bank Project*	S.W. corner of W. Turner Road and S. Lower Sacramento Rd.Road	1	0	47	0	47
4	Reynolds Ranch **	South of Harney Lane, between Highway 99 and Union Pacific RR	3	150	0	200	350
5	Southwest Gateway**	West of Lower Sacramento Road between WID Canal and	3	300	0	300	600
6	Westside Development*** (allocations begin in 2007)	West of Lwr. Sacto Rd., north and south of Lodi Ave.	3	0	0	0	0
Total				450	73	500	1023

[a] F&M Project will receive allocations following completion of environmental review.

** Allocations granted from prior years unused reserve allocations and development schedule approved as part of Development Agreements.

*** Allocations for the Westside project will begin in 2007.

ANALYSIS

Growth Management Allocations

The Growth Management Allocation Ordinance was adopted by the City Council on September 18, 1991 to regulate the growth, location, amount and timing of residential development in the City. The Growth Management system limits the number of residential units to two percent of the City's population, compounded annually. Once the amount of allocation units is figured, the City requires that the allocation units be distributed among housing types as follows; 65 percent low density, 10 percent medium density and 25 percent high density. For example, the following explains the 450 units available for 2006:

1) Calculate two percent of the City's current population: 62,817 x 2% = 1,256.

2) Divide 1,256 by the average number of persons per household 1,256/2.789 (CA Dept. of Finance) = 450

3) Divide the 450 units into the 3 housing types:

   65% low density = 293 units
   10% medium density = 45 units
   25% high density = 112 units

Applications for 2006 Growth Management Allocations

As indicated above in the background discussion, there are three projects being reviewed for growth management allocations for 2006. There are also two projects that received 2006 allocations through Developments Agreements. Though the City has historically held one hearing for all of the allocation applications submitted for the calendar year, for purposes of timing, Staff is presenting the Haring project and the Khan project in one hearing. The F&M project will be held later in the year once the environmental work is completed.

The two applicants have submitted applications for a total of 26 medium density growth management allocation units. There are 45 medium density allocation units allocated for 2006; however, the City also has medium density growth management units that were not issued in prior years as shown in Table B below, which leaves a "bank of units" from previous years. The 45 medium density allocations available for 2006 will are sufficient to provide for the two projects. The Commission may note that although the Khan development proposes to build single-family homes, the application requests medium density growth management units because the project density falls in the medium density category. Table B shows a history of growth management allocation units.

Table B: Growth Management Allocation History

Density	Available Allocations				
	Scheduled from 1989-2005	Granted from 1989-2005	Remaining from 1989-2005	Scheduled for 2006	Total Available to Date
Low (0.1-7)	4,608	2,893	1,715	291	2,006
Medium (7.1-20)	709	301	408	45	388
High (20.1-30)	1,772	0[a]	1,772	112	1,884
TOTAL	7,089	3,194	3,895	448	4,278

[a] There have been high density allocations granted over the past 15 years; however they have expired or withdrawn prior to issuance of building permits.

Table C: 2006 Growth Management Allocation Summary

Density	Total Allocations Available for 2006 from Prior Years	Allocations Requested for 2006	Total Allocations Remaining
Low	2,006	450	1,556
Medium	388	73	315
High	1,884	500	1,384
TOTAL	4,278	1023	3,255

Priority Location Map and Point System

The Growth Management Ordinance includes a priority location map and a point system to assist the City with prioritizing issuance of growth management allocations. The priority location map designates lands available for development and provides development categories of one, two or three, with Priority Area 1 being the first priority area for development. The priority areas are based on availability of city services (e.g., water, wastewater, storm drains, streets, police,

fire and parks). The Khan property is located in a Priority 1 area. The point system was established to rate projects based on various project merits in order to determine if one project should be approved before another, particularly if there are more allocation requests than there are available allocations. Staff evaluated the proposed plan against the point system and determined that the Khan project scored 275 points out of 330+ points possible.

Growth Management Allocation Recommendation

The Khan project is located in Priority Area 1. The project is in an area that is developed with rural residential properties that were mostly built 50 or more years ago when this area was much further from any urban development. In the past 20 years the City has grown around these properties and there is a major shopping center that abuts the subject property on two sides. It is anticipated that in the next several years, there will be major development both south and east of the property. It is also likely that some of the rural residential properties surrounding the Khan property will also be redeveloped with new housing. For these reasons, staff recommends approval of the request for 19 medium density growth management allocation units for the Khan project subject to the conditions outlined in the attached resolution.

No Zone Change Required

The Khan request of 19 growth management allocations will not require any zoning change. The property was zone R-MD, residential medium density as part of the Southwest Gateway annexation and development plan review and approval process. The project is consistent with the existing General Plan designation of MDR (Medium Density Residential) and the proposed density of 13-units per acre is within the MDR density range of 7.1-20 dwelling units per acre.

Discussion of Proposed Development Plan

Prior to the final approval of the project, a Development Plan must be reviewed and recommended for approval by the Planning Commission. Once approved, the project site must be developed in accordance with the development plan. The applicant has submitted a development plan depicting the proposed layout and design for the 19-lot planned unit residential development project.

The development plan shows a 19-lots residential planned unit development. The lots average approximately 2,200 square feet in size. The lots are layout along private streets one of which will connect to Lower Sacramento Road. The street layout was designed to serve some of the surrounding properties when and if they develop in the future. Water, sewer, storm drainage and other utilities that are constructed to serve the project will also be designed to provide service to adjoining properties. Because the private street providing access to the subject property will cross six neighboring properties, the applicant will be required to either purchase the necessary street right of way or secure a cross-over agreement and necessary easements from his neighbors.

The project is designed with individual houses built on small individual lots. The lots are small, averaging 2,200 square feet in size. The houses will probably be two-story structures with attached garages. The planned unit development concept will allow greater lot coverage and reduced building setbacks, which will allow the units to fit on the smaller lots.

The streets will be private, with restricted street parking on some of the streets. Utilities lines will be placed in the street right of way to serve the project. As previously mentioned, portions of the proposed street connecting the property to Lower Sacramento Road will cross over neighboring properties. This will require the consent of the affected property owners before the street can be constructed. The adjoining properties will have the right to utilize the main access

street for ingress and egress. The layout is designed so that the streets can be extended to serve adjacent properties if they decide to develop in the future.

ENVIRONMENTAL ASSESMENT

The Khan project was included in the Environmental Impact Report prepared as part of the Lodi Annexation Project. This EIR (EIR-06-01) covered the Westside Project, the Southwest Gateway Project and "other annexation areas". The Khan property was included in the "other annexation areas". The Khan property was analyzed based on a General Plan designation of medium density residential. The Khan proposal for 19-units falls within the range of the M-DR density range. The EIR was certified by the Planning Commission with P.C. Resolution 06-37.

PUBLIC HEARING NOTICE

A legal notice for the Growth Management Allocation Application was published on June 16, 2007 in the Lodi News Sentinel. 12 public hearing notices were sent to all property owners of record within a 300-foot radius of the subject property.

CONCLUSION

The City Council has final action on the requests for the Growth Management Allocations however; these requests must first be reviewed by the Planning Commission with a recommendation forwarded to the City Council. Therefore, staff recommends that unless additional or contrary information is received during the public hearing; and based upon its review and analysis, the Planning Commission take the following actions: recommend approval of the Growth Management Allocation application (GM-06-03) to grant 19 growth management allocation units to the Taj Khan project subject to the conditions found in the attached draft resolutions.

