AGENDA ITEM G-1

CITY OF LODI
COUNCIL COMMUNICATION

TM

AGENDA TITLE: Public Hearing to Consider Adopting a Resolution Approving the Planning Commission's Recommendation for 2012 Growth Management Allocations to Permit and Construct 12 Residential Units at 2110 Tienda Drive

MEETING DATE: October 3,2012

PREPARED BY: Community Development Department

RECOMMENDED ACTION: Public hearing to consider adopting a resolution approving the Planning Commission's recommendation for 2012 Growth Management Allocations to permit and construct 12 residential units at 2110 Tienda Drive.

BACKGROUND INFORMATION: 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 City Council to award 12 medium density residential allocations for this year to Mr. John Giannoni.

On August 8, 2012, the Planning Commission held a public hearing regarding the 2012 Residential Growth Management Development Allocations. At this hearing the Planning Commission reviewed Mr. John Giannoni's application for 12 medium density residential development project at 2112 Tienda Drive. This is the first application the City received for Growth Management Allocation since 2006.The Commission received a staff report; heard the staff presentation; asked questions of staff as well as the applicant, and the general public; heard public testimony in support and in opposition to the application; closed the public hearing, and voted 4-2, with one Commissioner absent, to recommend the City Council approve the applicant's request for 12 medium density growth management allocation units (I2-GM-01).

ANALYSIS

The proposed project would permit the construction of 12 medium density residential units on .81-acre parcel located on Tienda Drive, one block north of W. Kettleman Lane. Per the City's Growth Management Ordinance, residential construction development of five or more units must secure Growth Management allocations. The property is a fully improved vacant. lot and allows residential development units up to 35 dwelling units per acre. The area surrounding the project site is fully developed with a variety of single and multi-family residences and office/institutional uses. The site is classified as an in-fill project.

The allocation system gives priority through point assignments to projects that reduce impacts on services, infrastructure, and resources. The ordinance sets an annual growth limit of 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.

There are 45 medium density allocation units allocated for 2012; however, the City also has medium density growth management units that were not issued in prior years as shown in Table A below, which leaves a

APPROVED: _____
Konradt Bartlam, City Manager

"bank of units" from previous years. The **45** medium density allocations available for 2012 will are sufficient to provide for the proposed project.

Table A: Growth Management Allocation History

Density	Available Allocations				
	Scheduled from 1989-2012	Granted from 1989-2011	Remaining from 1989-2011	2%Allocations for 2012	Total Available for 2012
Low (0.1-7)	6,648	2,893	3,482	290	3,772
Medium (7.1-20)	1,023	438	615	45	660
High (20.1-30)	2,557	0[a]	2,452	112	2,564
TOTAL	**10,228**	**3,331**	**6,549**	**447**	**4,278**

The Growth Management Ordinance includes a priority location area and a point system to assist the City with prioritizing issuance of growth management allocations. The priority location area 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 proposed project site is classified as an in-fill project. 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. However, because the City hasn't had growth management allocation requests since 2006, surplus allocation has been accumulated in the amount of 660 medium density available units. The applicant's request for 12 medium density units can be accommodated.

The request of 12 units does not require any zoning change. The property is zone R-C-P, Residential, Commercial and Professional, which allows multi-family residences. The project site has a General Plan land use designation of Mixed Use Corridor (MUC). The proposed project is consistent with the existing General Plan designation of Mixed Use Corridor (MUC) and the proposed density of 20 units per acre is within the MUC density range of 7.1-20 dwelling units per acre. The Planning Commission recommended conditions as part of this project call for subsequent development plan review of various specific details of the project to insure quality and compatibility with the surrounding area (e.g. landscape plans, elevations, fencing, walls, public lane surfaces).

FISCAL IMPACT: Not applicable.

FUNDING AVAILABLE: Not applicable.

Konradt Bartlam
Community Development Director

KB/IB

Attachment:
1. Aerial Map
2. Vicinity Map
3. General Plan Map
4. Planning Commission Staff Report with attachments
5. Planning Commission Resolution
6. Planning Commission minutes of August **8,2012**
7. Draft Resolution

Aerial Map

Legend

Landmarks
- ARCH
- CITYBUILDINGS
- CITYHALL
- COURT
- DOGPARK
- FIRESTATIONS
- HIGH SCHOOLS
- HOSPITALS
- LIBRARY
- LND-MRKS
- PARKS
- POLICE
- POST OFFICE
- SCHOOLS
- SKATEPARK
- SOFTBALL
- STADIUM
- THEATRE
- TRAIN

Address
Railroads
Street Names
Parcels (Outline)
City Limits
2008 Apr 6 inch
- Red: Band_1
- Green: Band_2
- Blue: Band_3

Map Scale

1:2,367

394 0 197 394 Feet

NAD_1983_StatePlane_California_III_FIPS_0403_Feet

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This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.

