

COUNCIL COMMUNICATION

TO: THE CITY COUNCIL COUNCIL MEETING DATE: OCTOBER 17, 1990
FROM: THE CITY MANAGER'S OFFICE

SUBJECT: TO CONSIDER AMENDMENT TO THE LODI MUNICIPAL CODE, TITLE 17, ZONING,
SECTION 17.69.020, REGARDING NONCONFORMING BUILDINGS

INDICATED ACTION: that the City Council consider the Planning Commission's recommendation that the Lodi Municipal Code Title 17, Zoning, Section 17.69.020 regarding nonconforming buildings be amended to include the following:

"D. Notwithstanding subsection (c) above, any residential structure legally existing as a nonconforming use on October 1, 1990 in any Industrial ("M") zone may be rebuilt or restored if damaged or destroyed by fire, other calamity, or act of God, provided that such restoration or rebuilding is commenced within six months of such damage or destruction. However, such rebuilt or restored structure shall not exceed the square footage of the original structure and shall otherwise conform to all applicable building regulations for residences."

BACKGROUND INFORMATION: In June of this year, Loretta Churchill corresponded with the Planning Commission concerning a dwelling she owned at 609 South Sacramento Street and her problems in selling the property because of lenders' conditions for loaning on the parcel.

The Planning Commission instructed the staff to prepare a zoning study of the South Sacramento Street area. A copy is attached for Council's information. After reviewing the study, the Planning Commission asked the City Attorney to prepare an amendment to the Zoning Regulations which would accomplish Option 3 as discussed in the staff study.

The amendment has received widespread support from the property owners in the study area.


JAMES B. SCHROEDER
Community Development Director

Attachment

MEMORANDUM, City of Lodi , Community Development Department

TO: PLANNING COMMISSION

FROM: MARK MEISSMER, JR. PLANNER

DATE: AUGUST 3, 1990

SUBJECT: SACRAMENTO STREET ZONING STUDY

The Community Development Department has completed a land use study of South Sacramento street between Lodi Avenue and Kettleman Lane in response to some residential property Owners' concerns about restrictions in the areas M-2 [Heavy industrial) zoning classification. According to the Lodi Zoning Ordinance "it is the declared intent and purpose of the M-2 district to promote commercial and industrial enterprises and and to prohibit residential subdivisions and residential building.. ." The property owners are having trouble selling their homes to prospective buyers because lending institutions wit7 not provide reasonable loans on the nonconforming homes because they are concerned that the City may not allow the residence to be rebuilt if more than 50% of the home is destroyed by fire or natural disaster.

The attached summary sheet provides the address, use and applicable number of living units. The total number of nonconforming residential units zoned M-2 is 99 with 52 being single family units and 47 being multiple family units. The residential uses are predominantly on the west side of South Sacramento street and the industrial/commercial uses are mostly to the east.

The M2 zoning was applied to this area to stop any new residential development and promote commercial and industrial uses. Some of the homes on South Sacramento Street face industrial work areas where the street is heavily trafficked with trucks and other equipment for loading and unloading. Other homes have less direct conflict with industrial uses.

The M2 zoning was intended to promote industrial uses, but the decision to zone the homes M-2 did not anticipate the significant number of residential units that would remain even after many years of industrial zoning. These units are occupied and represent a source of affordable housing.

There seem to be several options for dealing with the zoning on South Sacramento Street. The first option would be to leave the M-2 zoning in place. The second option would be to rezone certain areas as residential. The third option would be to amend the industrial chapters of the Zoning Ordinance (Chapter 17.48) to provide some relief for existing residential properties.

Under the first option which is to leave the zoning unchanged, the problems of homeowners having a difficult time selling their homes and the

Planning Commission
August 3, 1990
Page 2

deterioration of housing will continue. The M-2 zoning classification will continue to phase out housing until the area eventually becomes commercial and industrial. The compatibility of land uses will be improved, however the City will lose many affordable homes and rental units.

Under the second option to rezone certain areas as residential, the problems associated with being a nonconforming use would be eliminated and the affordable housing would be preserved. This might also create new problems by placing residential zoning adjacent to industrial uses.

Under the third option the existing P-2 zoning would remain but provision would be made for home improvements and the rebuilding of existing homes. This could provide the relief residential property owners need to maintain and upgrade existing residences and make it easier for residential properties to be bought and sold.