RECOMMENDATION

The Planning Commission hereby conditionally approves the request of Taj Khan and recommends to the City Council the award of 19 medium density growth management allocation units subject to the conditions in the attached Resolution P.C. 07-16.

ALTERNATIVE PLANNING COMMISSION ACTIONS

- Recommend Approval of the Request with Alternate Conditions
- Recommend Denial of the Request
- Continue the Request

Respectfully Submitted,

David Morimoto
Senior Planer

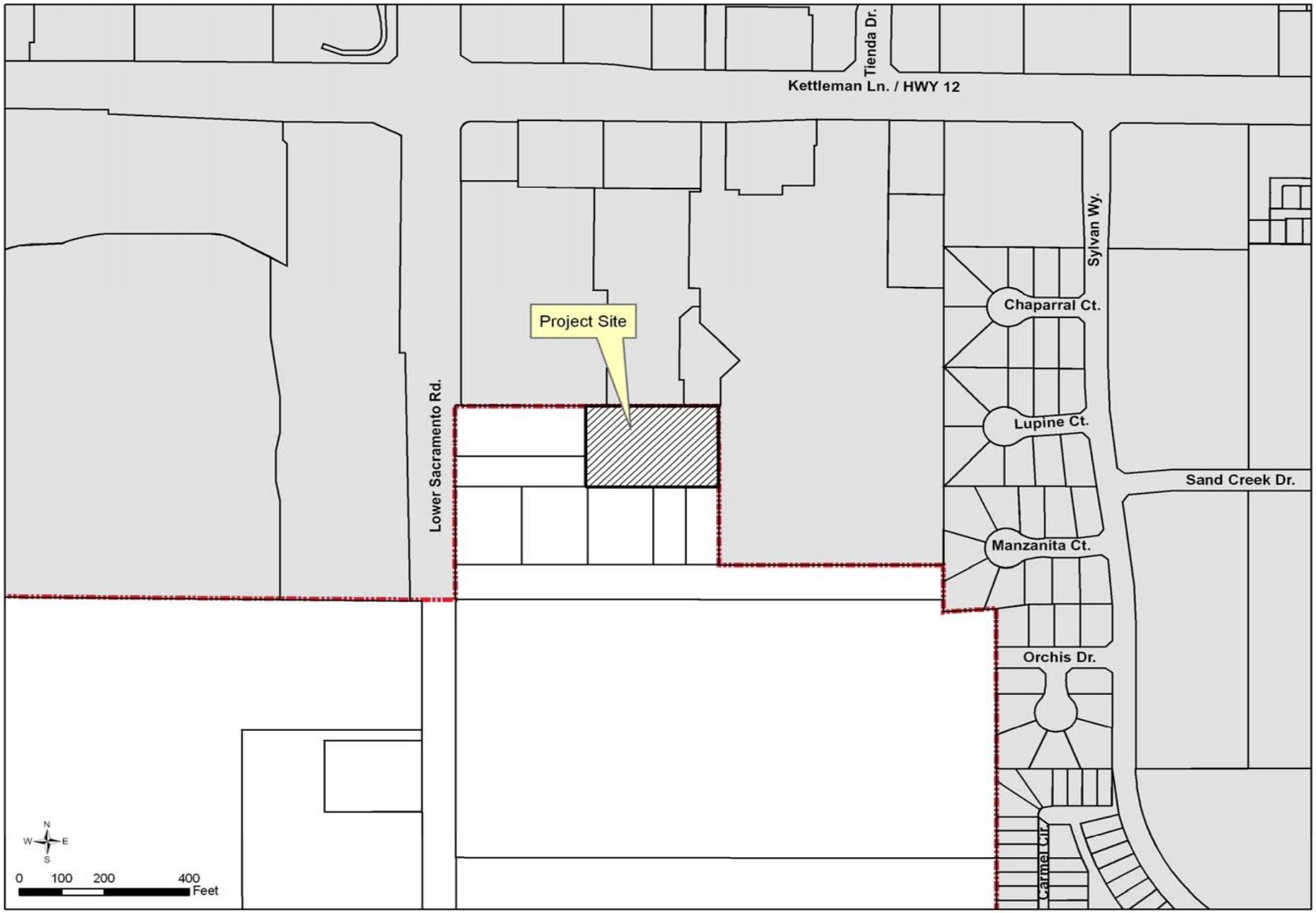
Concurred by:

For Randy Hatch
Community Development Director

Attachments
1. Vicinity Map
2. Aerial Photo
3. General Plan Map
4. Priority Location Map
5. Site Plan
6. Draft Resolution P.C. 07-16