THIS MAP IS NOT TO BE USED FOR NAVIGATION

Notes

For Reference Only

Vicinity Map

Legend

- Project Site
- Parks
- City Limit

550 0 275 550Feet

NAD_1983_StatePlane_California_III_FIPS_0403_Feet

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Notes

2110 Tienda Drive
(APN: 027-410-19)
Lodi, CA 95242

General Plan Map

Legend

General Plan

- (all other values)
- Business Park
- Commercial
- Downtown Mixed Use
- High Density Residential
- Industrial
- Low Density Residential
- Medium Density Residential
- Mixed Use Center
- Mixed Use Corridor
- Office
- Open Space
- Public/Quasi-Public
- Right of Way
- Urban Reserve
- Water

Landmarks

- ARCH
- CITYBUILDINGS
- CITYHALL
- COURT
- DOGPARK
- FIRESTATIONS
- HIGH SCHOOLS
- HOSPITALS
- LIBRARY
- LNDMRKS
- PARKS
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Notes

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CITY OF LODI
PLANNING COMMISSION
Staff Report

MEETING DATE: August 8, 2012

APPLICATION NOS: 12-GM-01

REQUEST: Request for Planning Commission to Recommend to the City Council to approve Growth Management Allocations to permit and construct 12 residential units at 2110 Tienda Drive. (Applicant: John Giannoni; File No: 12-GM-01)

LOCATION: 2110 Tienda Drive
(APN: 027-410-19)
Lodi, CA 95242

APPLICANT: John Giannoni
2111 W. Kettleman Lane, Suite D
Lodi, CA 95242

PROPERTY OWNER: John and Kerry Giannoni
2960 Applewood Drive
Lodi, CA 95242

RECOMMENDATION

Staff recommends that the Planning Commission approve the request of John Giannoni recommending that the City Council award 12 medium density growth management allocation units (12-GM-01), subject to the conditions in the attached resolution.

PROJECT/AREA DESCRIPTION

General Plan Designation Mixed Use Corridor
Zoning Designation R-C-P, Residential, Commercial and Professional
Project Size 0.81 acre (35,284 sq. ft)

	ADJACENT ZONING DESIGNATIONS AND LAND USES		
	GENERAL PLAN	ZONING CLASSIFICATION	EXISTING LAND USE
North	Low Density Residential	R-2, Single Family Res.	Residential uses
South	Mixed Use Corridor	R-C-P, Residential, Commercial, Professional	Office Use
East	Mixed Use Corridor	R-C-P, Residential Commercial, Professional	Church
West	Mixed Use Corridor	R-C-P, Residential, Commercial, Professional	Recently constructed duplexes

SUMMARY

The proposed project would permit the construction of 12 medium density residential units on .81-acre parcel located on Tienda Drive, one block north of W. Kettleman Lane. Per the City's Growth Management Ordinance, residential construction development of 5 or more units must secure Growth Management allocations. The property is a fully improved vacant lot and allows residential development units up to 35 dwelling units per acre. The area surrounding the project site is fully developed with a variety of single and multi-family residences and office/institutional uses.

BACKGROUND

The Planning Department received one residential growth management application for the year 2012. This is the first growth management application received since 2006. There are three other separate projects that were granted allocations in 2006 by the City Council through the use of Development Agreements that grant multi-year allocations that began in 2007. These projects are Reynolds Ranch, Southwest Gateway and Westside developments. The latter two projects are seeking to dissolve their Development Agreements. In the event the Development Agreements are dissolved, their growth allocations would be void and each project would have to submit a growth management application going forward.

The proposed development, known as The Villas at Sunwest, is consistent with the General Plan land use designation for the project site. The project includes a total of 12 attached single-family residential lots ranging from 3,092 to over 4,392 square feet in size. The project is located on approximately 0.81 acre (35,284 sq. ft) bounded generally by Tienda Drive on the north and an office development on the south, with Kettleman Lane located just south of the project site. The site is vacant lot with most off-off site improvements, including utility lines, have been installed.

ANALYSIS

The City Council adopted the Growth Management Allocation Ordinance (GMAO) in 1991 to regulate the growth, location, amount and timing of residential developments in the City. The GMAO applies to any new residential development project dwelling that adds five (5) or more new housing stock to the City. The GMAO does not regulate non-residential development, senior citizen housing, residential remodels or additions, or demolition and construction of new homes on the same site. Second residential units, condominium conversions and special care/senior facilities are also exempt. The GMAO allocation award is based on a competitive permit allocation system with points given based on site specific resource protection measures.