**SOUTH SACRAMENTO STREET
LAND USE INVENTORY**

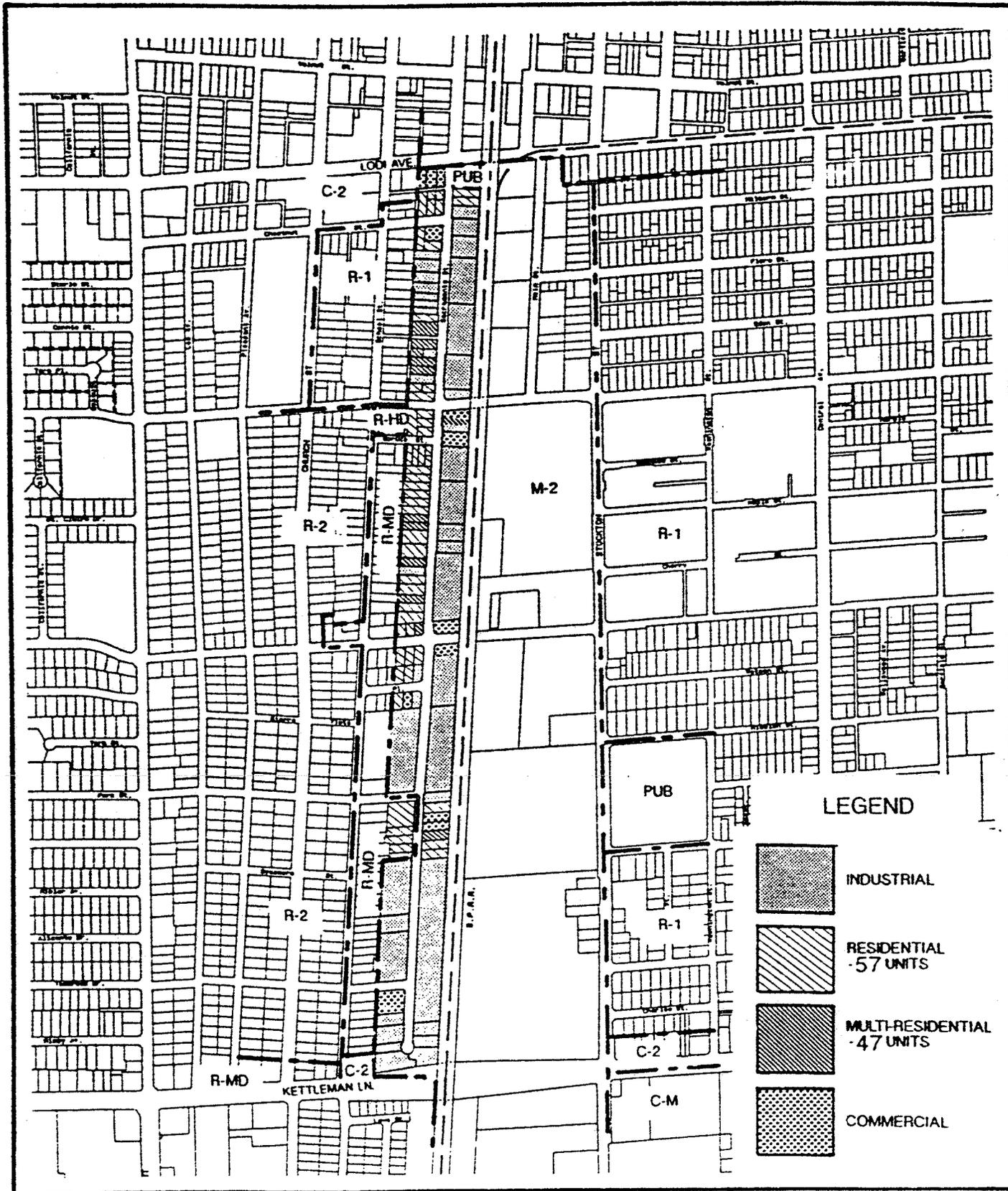
	<u>USE</u>	<u>LIVING UNITS</u>
312 S. Sacramento	Res .	1
315	Res .	1
316	Res .	1
319	Res .	1
320	Res .	1
326 (A) Jerry's Used Furniture; (B) Vic Myers Sheet Metal & Lodi Western Machine Inc.		
403 J 8 R Discount Retain Wholesale		
409 Sam's Landscape & Design		1
412 & 415 Muller Supply Co. 8 Asphalt Paving		
437	Res .	1
439	Multi/Res.	7
501	Multi/Res.	5
505 Louie's Custom Upholstery		
507	Multi/Res.	2
509 Welding in back	Multi/Res.	2
511 & 511½	Multi/Res.	5
513 Warehouse		
515 & 515½	Res.	2
525	Res .	1
540 Storage supply yard for Muller Supply Co.		
548 Al's Palamino Club		
602	Res.	1
604	Multi/Res.	8
608 Lodi Plumbing		
609	Res.	1
611	Res .	1
611½	Res .	1
620 Ken's Transmission Service		
621	Res.	1
705	Res.	1
709	Res.	1
711	Res.	1
713 (Vacant)	Res.	1
721	Res .	1
727	Res .	1
729	Res .	1
731	Res.	1
733	Multi/Res.	3
735	Multi/Res .	4
801	Res .	1
809	Res.	1
811	Res .	1
813	Multi/Res.	4
817 & 820 Lodi Ironworks		