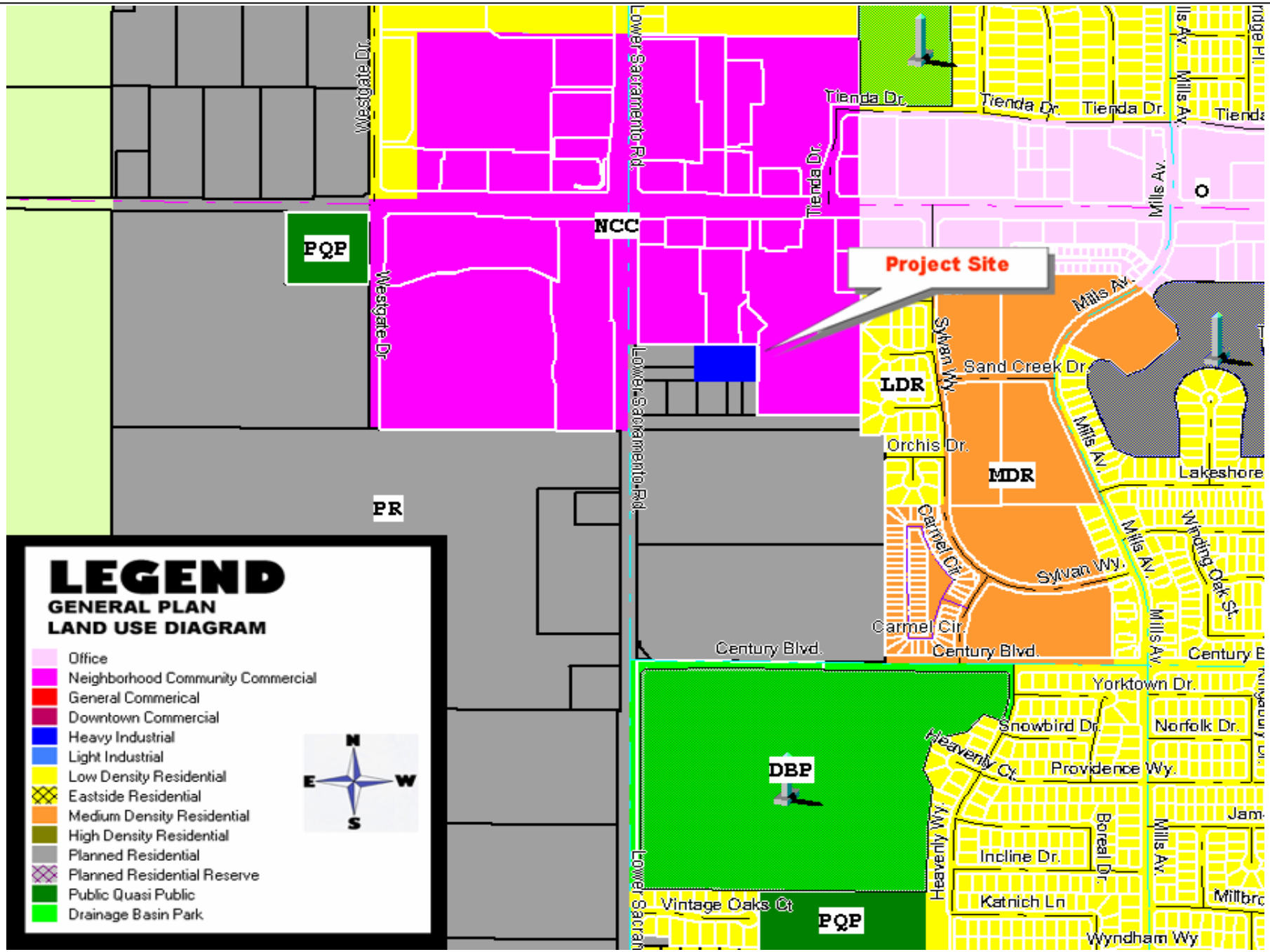
RH/pp/dm/kc

Vicinity Map

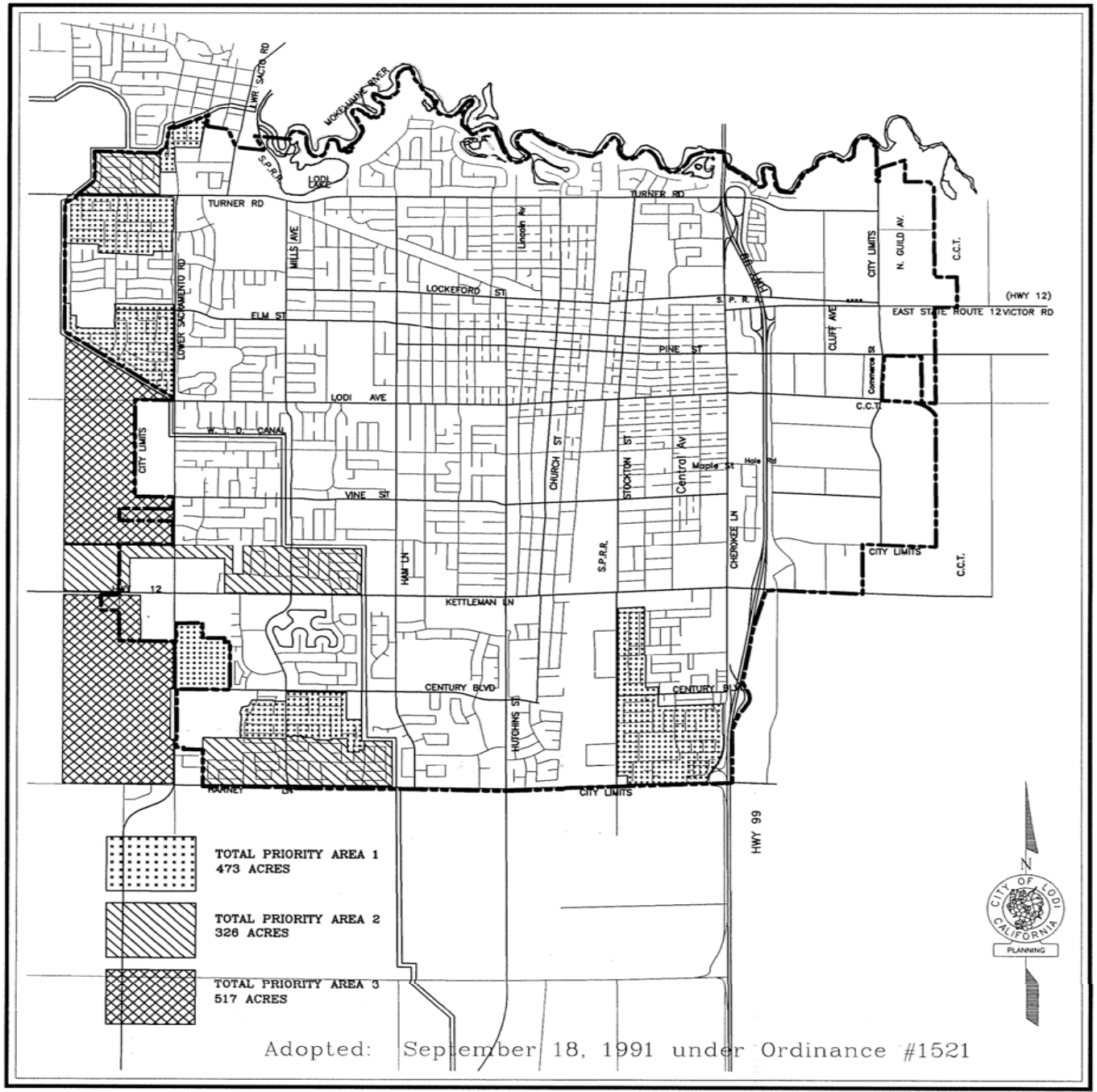


Aerial Photo

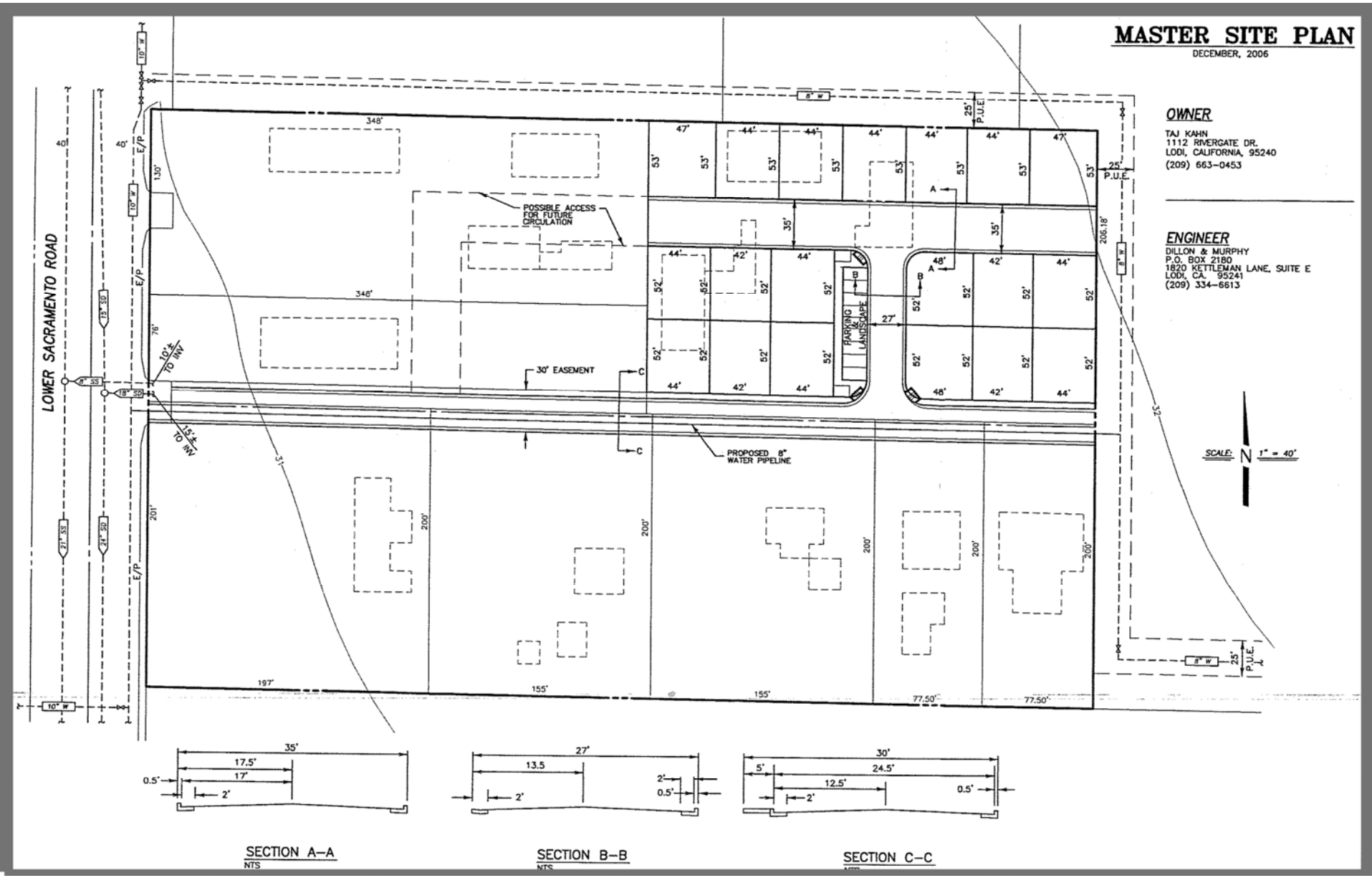
General Plan Map



Priority Map



Site Plan


MASTER SITE PLAN
DECEMBER, 2006
OWNER
TAJ KAHN
1112 RIVERGATE DR.
LODI, CALIFORNIA, 95240
(209) 663-0453
ENGINEER
DILLON & MURPHY
P.O. BOX 2180
1820 KETTLEMAN LANE, SUITE E
LODI, CA. 95241
(209) 334-6613
LOWER SACRAMENTO ROAD
POSSIBLE ACCESS FOR FUTURE CIRCULATION
30' EASEMENT
PROPOSED 8" WATER PIPELINE
PARKING & LANDSCAPE
25' P.U.E.
SCALE: 1" = 40'
SECTION A-A
NTS
SECTION B-B
NTS
SECTION C-C

DRAFT

RESOLUTION NO. P.C. 07-16

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LODI RECOMMENDING TO THE CITY COUNCIL THE APPROVAL OF THE REQUEST OF TAJ KHAN FOR 19 MEDIUM DENSITY RESIDENTIAL GROWTH MANAGEMENT ALLOCATIONS AT 865 OLIVE DRIVE

WHEREAS, the Planning Commission of the City of Lodi has heretofore held a duly noticed public hearing, as required by law, on the requested Growth Management Development Plan as required by Lodi Municipal Code Chapter 15.34; and

WHEREAS, the property is located at 865 Olive Drive (APN: 045-180-05); and

WHEREAS, the project proponent and property owners are Taj Khan and Ramzan Ali, 1112 Rivergate Drive, Lodi, CA, 95240; and

WHEREAS, the property is zoned R-MD, Residential-Medium Density; and

WHEREAS, the request is for approval of 19 Medium Density Residential Growth Management Allocations for a 19-lot planned unit residential development, and

WHEREAS, all legal prerequisites to the approval of this request have occurred;

Based upon the evidence in the staff report and project file, the Planning Commission makes the following findings:

1. The project site was included in the Environmental Impact Report prepared and certified by the City for the Lodi Annexation project. This EIR included the Westside project, the Southwest Gateway project, and the "other annexation areas". The Khan parcel was analyzed as a part of the "other annexed areas", an area on the east side of Lower Sacramento Road, north of Century Blvd. The proposed density of the Khan project is consistent with the residential density analyzed by the EIR. The EIR analyzed all potential impacts of the various projects and appropriate mitigations were adopted. The Khan project will comply with all mitigations recommended by the EIR for impacts resulting from this particular project, including the payment of fees and the construction of required public improvements.
2. The proposed design and improvement of the site will be designed to be consistent with all applicable standards adopted by the City in that the project, as conditioned and shall conform to the standards and improvements mandated by the City of Lodi Public Works Department Standards and Specifications, and Zoning Ordinance.
3. The standard size, shape and topography of the site are physically suitable for a medium density residential development in that the site is generally flat and has no unusual or extraordinary topographic features.
4. The proposed density of 13 dwelling units per acre is consistent with the General Plan Land Use and Growth Management Elements for Residential Medium Density that limits the density of the project site to a maximum of 20 dwelling units per acre.