The allocation system gives priority through point assignments to projects that reduce impacts on services, infrastructure, and resources. The ordinance sets an annual growth limit of 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 447 units available for 2012:

1. Calculate two percent of the City's current population: 62,825 x 2% = 1,257.
2. Divide 1,257 by the average number of persons per household 1,257/2.812 = 447
3. Divide the 474 units into the 3 housing types:

   65% low density = 290 units
   10% medium density = 45 units
   25% high density = 112 units

As indicated above in the background discussion, the present project is being reviewed for growth management allocations for 2012. There are also three projects that received allocations through Developments Agreements (Southwest Gateway, Westside and Reynolds Ranch development). Southwest Gateway and Westside are entirely residential development of various densities and types. The Reynolds Ranch project is a mixed-use development with various types and densities of residential development. Southwest Gateway and Westside projects are on-hold due to the economy and no allocation has been utilized. Extensive commercial development activities have occurred at the Reynolds Ranch project. The residential component of the project has not begun and no allocation has been utilized.

The applicant, Mr. Giannoni, has submitted application for a total of 12 medium density growth management allocation units (8-20 units/acre). There are 45 medium density allocation units allocated for 2012; however, the City also has medium density growth management units that were not issued in

prior years as shown in Table A below, which leaves a "bank of units" from previous years. The 45 medium density allocations available for 2012 will are sufficient to provide for the proposed project.

Table A: Growth Management Allocation History

Density	Available Allocations				
	Scheduled from 1989-2012	**Granted from 1989-2011**	**Remaining from 1989-2011**	**2%Allocations for 2012**	**Total Available for 2012**
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High (20.1-30)	2,557	0[a]	2,452	112	2,564
TOTAL	**10,228**	**3,331**	**6,549**	**447**	**4,278**

[a] There have been high density allocations granted over the past 20 years; however, they have expired or withdrawn prior to issuance of building permits.

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 proposed 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. Since this is the only allocation request submitted, and there is surplus of inventory accumulated over the years, scoring methodology wasn't performed as it was unnecessary.

Growth Management Allocation Recommendation

The proposed project site is located in In-fill location. The project is in an area that is fully developed with residential and office/commercial uses. The surrounding uses are suitable and consistent with the type of development proposed by the applicant. For these reasons, staff recommends approval of the request for 12 medium density growth management allocation units for the project subject to the conditions outlined in the attached resolution. It should be noted that securing the 12 growth management allocations does not guarantee that this number of units can be built. The applicant must still demonstrate, via SPARC review process, they can build a 12-unit project that meets all City development and design requirements. Pursuant to City Code § 17.81.030, residential building proposed to be erected in the R-C-P Zoning District are subject to SPARC review and approval. Staff has proposed a condition requiring the applicant submit a detailed development plan showing exact dimensions and building details.

General Plan and Zoning Conformance

The request of 12-units does not require any zoning change. The property is zone R-C-P, Residential, Commercial and Professional, which allows multi-family residences. The project site has a General Plan land use designation of Mixed Use Corridor (MUC). The proposed project is consistent with the existing General Plan designation of Mixed Use Corridor (MUC) and the proposed density of 20-units per acre is within the MUC 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 12 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 (SPARC application) 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.

The development plan shows 12 townhouse units arranged in two rows facing each other. Each unit will have 1,710 square feet of living space on two floors with half the units having an attached 400 square foot two-car garage and the rest having a one-car garage and one-car uncovered parking space adjacent to the units. Access to the property will be from a driveway from Tienda Drive 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 plan illustrates a property lines separating each unit and also forming a common facilities such as roofs, driveway, etc. Detailed site analyses and review will be performed when the applicant submits a SPARC/Development plan review application.

The City Council has final action on the requests for Growth Management Allocations; however, all growth management applications 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 the Planning Commission recommend approval of the Growth Management Allocation application (12-GM-01) to permit 12 growth management allocation units.. Because the City hasn't had growth management allocation requests since 2006, surplus allocation has been accumulated in the amount of 660 medium density available units. The applicant's request for 12 medium density units can be accommodated.

ENVIRONMENTAL ASSESMENT

The 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 July 27, 2012 in the Lodi News Sentinel. Twenty eight (28) public hearing notices were sent to all property owners of record within a 300-foot radius of the subject property.