821	Res .	1
827	Res .	1
831 & 831½	Multi/Res.	2
835	Res.	1
841	Res .	1
860	Lodi Pattern & Manufacturing	
900	Payne Cooling Heating	
1029	Interlake Rack Systems	
1104	Res .	1
1108	Lodi Battery Co.	
1112	Auto Repair	
1113	Res .	1
1116 & 1116½	Multi/Res.	2
1117	Res .	1
1120	Res .	1
1121	S. Sacramento St.	1
1124	Res .	1
1125	Res.	1
1129	R.M. Holz Rubber Co.	
1301	Eldo's Magic Meal Catering	
1317	Eldo's (storage)	
1320	Vanderlans & Sons Sewer Equipment	
1339	Private storage yard	
5 W. Chestnut	Res.	1
9	Res .	1
10	Res .	1
10 W. Tokay	Res .	1
2 W. Spruce	Res .	1
4	Res .	1
6	Res .	1
10	Res .	1
4 W. Vine	Res.	1
5	Multi/Res.	3
8	Res.	1
9	Res .	1
12	Res .	
13	Res .	1
4 W. Sierra Vista Pl.	Res.	1
6	Center of Hope	
9	Res.	1
11	Res .	1
12	Res.	1
13	Res .	1
2 W. Park	Res .	1
6	Res .	1
10	Res .	1

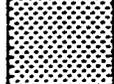


COMMUNITY DEVELOPMENT
DEPARTMENT

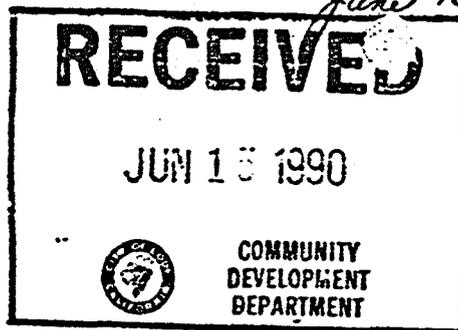
S. SACRAMENTO
LAND USE



LEGEND

-  INDUSTRIAL
-  RESIDENTIAL
-57 UNITS
-  MULTI-RESIDENTIAL
-47 UNITS
-  COMMERCIAL

Planning Commission
Call Box 3006
Lodi, CA 95241-1910



Dear Sir:

I am writing to you in regards to the zoning classification of a home I own located at 609 So. Sacramento Street.

The house is currently in the M-2 zoning classification. As I am trying to sell this house, I have encountered many problems due to the M-2 zoning.

F.H.A. will not grant a loan to a prospective buyer due to the fact that if the house was destroyed by fire or natural disaster, it could not be rebuilt. The Banks and other Mortgage Lenders will give loans on this home, but only at a substantially higher rate of interest, points and amount of down payment. Since the area the home is in dictates that a potential buyer is usually a first time buyer with somewhat limited funds, it has been nearly impossible to sell.

Other home owners in this area are under the same restrictions as I am. As a result, the value of their homes and the ability to sell or refinance is very limited if not practically impossible.

On the west side of Sacramento Street there are approximately 30 single family residences and

5 multi-family residences between the 400 and 1100
block going south from Lodi Avenue.

I am requesting you to agree, in writing, that in the
event that the house is completely destroyed, that said
house could be replaced with a LIKE structure. I
would also like to request either a city ordinance
or a zoning reclassification for the area.

Thank you,
Loretta J. Churchill
513 So. Pleasant Ave.
Lodi, CA 95240



CITY OF LODI

CARNEGIE FORUM
305 West Pine Street, Lodi

NOTICE OF PUBLIC HEARING

Date: October 17, 1990

Time: 7:30 p.m.

For information regarding this Public Hearing
Please Contact:

Alice M. Reimche
City Clerk
Telephone: 333-6702

NOTICE OF PUBLIC HEARING October 17, 1990

NOTICE IS HEREBY GIVEN that on Wednesday, at the hour of 7:30 p.m., or as soon thereafter as the matter may be heard, the City Council will conduct a public hearing to consider the following Planning Commission recommendation:

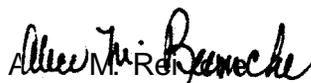
1. that Lodi Municipal Code Title 17, Zoning, Section 17.69.020 regarding nonconforming buildings be amended to the following:

"D. Notwithstanding subsection (c) above, any residential structure legally existing as a nonconforming use on October 1, 1990 in any Industrial ("M") zone may be rebuilt or restored if damaged or destroyed by fire, other calamity, or act of God, provided that such restoration or rebuilding is commenced within six months of such damage or destruction. However, such rebuilt or restored structure shall not exceed the square footage of the original structure and shall otherwise conform to all applicable building regulations for residences."

