



CITY OF LODI

COUNCIL COMMUNICATION

AGENDA TITLE: Request For Development Impact Mitigation Fee Waiver or Adjustment at 225 North Guild Avenue (APN 049-040-61)

MEETING DATE: November 18, 1992

PREPARED BY: City Attorney

RECOMMENDED ACTION: Council consideration and possible action on request for exemption, waiver or adjustment of Development Impact Mitigation fees.

BACKGROUND: At the meeting of October 21, 1992, the City Council was asked by Civil Engineer Cecil Dillon to consider an adjustment or waiver of Development Impact Mitigation fees on the Teresi property, a five-acre parcel at the southwest corner of Victor Road (Highway 12) and Guild Avenue. Specifically, Mr. Dillon felt it was equitable to apply the fees in place prior to adoption of Ordinance 1526 because the City had prior to that time approved the deferral of the storm drain fees on the parcel by letter of October 25, 1990 (Attachment A).

As the Council will recall, at the time Ordinance 1518 was adopted, there was a lengthy discussion of how vacant parcels with frontage improvements already in were to be treated. It was decided that there might be some circumstances in which exemptions were appropriate, and these situations should be considered per Lodi Municipal Code Section 15.64.110 et seq. The major considerations discussed at that time were regarding "projects in progress" in which substantial investment and approvals had been made, and that no further approvals except a building permit were required. Council then modified Ordinance 1518 with Ordinance 1526 providing exemptions for "projects in progress".

If the City Council wishes to grant the request, it is necessary under LMC Section 15.64.130 to prepare written findings, identifying the basis upon which the request is made and the circumstances justifying the granting of the exemption. Should the Council wish to grant the request, the following language may be used:

"The City Council hereby finds and declares that it is appropriate to impose upon the subject parcel only those fees in place prior to adoption of ordinance 1518 because:

1. At the time of adoption of Ordinance 1526, the subject parcel met the requirements of Section 15.64.110(E)(2);

APPROVED. _____

THOMAS A PETERSON



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2. The letter from Assistant City Engineer Richard Prima to Dillon Engineering dated October 25, 1990, granting a deferral of storm drainage fees until building permits were issued, implies a preexisting waiver of the additional fees imposed by Ordinance 1518;

3. In order to meet the conditions for exemption found in Lodi Municipal Code Section 15.64.110(E)(1), the owner of the parcel shall, within thirty days from the date of this approval, pay all fees which would have been due prior to adoption of Ordinance 1518."

To the best of staff's knowledge, only one other parcel meets these exact circumstances. That parcel is APN 049-040-57, 1371 E. Pine Street, which was split as part of the Teresi project on the west side of Guild Avenue. Note that the October 25, 1990 letter was copied to Mr. Ted Molfino, the property owner and joint developer of this project with Mr. Teresi. (Attachment B) If Council wishes to approve this request, it should apply to that parcel as well.

FUNDING: None.

Respectfully submitted,



Bob McNatt
City Attorney

BM/vc

Attachment

cc: Jack Ronsko, Public Works Director
Richard Prima, Assistant City Engineer
Mr. John Teresi
Mr. Cecil Dillon
Mr. Ted Molfino

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CITY OF LODI

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October 25, 1990

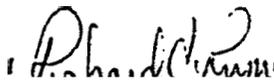
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City Clerk
BOB McNATT
City Attorney

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DILLON ENGINEERING

Dillon Engineering
P.O. Box 2180
Lodi, CA 95241-2180

SUBJECT: Teresi Industrial Park Street Improvements

The City has approved deferral of the storm drainage fee shown on Invoice #E-913 until the building permits are issued. The property owner will be billed the storm drainage fee in effect at the time the permit is issued.



Richard C. Prima Jr.
Assistant City Engineer

RCP/SB/mt

cc: Teresi Trucking
Te? Molfino
Finance Department

— ATTACHMENT B —