ALTERNATIVE PLANNING COMMISSION ACTIONS

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

Respectfully Submitted,

Immanuel Bereket
Associate Planner

Concurred by:

Konradt Bartlam
Community Development Director

ATTACHMENTS:

1. Vicinity Map
2. Aerial Photo
3. Site Plan
4. Growth Management Table
5. Draft Resolution for Growth Management Allocations

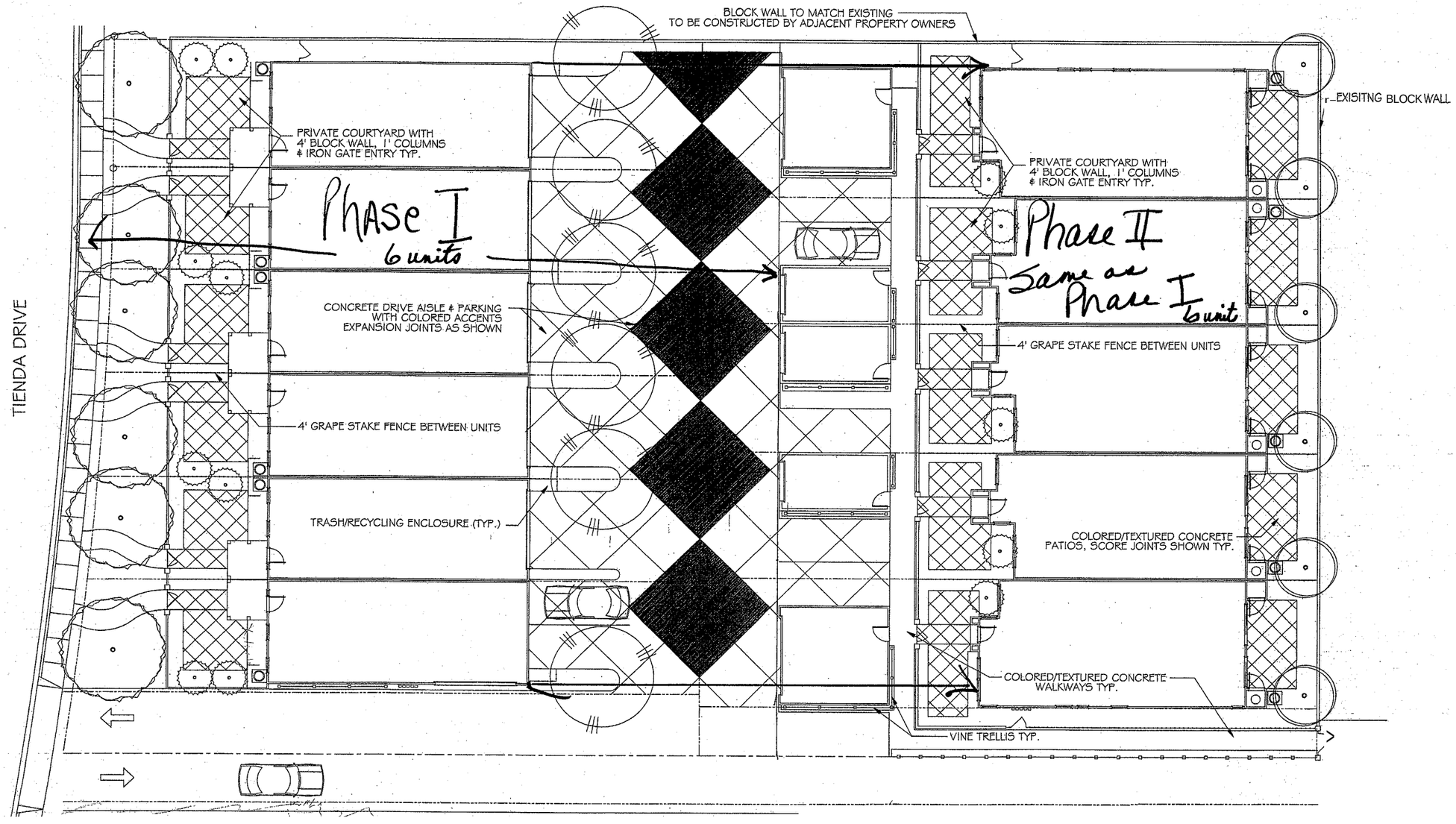
Welcome to
The Villas@Sunwest
A Community by Giannoni Development

FRONT ELEVATION

SCALE: 1/4"=1'-0"

THE VILLAS AT SUNWEST
SUNWEST - TIENDA DRIVE
CITY OF LODI, CALIFORNIA

UNIT "C"