5. The Khan proposal is compatible with surrounding zoning and land uses.
6. The proposed development plan can be served by all public utilities.

7. The Development Plan complies with the requirements of Section 15.34.070 of the Growth Management Plan for Residential Development Ordinance.

NOW, THEREFORE, BE IT DETERMINED AND RESOLVED by the Planning Commission of the City of Lodi that this recommendation is based on the following conditions:

1. The applicant must submit for approval by the City a required tentative subdivision map and related documents to create a legal residential subdivision.
2. The proposed residential site and development plan for the project must be submitted for Planning Commission approval and said plan must comply with all applicable zoning and design standards adopted by the City prior to issuance of any building permits.
3. The City in granting the nineteen medium density growth management allocations for this project will require that the applicant demonstrate that the project can be designed with adequate streets and utilities to serve the project. The applicant must obtain the necessary consent of the affected property owners prior to constructing the required private street and utility lines that will cross neighboring properties.
4. Payment of the Public Works Department Development Plan Fee in the amount of $1,335.00 to cover development plan review is required prior to approval of the Growth Management Plan.
5. Provide detailed master utility plans for public and private utilities, including engineering calculations. The master plans shall include capacity for the area bounded by the Sunwest Shopping Center on the north, Lower Sacramento Road on the west, 14620 N. Lower Sacramento Road (APN 058-140-14) on the south and the existing residential subdivision on the east. The calculations submitted only address the facilities needed to serve the proposed project.
6. Installation of all public and private utilities and street improvements required to serve the project.
   a. Water lines shall be public.
   b. Wastewater and storm drain lines in the proposed private street along the south project boundary shall be public. Wastewater and storm drain lines interior to the development shall be private. The private wastewater and storm drain lines shall be designed to City of Lodi design standards for public improvements.
   c. Lower Sacramento Road is designed as an expressway. In order to provide safe ingress and egress from Lower Sacramento Road to the proposed private street, public street improvements shall include Lower Sacramento Road widening improvements along the frontages of 14752 N. Lower Sacramento Road (APN 058-140-04), 777 E. Olive Avenue (APN 058-140-11), 800 E. Olive Avenue (APN 058-140-06) and 14620 N. Lower Sacramento Road (APN 058-140-14). Required improvements include, but are not limited to, street pavement widening, curb and gutter, street lights and drainage improvements. Intersection improvements shall be to the approval of the Public Works Director.

Private street improvements shall be to the approval of the Public Works Director and City of Lodi Fire Department.