Information regarding this item may be obtained in the office of the Community Development Director at 221 West Pine Street, Lodi, California. All interested persons are invited to present their views and comments on this matter. Written statements may be filed with the City Clerk at any time prior to the hearing scheduled herein, and oral statements may be made at said hearing.

If you challenge the subject matter in court, you may be limited to raising only those issues you or someone else raised at the Public Hearing described in this notice or in written correspondence delivered to the City Clerk, 221 West Pine Street, at or prior to the Public Hearing.

By Order Of the Lodi City Council:


Alice M. Reimche
City Clerk

Dated: October 3, 1990

Approved as to form:


Bobby W. McNatt
City Attorney

ORDINANCE NO. 1500

AN ORDINANCE OF M E LODI CITY COUNCIL
AMENDING LODI MUNICIPAL CODE TITLE 17 - ZONING - SECTION 17.69.020 BY
ADDING THERETO A NEW SUBSECTION "D" RELATING TO NONCONFORMING BUILDINGS.

=====

BE IT ORDAINED BY THE LODI CITY COUNCIL AS FOLLOWS

SECTION 1. Lodi Municipal Code Title 17 - Zoning, Section 17.69.020
- **Nonconforming** Buildings - is hereby amended by adding thereto a new
subsection "D" to read as follows:

"D. **Notwithstanding** subsection (c) above, any residential structure **legally** existing as a **nonconforming** use on October 1, 1990 in any Industrial ("**M**") zone may **be** rebuilt or restored **if** damaged **or** destroyed by fire, other calamity, or act of God, provided that such restoration **or** rebuilding is commenced within six months of such **damage** or destruction. However, such rebuilt or restored structure shall not exceed the **square** footage of the original structure and shall otherwise conform to **all** **applicable** building **regulations** for residences."

SECTION 2. All ardinances and parts of ordinances in conflict herewith are repealed insofar as such conflict may exist.

SECTION 3. This ordinance shall be published one time in the "Lodi News Sentinel", a daily newspaper of general circulation printed and published in the City of Lodi and shall **be** in force and take effect thirty **days from** and after its passage and approval.

Approved this day of

ATTEST:

JOHN R. SNIDER
Mayor

ALICE M. REIMCHE
City Clerk

=====
State of California
County of San Joaquin, ss.

I, Alice M. Reimche, City Clerk of the City of Lodi, do hereby certify that Ordinance No. 1500 was introduced at a regular meeting of the City Council of the City of Lodi held October 17, 1990 and was thereafter passed, adopted and ordered to print at a regular meeting of said Council held _____, 1990 by the following vote:

- Ayes : Council Members -
- Noes: Council Members -
- Absent: Council Members -
- Abstain : Council Members -

I further certify that Ordinance No. 1500 was approved and signed by the Mayor on the date of its passage and the same has been published pursuant to law.

ALICE M. REIMCHE
City Clerk

Approved as to Form

BOBBY W. McNATT
City Attorney

ORD1500/TXTA.01V

September 21, 1990

Lodi City Council

Gentlemen,

I would like to ask for the approval of the amendment concerning non-conforming dwellings in industrial zones.

This amendment is necessary so that people living or wishing to live in our area can get low cost financing.

We also need to be able to rebuild our homes if they are destroyed.

Yours truly,



2 Spruce St.

ALICE M. REIMICHE
CITY CLERK
CITY OF LODI

1990 OCT -9 AM 9:05

RECEIVED

September 21, 1990

Lodi City Council

Gentlemen,

As a home owner on South Sacramento Street in the M-2 zone, I wish to express my desire for the passing of the amendment concerning non-conforming dwellings in any industrial zone.

It seems only fair that I should have the right to rebuild my home in the event it is destroyed by fire or other calamity. This would create a hardship if I could not rebuild it.

Sincerely,

Rogelio F. Olmos
597 S. SACRAMENTO, ST
LODI, CA

September 21, 1990

Lodi City Council

Gentlemen,

I would like to ask for the approval of the amendment concerning non-conforming dwellings in industrial zones.

This amendment is necessary so that people living or wishing to live in *our* area can get low cost financing.

We also need to be able to rebuild our homes if they are destroyed.

Yours truly,

Alex Acosta
15 N. Calif
10 W. Tokay

Oct 8, 1990
Lodi, Ca.

Dear Mrs Reimche:

In Answer to the public notice to
be held Oct 17th 1990 at the City Council.

I am very pleased with the changes,
that allows a person to rebuild.

Happy to vote yes on this hearing.

Thanks again for letting me know about
this.

Irene Bassett
712 Alicante Dr.
Lodi, Ca. 95240
ph. 368-5574