PRELIMINARY PLANT LEGEND

Symbol	Size	Botanical Name	Common Name	Quantity
TREES				
	15 Gal	Lagerstroemia indica	Crape Myrtle	
	15 Gal	Pistachia chinensis	Chinese Pistachie	
	15 Gal	Pyrus c 'Krauter Vesuvius'	Flowering Pear	
	15 Gal	Ulmus parvifolia	Chinese Evergreen Elm	
SHRUBS				
	5 Gal	Abelia grandiflora	Glossy Abelia	
	5 Gal	Berberis t 'Atropurpurea'	Red-Leaied Japanese Barberry	
	5 Gal	Buxus japonicus	Japanese Boxwood	
	5 Gal	Coleonema p 'Sunset Gold'	Gold Breath of Heaven	
	5 Gal	Euonymus j 'Aureo-Marginata'	Gold Leafed Euonymus	
	5 Gal	Lavandula dentata	French lavender	
	5 Gal	Loropetalum 'Razzleberry'	Chinese Fringe Flower	
	5 Gal	Phormium t. 'Bronze Baby'	New Zealand Flax	
	5 Gal	Pittosporum t Wheelers Dwarf	Dwarf Tobira	
	5 Gal	Rhaphiolepis i 'Springtime'	India Hawthorn	
GROUNDCOVERS AND ACCENTS				
	1 Gal	Dietes vegeta	Fortnight Lily	
	1 Gal	Ficus pumila	Creeping Fig	
	1 Gal	Gazania hybrid (clumping)	Clumping Gazania	
	1 Gal	Hemerocallis 'Stella de Oro'	Day Lily	
	1 Gal	Myoporum parvifolium	Myoporum	
	1 Gal	Solanum jasminoides	Potato Vine	
	1 Gal	Trachelospermum jasminoides	Star Jasmine	

THE VILLAS AT SUNWEST

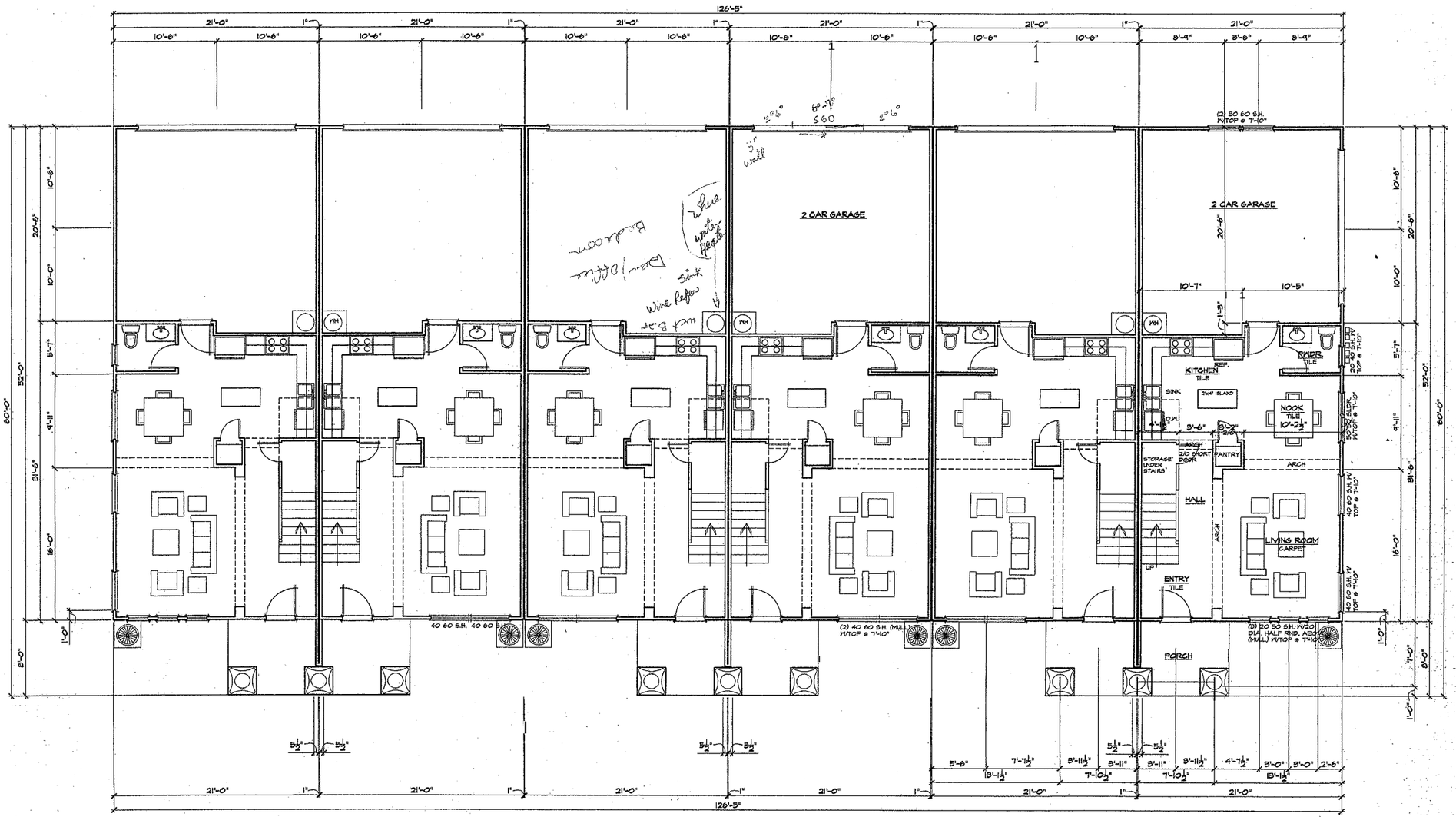
PRELIMINARY LANDSCAPE PLAN

A COMMUNITY BY GIANNONI DEVELOPMENT
211 W. KETTLEMAN LANE SUITE D, LODI, CA 95242
209.570.8700

SCALE 1" = 10'