In order to insure acquisition of the necessary street right-of-way and public utility easements required to allow installation of the Lower Sacramento Road and private street improvements, the developer shall provide deeds of dedication for the street right-of-way and public utility easements on Lower Sacramento Road and along the private street alignment prior to approval of the Growth Management Plan.

6. If the proposed lot grades are more that 6 inches above or below the existing or proposed adjacent lot grades, an additional 2 feet adjacent to the property line shall be provided in the setback to accommodate the installation of a masonry/concrete retaining wall.

All project design and construction shall be in compliance with the Americans with Disabilities Act (ADA). City of Lodi Standard Plans are in the process of being revised and it should not be assumed that current standard plans are fully ADA compliant. Project compliance with ADA standards is the developer's responsibility.

8. Project design and construction shall be in compliance with applicable terms and conditions of the City's Stormwater Management Plan (SMP) and shall employ the Best Management Practices (BMPs) identified in the SMP. In addition, City staff is currently developing a Storm Drainage Permit Compliance Inspection Fee for wet season (October 1 through April 15) inspections of construction sites required as a condition of the City's NPDES stormwater permit. Since inspections will be made on a monthly basis, the amount of the fee for a given project will vary depending upon the time and length of construction. If approved by the City Council, the proposed project will be subject to this fee.

9. City staff is currently developing design standards for post-construction stormwater management. We anticipate the design standards will be approved in Spring/Summer 2007. This project will be required to incorporate the new standards in the project design.

10. The Developer shall form a Homeowners Association that will assess and collect fees from homeowners for future maintenance, operation and replacement costs for all private streets, private wastewater and storm drain utilities and other shared private facilities that serve the proposed development.

11. The City is pursuing the establishment of Community Facilities District 2700-1 (Public Services) to cover the cost of providing various City services. In addition, there is an existing assessment district, Lodi Consolidated Landscape Maintenance District 2003-1 (LMD) which covers the maintenance costs for publicly owned masonry walls, landscaping and irrigation systems, street trees and park maintenance. If Community Facilities District 2700-1 has been established prior to final map filing, the proposed project will be required to annex into the District. If not, the project will be required to join the existing LMD. All costs associated with annexation to either district shall be the responsibility of the

developer. Annexation shall be complete prior to final map filing or final of building permit.

12. The City is pursuing the establishment of an area of benefit and reimbursable costs for the Lower Sacramento Road (Kettleman Lane to Harney Lane) improvements installed by the City that benefit adjacent parcels and would be required to be installed as a condition of development of those parcels. The project site is within the proposed area of benefit. A public hearing has been set for the regular City Council meeting on March 21, 2007. If approved by the City Council, payment of reimbursable costs for Lower Sacramento Road improvements will be required prior to final map filing for this project.

13. Additional comments and conditions will be provided in conjunction with the approval of a tentative map and/or development plan for this project.

14. The applicant will provide Public Utility Easements (PUE) required for all on-site existing and/or future primary facilities.

15. Street lights to be installed by the developer at required locations.

16. The Developer to pay for Electric Utility charges in accordance with the Electric Department's Rules and Regulations.

I hereby certify that Resolution No. 07-16 was passed and adopted by the Planning Commission of the City of Lodi at a regular meeting held on June 27, 2007, by the following vote:

AYES: Commissioners:

NOES: Commissioners:

ABSENT: Commissioners:

ABSTAIN: Commissioners:

ATTEST:

_____

Secretary, Planning Commission

RESOLUTION NO. P.C. 07-17

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LODI RECOMMENDING TO THE CITY COUNCIL THE APPROVAL OF THE REQUEST OF BRETT AND KATHY HARING FOR 7 MEDIUM DENSITY RESIDENTIAL GROWTH MANAGEMENT UNITS AT 1911 SOUTH CHURCH STREET

WHEREAS, the Planning Commission of the City of Lodi has heretofore held a duly noticed public hearing, as required by law, on the requested Growth Management Development Plan as required by Lodi Municipal Code Chapter 15.34; and

WHEREAS, the property is located at 1911 South Church Street (APN: 062-490-05); and

WHEREAS, the project proponent and property owners are Brett and Kathy Haring, 1033 East Mokelumne Street, Woodbridge, CA, 95258; and

WHEREAS, the property is zoned R-MD, Residential-Medium Density; and

WHEREAS, the request is for approval of 7 Medium Density Residential Growth Management Allocations for a 7-unit condominium development, and

WHEREAS, all legal prerequisites to the approval of this request have occurred; and

Based upon the evidence in the staff report and project file, the Planning Commission makes the following findings:

1. The project is found to be categorically exempt according to the standard exemption of CEQA Section 15332, Class 32. – In-Fill Development Projects. The project is consistent with the general plan and zoning, is less than 5-acres in size, is within the City and surrounded by development, there is no habitat value, approval of the project will not result in significant effects relating to traffic, noise, air quality, or water quality, and the project will be adequately served by all required utilities and public services. The project is exempt from further review under CEQA. No significant impacts are anticipated and no mitigation measures have been required.
2. The proposed design and improvement of the site will be designed to be consistent with all applicable standards adopted by the City in that the project, as conditioned and shall conform to the standards and improvements mandated by the City of Lodi Public Works Department Standards and Specifications, and Zoning Ordinance.
3. The standard size, shape and topography of the site are physically suitable for a medium density residential development in that the site is generally flat and has no unusual or extraordinary topographic features.
4. The proposed density of 20 dwelling units per acre is consistent with the General Plan Land Use and Growth Management Elements that limits the density of the project site to a maximum of 20 dwelling units per acre.
5. The proposal is compatible with surrounding developments, zoning and land uses.
6. The proposed development plan can be served by all public utilities.
7. The Development Plan complies with the requirements of Section 15.34.070 of the Growth Management Plan for Residential Development Ordinance.

NOW, THEREFORE, BE IT DETERMINED AND RESOLVED by the Planning Commission of the City of Lodi that this recommendation is based on the following conditions:

1. The applicant must submit for approval by the City all required condominium map and related documents to create a legal condominium development.
2. The proposed residential site and development plan for the project must be submitted for Planning Commission review and approval and said plan comply with all applicable zoning and design standards adopted by the City prior to issuance of any construction permits. This will require the applicant to submit a detailed development plan that shows the exact dimensions and building details. The plan must show that the proposed number of units can be built on the property and meet all City development requirements. If there are issues of nonconformity, the applicant must apply for appropriate administrative deviations or variances, and be granted some type of exception before they can proceed.
3. The City in granting the seven medium density growth management allocations for this project will require that the applicant demonstrate that the project can be designed to meet City standards for setbacks and adequate ingress and egress for the parking areas. Redesign of the project to comply with City standards could possibly result in a reduced number of units built on the site.

4. Payment of the Public Works Department Development Plan Fee in the amount of $1,065.00 covering development plan review is required.

5. Separate water and wastewater services shall be provided for each proposed condominium unit.
    a. A public water main shall be extended on-site from the 10-inch public water main in Church Street to provide water services for each unit. If on-site fire hydrants are required by the Fire Department, the water main may have to be looped.
    b. A private wastewater main shall be extended on-site from the 15-inch wastewater main in Church Street to provide sewer services for each unit.