MARCH 2, 2010

PDG DESIGN GROUP LANDSCAPE ARCHITECTURE
95241
209.368.9456(f)



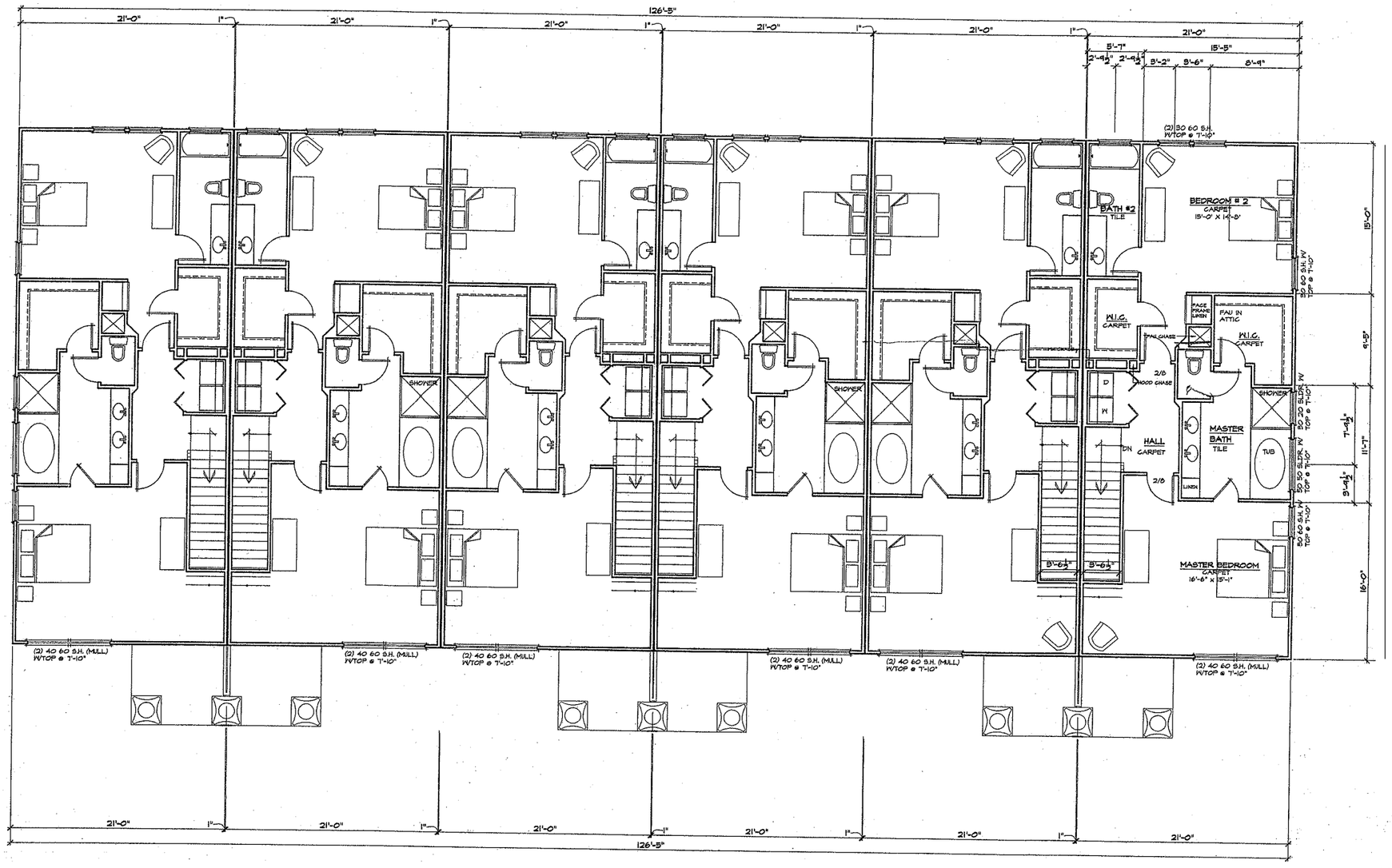
FIRST FLOOR PLAN

SCALE: 1/4" = 1'-0"

UNIT "C"

649 SQ. FT.

Giannoni Dev.



SECOND FLOOR PLAN

SCALE: 1/4" = 1'-0"

UNIT "C"
1061 SQ. FT.
1710 SQ. FT. - TOTAL

Giannoni Dev.

Year	Population	% Actual Growth	102% Pop. projection	Persons/ Household	Total units per year	Single Fam.@ 65%	Med density @ 10%	High Density @ 25%
** Sep-89	50,991		1,020	2.795	397	258	40	99
Sep-90	52,011	2.00%	1,040	2.806	404	263	40	101
Sep-91	53,051	2.00%	1,061	2.817	403	262	40	101
Jan-92	53,186	0.25%	1,064	2.828	399	259	40	100
Jan-93	53,701	0.97%	1,074	2.839	401	261	40	100
Jan-94	53,903	0.38%	1,078	2.850	402	261	40	101
Jan-95	54,694	1.47%	1,094	2.861	406	264	41	102
Jan-96	54,473	-0.40%	1,089	2.872	409	266	41	102
Jan-97	54,812	0.62%	1,096	2.883	412	268	41	103
Jan-98	55,681	1.59%	1,114	2.894	415	270	42	104
Jan-99	56,926	2.24%	1,139	2.905	423	275	42	106
Jan-00	57,935	1.77%	1,159	2.916	428	278	43	107
Jan-01	58,600	1.15%	1,172	2.927	432	281	43	108
Jan-02	59,431	1.42%	1,189	2.938	433	282	43	108
Jan-03	60,521	1.83%	1,210	2.949	437	284	44	109
Jan-04	60,769	0.41%	1,215	2.959	440	286	44	110
Jan-05	62,467	2.79%	1,249	2.970	448	291	45	112
Jan-06	62,817	0.56%	1,256	2.789	419	272	42	105
Jan-07	62,820	0.00%	1,256	2.790	450	293	45	113
Jan-08	63,362	0.86%	1,267	2.792	454	295	45	113
Jan-09	63,313	-0.08%	1,266	2.745	461	300	46	115
Jan-10	63,549	0.37%	1,271	2.762	460	299	46	115
Jan-11	62,344	-1.90%	1,247	2.791	447	290	45	112
Jan-12	62,825	0.77%	1,257	2.812	447	290	45	112
				TOTALS TO 2012:	**10,228**	**6,648**	**1,023**	**2,557**

CITY COUNCIL AWARDED BUILDING PERMIT ALLOCATIONS 1989-PRESENT

TOTAL RESIDENTIAL UNITS (1989 TO 2012) = 10,228

SINGLE FAMILY (10,228*65%)=6,648

Available Single Family Residences for allocation 6,648.20

PROJECT	1989	1990	1991	1992	1993	1994	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	ALLOCATION TOTALS
ALMOND WOOD ESTATES	0	0	0	0	0	0	0	0	0	0	0	0	74	0	0	0	0	0	0	0	0	0	0	0	74
ALMOND NORTH	0	0	0	0	0	0	0	0	0	0	0	0	0	0	34	0	0	0	0	0	0	0	0	0	34
BANG'S RANCH	34	35	35	0	0	19	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	123
BECKMAN PROPERTY	0	0	0	0	0	0	0	0	0	0	0	46	0	0	0	0	0	0	0	0	0	0	0	0	46
BRIDGETOWN	0	0	0	0	0	0	53	51	36	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	140
CENTURY MEADOWS 1	16	16	16	0	0	0	52	55	45	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	200
CENTURY MEADOWS 2	25	26	25	0	29	0	0	0	60	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	165
CENTURY MEADOWS 3	24	24	25	0	29	0	51	50	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	203
CENTURY MEADOWS 4	29	29	29	33	0	0	0	0	0	0	17	0	0	0	0	0	0	0	0	0	0	0	0	0	137
COLVIN RANCH	20	20	20	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	60
FUGAZI BROTHERS	0	0	0	0	5	0	0	0	0	-5	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
JOHNSON RANCH 2	43	43	43	44	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	173
KENNETH TATE	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	6	0	0	0	0	0	0	0	0	6
KIRST PROPERTY	0	0	0	0	0	0	0	0	0	0	0	0	0	0	6	0	0	0	0	0	0	0	0	0	6
LEGACY ESTATES 2	0	0	0	0	0	0	0	0	0	0	0	0	0	0	141	0	0	0	0	0	0	0	0	0	141
LODI ESTATES	6	7	6	46	0	35	0	0	0	-100	0	0	0	0	0	0		0	0	0	0	0	0	0	0
LODI WEST	26	27	27	80	55	69	0	0	53	41	0	0	0	0	0	0	0	0	0	0	0	0	0	0	378
LUCKEY/LACKYARD	0	0	0	0	0	0	0	0	0	0	0	0	77	0	0	0	0	0	0	0	0	0	0	0	77
MILLSBRIDGE 2	0	0	0	0	0	0	0	0	0	0	0	0	0	0	28	0	0	0	0	0	0	0	0	0	28
PARISIS PROPERTY	0	0	0	0	0	0	39	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	39
PERLEGOS PROPERTY	0	0	0	0	0	0	0	0	0	0	0	57	0	0	0	0	0	0	0	0	0	0	0	0	57
PROF. CONSTRUCTORS INC.	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	7	0	0	0	0	0	0	0	0	7
RICHARDS RANCH ***	0	0	0	0	34	0	0	15	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	49
RIVERPOINTE	0	0	0	0	0	44	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	44
SASAKI PROPERTY	0	0	0	0	0	0	0	0	0	60	0	0	0	0	0	0	0	0	0	0	0	0	0	0	60
SUNWEST XIV	0	0	0	0	0	0	0	31	36	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	67
THAYER PROPERTY	0	0	0	0	0	0	34	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	34
TSUTAOKA PROPERTY	0	0	0	0	0	0	0	63	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	63
TOWNE RANCH	35	36	36	56	52	151	37	0	6	6	0	0	0	0	0	0	0	0	0	0	0	0	0	0	415
VINTAGE OAKS	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	15	0	0	0	0	0	0	0	0	15
VINTNER'S SQUARE	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	52	0	0	0	0	0	0	0	0	52
	258	263	262	259	204	318	266	265	236	2	17	103	151	0	209	80	0	0	0	0	0	0	0	0	2,893