6. Storm drainage shall be collected on-site and discharged to the 18-inch public storm drain line in Church Street. On-site storm drainage facilities shall be private. Project design and construction shall be in compliance with applicable terms and conditions of the City's Storm water Management Plan (SMP) approved by the City Council on March 5, 2003, and shall employ the Best Management Practices (BMPs) identified in the SMP.
    a. The City is in the process of adopting Development Design Standards for new projects in conformance with the conditions of the City's Storm water Discharge Permit. Building permits issued after the date of adoption of these Standards will be required to comply with the requirements of the Standards.

7. Engineered improvement plans and engineering calculations for water, wastewater and storm drainage prepared by a registered civil engineer for all public improvements will be required prior to final map filing or issuance of any building permit.

8. The existing driveway approach shall be removed and replaced by curb, gutter and sidewalk conforming to Standard Plan 135. The proposed driveway approach shall be a commercial driveway conforming to Standard Plan 114. The limits of curb, gutter and sidewalk removal and replacement to accommodate the existing and proposed

driveways shall be to the approval of the Public Works Department and may include the entire Church Street frontage.

9. The trash enclosure/community waste receptacles shall provide separate receptacles for garbage and recyclable materials and shall be maintained by the homeowner's association.

10. Annexation to Community Facilities District 2007-1 (Public Services) to cover the cost of providing various City services is required. Annexation shall be complete prior to final map filing or final of building permits. All costs associated with annexation to the Community Facilities District shall be the responsibility of the developer.

11. Additional comments and conditions will be provided in conjunction with the approval of a tentative map and/or development plan for this project.

12. A streetlight will be installed by the Developer.

13. The Developer to pay for Electric Utility charges in accordance with the Electric Department's Rules and Regulations.

I hereby certify that Resolution No. 07-17 was passed and adopted by the Planning Commission of the City of Lodi at a regular meeting held on June 27, 2007, by the following vote:

AYES: Commissioners: Heinitz, Kiser, Mattheis, Moran, White, and Chair Kuehne

NOES: Commissioners: None

ABSENT: Commissioners: Cummins

ATTEST: _____
Secretary, Planning Commission

RESOLUTION NO. P.C. 07-16

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LODI RECOMMENDING TO THE CITY COUNCIL THE APPROVAL OF THE REQUEST OF TAJ KHAN FOR 19 MEDIUM DENSITY RESIDENTIAL GROWTH MANAGEMENT ALLOCATIONS AT 865 OLIVE DRIVE

WHEREAS, the Planning Commission of the City of Lodi has heretofore held a duly noticed public hearing, as required by law, on the requested Growth Management Development Plan as required by Lodi Municipal Code Chapter 15.34; and

WHEREAS, the property is located at 865 Olive Drive (APN: 045-180-05); and

WHEREAS, the project proponent and property owners are Taj Khan and Ramzan Ali, 1112 Rivergate Drive, Lodi, CA, 95240; and

WHEREAS, the property is zoned R-MD, Residential-Medium Density; and

WHEREAS, the request is for approval of 19 Medium Density Residential Growth Management Allocations for a 19-lot planned unit residential development, and

WHEREAS, all legal prerequisites to the approval of this request have occurred;

Based upon the evidence in the staff report and project file, the Planning Commission makes the following findings:

1. The project site was included in the Environmental Impact Report prepared and certified by the City for the Lodi Annexation project. This EIR included the Westside project, the Southwest Gateway project, and the "other annexation areas". The Khan parcel was analyzed as a part of the "other annexed areas", an area on the east side of Lower Sacramento Road, north of Century Blvd. The proposed density of the Khan project is consistent with the residential density analyzed by the EIR. The EIR analyzed all potential impacts of the various projects and appropriate mitigations were adopted. The Khan project will comply with all mitigations recommended by the EIR for impacts resulting from this particular project, including the payment of fees and the construction of required public improvements.
2. The proposed design and improvement of the site will be designed to be consistent with all applicable standards adopted by the City in that the project, as conditioned and shall conform to the standards and improvements mandated by the City of Lodi Public Works Department Standards and Specifications, and Zoning Ordinance.
3. The standard size, shape and topography of the site are physically suitable for a medium density residential development in that the site is generally flat and has no unusual or extraordinary topographic features.
4. The proposed density of 13 dwelling units per acre is consistent with the General Plan Land Use and Growth Management Elements for Residential Medium Density that limits the density of the project site to a maximum of 20 dwelling units per acre.
5. The Khan proposal is compatible with surrounding zoning and land uses.
6. The proposed development plan can be served by all public utilities.

7. The Development Plan complies with the requirements of Section 15.34.070 of the Growth Management Plan for Residential Development Ordinance.

NOW, THEREFORE, BE IT DETERMINED AND RESOLVED by the Planning Commission of the City of Lodi that this recommendation is based on the following conditions:

1. The applicant must submit for approval by the City a required tentative subdivision map and related documents to create a legal residential subdivision.

2. The proposed residential site and development plan for the project must be submitted for Planning Commission approval and said plan must comply with all applicable zoning and design standards adopted by the City prior to issuance of any building permits.

3. The City in granting the nineteen medium density growth management allocations for this project will require that the applicant demonstrate that the project can be designed with adequate streets and utilities to serve the project. The applicant must obtain the necessary consent of the affected property owners prior to constructing the required private street and utility lines that will cross neighboring properties.

4. Payment of the Public Works Department Development Plan Fee in the amount of $1,335.00 to cover development plan review is required prior to approval of the Growth Management Plan.

5. Provide detailed master utility plans for public and private utilities, including engineering calculations. The master plans shall include capacity for the area bounded by the Sunwest Shopping Center on the north, Lower Sacramento Road on the west, 14620 N. Lower Sacramento Road (APN 058-140-14) on the south and the existing residential subdivision on the east. The calculations submitted only address the facilities needed to serve the proposed project.

6. Installation of all public and private utilities and street improvements required to serve the project.

   a. Water lines shall be public.

   b. Wastewater and storm drain lines in the proposed private street along the south project boundary shall be public. Wastewater and storm drain lines interior to the development shall be private. The private wastewater and storm drain lines shall be designed to City of Lodi design standards for public improvements.

   c. Lower Sacramento Road is designed as an expressway. In order to provide safe ingress and egress from Lower Sacramento Road to the proposed private street, public street improvements shall include Lower Sacramento Road widening improvements along the frontages of 14752 N. Lower Sacramento Road (APN 058-140-04), 777 E. Olive Avenue (APN 058-140-11), 800 E. Olive Avenue (APN 058-140-06) and 14620 N. Lower Sacramento Road (APN 058-140-14). Required improvements include, but are not limited to, street pavement widening, curb and gutter, street lights and drainage improvements. Intersection improvements shall be to the approval of the Public Works Director.

d. Private street improvements shall be to the approval of the Public Works Director and City of Lodi Fire Department.

e. In order to insure acquisition of the necessary street right-of-way and public utility easements required to allow installation of the Lower Sacramento Road and private street improvements, the developer shall provide deeds of dedication for the street right-of-way and public utility easements on Lower Sacramento Road and along the private street alignment prior to approval of the Development Plan.

7. If the proposed lot grades are more that 6 inches above or below the existing or proposed adjacent lot grades, an additional 2 feet adjacent to the property line shall be provided in the setback to accommodate the installation of a masonry/concrete retaining wall.

8. Project design and construction shall be in compliance with applicable terms and conditions of the City's Stormwater Management Plan (SMP) and shall employ the Best Management Practices (BMPs) identified in the SMP. In addition, City staff is currently developing a Storm Drainage Permit Compliance Inspection Fee for wet season (October 1 through April 15) inspections of construction sites required as a condition of the City's NPDES stormwater permit. Since inspections will be made on a monthly basis, the amount of the fee for a given project will vary depending upon the time and length of construction. If approved by the City Council, the proposed project will be subject to this fee.

9. City staff is currently developing design standards for post-construction stormwater management. We anticipate the design standards will be approved in Spring/Summer 2007. This project will be required to incorporate the new standards in the project design.

10. The Developer shall form a Homeowners Association that will assess and collect fees from homeowners for future maintenance, operation and replacement costs for all private streets, private wastewater and storm drain utilities and other shared private facilities that serve the proposed development.

11. The City is pursuing the establishment of Community Facilities District 2700-1 (Public Services) to cover the cost of providing various City services. In addition, there is an existing assessment district, Lodi Consolidated Landscape Maintenance District 2003-1 (LMD) which covers the maintenance costs for publicly owned masonry walls, landscaping and irrigation systems, street trees and park maintenance. If Community Facilities District 2700-1 has been established prior to final map filing, the proposed project will be required to annex into the District. If not, the project will be required to join the existing LMD. All costs associated with annexation to either district shall be the responsibility of the developer. Annexation shall be complete prior to final map filing or final of building permit.

12. The City is pursuing the establishment of an area of benefit and reimbursable costs for the Lower Sacramento Road (Kettleman Lane to Harney Lane) improvements installed by the City that benefit adjacent parcels and would be required to be installed as a condition of development of those parcels. The project site is within the proposed area of benefit. A public hearing has been set for the regular City

Council meeting on March 21, 2007. If approved by the City Council, payment of reimbursable costs for Lower Sacramento Road improvements will be required prior to final map filing for this project.

13. Additional comments and conditions will be provided in conjunction with the approval of a tentative map and/or development plan for this project.

14. The applicant will provide Public Utility Easements (PUE) required for all on-site existing and/or future primary facilities.

15. Street lights to be installed by the developer at required locations.

16. The Developer to pay for Electric Utility charges in accordance with the Electric Department's Rules and Regulations.

I hereby certify that Resolution No. 07-16 was passed and adopted by the Planning Commission of the City of Lodi at a regular meeting held on June 27, 2007, by the following vote:

AYES: Commissioners: Heinitz, Kiser, Mattheis, Moran, White, and Chair Kuehne

NOES: Commissioners: None

ABSENT: Commissioners: Cummins

ATTEST:

_____

Secretary, Planning Commission

RESOLUTION NO. 2007-162

A RESOLUTION OF THE LODI CITY COUNCIL APPROVING THE PLANNING COMMISSION'S RECOMMENDATION FOR THE 2006 GROWTH MANAGEMENT ALLOCATIONS FOR BRETT AND KATHY HARING AND TAJ KHAN

NOW, THEREFORE, BE IT RESOLVED that the Lodi City Council does hereby approve the 2006 Growth Management Allocation as recommended by the Lodi Planning Commission, as shown as follows:

	Requested 2006 Allocations	Recommended 2006 Allocations	
Brett & Kathy Haring	7	7	Medium Density, 1911 S. Church Street
Tai Khan	19	19	Medium Density. 865 East Olive Avenue
TOTAL	26	26	

Dated: August 1,2007

I hereby certify that Resolution No. 2007-162 was passed and adopted by the City Council of the City of Lodi in a regular meeting held August 1, 2007, by the following vote:

AYES: COUNCIL MEMBERS – Hansen, Hitchcock, Katzakian, Mounce, and Mayor Johnson

NOES: COUNCIL MEMBERS – None

ABSENT: COUNCIL MEMBERS – None

ABSTAIN: COUNCIL MEMBERS – None

RANDI JOHL

City Clerk

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 **PUBLIC HEARING TO CONSIDER PLANNING COMMISSION'S RECOMMENDATION FOR THE 2006 GROWTH MANAGEMENT ALLOCATIONS FOR BRETT & KATHY HARING AND TAJ KHAN**

PUBLISH DATE: **SATURDAY, JULY 21,2007**

LEGAL AD

TEAR SHEETS WANTED: **One (1) please**

SEND AFFIDAVIT AND BILL TO:
RANDI JOHL, CITY CLERK
City of Lodi
P.O. Box 3006
Lodi, CA **95241-1910**

DATED: THURSDAY, JULY **19,2007**

ORDERED BY: RANDI JOHL
CITY **CLERK**

JENNIFER M. PERRIN, CMC
DEPUTY CITY CLERK

DANA CHAPMAN
ADMINISTRATIVE CLERK

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

LNS Faxed to the **Sentinel at 369-1084 at** 3:20 (time) on 7/19/07 **(date)** 2 **(pages)**
7/19/07. **Pnoned to confirm receipt of all pages at** 3:40 (time) **JLT** DRC JMP (in'tas)

forms\advins.doc

DECLARATION OF POSTING

PUBLIC HEARING TO CONSIDER PLANNING COMMISSION'S RECOMMENDATION FOR THE 2006 GROWTH MANAGEMENT ALLOCATIONS FOR BRETT & KATHY HARING AND TAJ KHAN

On Friday, July 20, 2007, in the City of Lodi, San Joaquin County, California, a Public Hearing to consider Planning Commission's recommendation for the 2006 Growth Management Allocations for Brett & Kathy Haring and Taj Khan (attached and marked as Exhibit A) was posted at the following 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 July 20, 2007, at Lodi, California.

ORDERED BY:

RANDI JOHL
CITY CLERK

JENNIFER M. PERRIN. CMC
DEPUTY CITY CLERK

DECLARATION OF MAILING

PUBLIC HEARING TO CONSIDER PLANNING COMMISSION'S RECOMMENDATION FOR THE 2006 GROWTH MANAGEMENT ALLOCATIONS FOR BRETT & KATHY HARING AND TAJ KHAN

On July 20, 2007, in the City of Lodi, San Joaquin County, California, I deposited in the United States mail, envelopes with first-class postage prepaid thereon, containing a Public Hearing to consider Planning Commission's recommendation for the 2006 Growth Management Allocations for Brett & Kathy Haring and Taj Khan, attached hereto Marked Exhibit A. The mailing list for said matter is attached hereto, marked Exhibit B.

There is a regular daily communication by mail between the City of Lodi, California, and the places to which said envelopes were addressed.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on July 20, 2007, at Lodi, California.

ORDERED BY:

RANDI JOHL
CITY CLERK, CITY OF LODI

JENNIFER M. PERRIN, CMC
DEPUTY CITY CLERK

CITY OF LODI

Carnegie Forum
305 West Pine Street, Lodi

NOTICE OF PUBLIC HEARING
Date: August 1,2007
Time: 7:00 p.m.

For information regarding this notice please contact:
Randi Johl
City Clerk
Telephone: (209) 333-6702

EXHIBIT A

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that on **Wednesday, August 1, 2007,** 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 approval of the following item:

a) Planning Commission's recommendation for the 2006 Growth Management Allocations for Brett & Kathy Haring and Taj Khan

Information regarding this item may be obtained in the Community Development Department, 221 West Pine Street, Lodi, (209) 333-6711. All interested persons are invited to present their views and comments on this matter. Written statements may be filed with the City Clerk, City Hall, 221 West Pine Street, 2nd Floor, Lodi, 95240, 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 close of the public hearing.

By Order of the Lodi City Council:

Randi Johl
City Clerk

Dated: July 18,2007

Approved as to form:

D. Stephen Schwabauer
City Attorney

Growth Management - Kathy Haring mailing list

EXHIBIT B

APN	OWNER	ADDRESS	CITY	STATE	ZIP
06218017	SPRAGUE, O DEAN & MARY BETH TR	5070 LEXINGTON CIR	LOOMIS	CA	95650
06220002	EAST WEST, INVESTORS II	400 PACIFIC AVE	SAN FRANCISCO	CA	94133
06220003	ALI, RAMZAN & NASEEM A TR	249 DUNSMUIR DR	LODI	CA	95240
06220004	ARROYO, JUAN	423 DON CARLOS CT	STOCKTON	CA	95210
06220005	FAIRLEY, MELISSA C TR	48817 SEMILLON DR	FREMONT	CA	94539
06220006	LEE, HOMER MAX & JOAN MAVONE T	PO BOX 1690	LODI	CA	95241
06221001	OLSON, MARK J ETAL	1940 S CHURCH ST	LODI	CA	95240
06221002	VAN SLYKE, RICHARD C & DONNA M	8459 CAVE CITY RD	MOUNTAIN RANCH	CA	95246
06221003	HUSSAIN, MAHMOOD & T ETL	158 SWAIN DR	LODI	CA	95240
06221020	NGUYEN, OANH KIM	PO BOX 781	LODI	CA	95241
06221021	MUNIZ, ALBERTO & MARIA ALANIZ	9430 PLYMOTH ST	OAKLAND	CA	94603
06221022	KANG, INDERJETT S & BALJIT K	2506 MEADOW DR	LODI	CA	95240
06221023	MEDRANO, BENITO M & DOMITILA S	1922 S CHURCH ST	LODI	CA	95240
06231014	SAHAGUN, ALFREDO ETAL	156 ADOBE CT	LODI	CA	95240
06231015	BANK OF NEW YORK TR	4828 LOOP CENTRAL DR	HOUSTON	TX	77081
06231016	WOOD, BARRY C & PATRICIA P	1910 S CHURCH ST	LODI	CA	95240
06231017	GOMEZ, ANTONIO & MARIA	1924 WYNDHAM WAY	LODI	CA	95242
06231018	AMIN, BASHARAT	2226 CHAPARRAL CT	LODI	CA	95242
06231019	LODI HUTCHINS STREET ASSOC LP	1420 S MILLS AVE #M	LODI	CA	95242

Growth Management - Kathy Haring mailing list

06249002	LODI ATHLETIC CLUBS PTP	11290 PYRITES WAY SUITE 100	GOLD RIVER	CA	95670
06249004	LODI ATHLETIC CLUBS PTP	11290 PYRITES WAY SUITE 100	GOLD RIVER	CA	95670
06249005	LODI HUTCHINS STREET ASSOC LP	1420 S MILLS AVE #M	LODI	CA	95242
06249006	NORTHUP, JEFFREY D	1905 S CHURCH ST	LODI	CA	95240
06249007	ALIFERIS, ARISTOMENIS A	1907 S CHURCH ST	LODI	CA	95240
06249008	THOMAS, PATRICK & LISA	1909 S CHURCH ST	LODI	CA	95240
06249009	**HARING, BRETT R & KATHLEEN B**	**552 KIRST DR**	**WOODBRIDGE**	**CA**	**95258**

Growth Management – Taj Khan mailing list

APN				STATE	ZIP
05814004	FRAME, DEAN K & SHARON L TR	212 RUTLEDGE DR	LODI	CA	95242
05814005	KHAN. TAJ M ETAL	1112 RIVERGATE DR	LODI	CA	95240
05814006	HERRMANN, VERNET & C TRS	1200 GLENHURST	LODI	CA	95240
05814007	DEL RIO, SANTIAGO M & RAMONA T	15315 N HOERL RD	LODI	CA	95240
05814008	HALL, FRANK	PO BOX 90	FRENCH CAMP	CA	95231
05814009	DEL RIO, SANTIAGO M & RAMONA T	15315 N HOERL RD	LODI	CA	95240
05814010	YANG, JERRY	930 E OLIVE AVE	LODI	CA	95242
05814011	GREVER, ZANE M & P TRS	1432 PARK ST	LODI	CA	95237
05814012	PETERSON, M BILL	P O BOX 473	LOCKEFORD		95237
05814014	PETERSON, RUTH SUSAN	PO BOX 331	SUTTER CREEK	CA	95685
05814035	BDC LODI ANCHOR LP	100 SWAN WAY SUITE 206	OAKLAND	CA	94621
05814044	FIRST LODI PLAZA ASSOCIATES	100 SWAN WAY SUITE 206	OAKLAND	CA	94621
05814045	FIRST LODI PLAZA ASSOCIATES	PO BOX 10001	DALLAS	TX	75301
05814050	FIRST LODI PLAZA ASSOC LTD PTP	100 SWAN WAY SUITE 206	OAKLAND	CA	94621

I-1

Randi Johl

From: Randy Hatch
Sent: Tuesday, July 31,2007 12:35 PM
To: 'kharing44@comcast.net'
cc: Blair King; City Council
Subject: growth management interpretation request

Dear Ms Haring,
Your request to the mayor for a growth management interpretation was forwarded to the City Manager who asked me to respond. I prepared a memo to the Manager which was attached to your City Council 8/1/07 item for 2006 Growth Management Allocations.

The reason your project was required to go through the Allocation process was because it is required by the Municipal Code and its implementing resolution. Consistent with these requirements, staff has required all projects to go through the review process. Further, it has not been unusual that requests for smaller projects have been required to go through the Allocation process. Based on my review of 7 prior years allocation processes, there have been 5 other projects going through the process with a unit count of 6 and one each of projects with unit counts of 3, 7, 8, 9 and 12.

Further, to correct your mis-understanding, when the 2006 allocation request period ended, there were 7 applications with a total of 981 units requesting allocations. Afler the process was well underway, four of the requests were withdrawn pending completion of the General Plan Update which eliminated 90% of the original allocation requests.

Also, as you have experienced by this process, development is a complicated and lengthy process. Afler your submittal on 5/5/06 we were in extensive communication with you and your engineer to get all required details and a complete understanding of your proposed project. We obtained these materials on 8/21/06 and then began the next phase which was a review and evaluation of your plans by not only the Planning Division but other City and non-city departments, agencies, and service providers. There was significant confusion as to the exact square footage of your parcel. Your engineer submitted data to establish the size of your parcel on 3/20/07. On 4/25/07 a new site plan was submitted by your engineer to increase the number of units requested from 6 to 7. While that may appear a simple change, it does require re-contacting all departments, agencies and service providers to determine what, if any, effects the change in unit count have.

While I certainly understand your frustration, land development is a costly, time consuming and heavily regulated activity. We are ready, willing and able to help interested parties go through the process. We must however adhere to the applicable regulations, review and evaluation processes. The more complete the submittal materials are the less we need to request further information and the faster the process.

You area invited to obtain the full staff report, memo and timeline as part of the City Council 8/1/07 agenda materials on the City Website. Please contact me if I may be of any further assistance.

Randy Hatch
Community Development Director
City of Lodi
(209)333-6711