EXPIRED

MEDIUM DENSITY

MEDIUM DENSITY (10,228*10%) = 1,023

Available Medium Density Residences for allocation					**1,022.80**																				**ALLOCATION**
PROJECT	1989	1990	1991	1992	1993	1994	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	TOTALS
BANG'S RANCH **	18	18	0	0	0	-36	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
BRIDGEHAVEN	22	22	6	0	0	0	0	0	0	-50	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
CLUFF, LLC	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	11	0	0	0	0	0	0	0	0	11
LALAZAR ESTATES	0	0	0	0	0	0	0	0	0	0	0	0	0	0	9	0	0	0	0	0	0	0	0	0	9
LODI ESTATES **	0	0	22	0	0	-22	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
LODI WEST *	0	0	0	0	57	0	0	0	0	-57	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
MILLS AVENUE TOWN HOMES	0	0	0	0	0	0	0	0	0	0	0	0	0	0	12	19	0	0	0	0	0	0	0	0	31
NEUSCHAFFER PROPERTY ***	0	0	0	0	0	0	0	0	0	0	0	0	0	0	80	0	0	0	0	0	0	0	0	0	80
SASAKI PROPERTY	0	0	0	0	0	0	0	0	100	3	0	0	0	0	0	0	0	0	0	0	0	0	0	0	103
SUNWEST GARDEN	0	0	0	0	0	0	0	0	18	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	18
WINCHESTER WOODS	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	8	0	0	0	0	0	0	0	0	8
WINE & ROSES HOMES	0	0	0	0	0	0	0	0	0	0	0	0	0	0	31	0	0	0	0	0	0	0	0	0	31
WOODHAVEN PARK	0	0	0	0	75	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	75
MILLER RANCH DEV.	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	65	0	0	0	0	0	0	0	65
Kathy Haring (Muir Wood)	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	7	0	0	0	0	0	7
Taj Khan	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	19	0	0	0	0	0	19
	40	40	28	0	132	-58	0	0	118	-104	0	0	0	0	132	38	65	0	26	0	0	0	0	0	438

* In '93 the Planning Commission awarded 40, 1994 medium density allocations to the Lodi West project.

** The Bangs Ranch and Lodi Estates projects each were awarded single family allocations in place of their medium density allocations.

*** The Neuschaffer Property project was awarded 154 allocations in 2003 but only used 80 leaving a balance of 74.

**** The Miller Ranch Development project was awarded 65 allocations in 2005 (45 from the 2005 schedule and 20 from unused allocations from previous years)

HIGH DENSITY

MEDIUM DENSITY (10,259*25%) = 2,557

Available High Density Residences for allocation					**2557**																				**ALLOCATION**
PROJECT	1989	1990	1991	1992	1993	1994	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	TOTALS
BENNETT & COMPTON	99	45	0	0	-144	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	99	45	0	0	-144	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0

* The Bennett and Compton project was awarded 75 medium density allocations under the project name of Woodhaven Park.

EXPIRED

Blue Sheet

Item 3a

RECEIVED

AUG 01 2012

COMMUNITY DEVELOPMENT DEPT
CITY OF LODI

July 30,2012

Community Development Director

P O BOX 3006

Lodi, CA 95241

RE: GIANNONI 12 unit residential Proposal, File No: 12-GM-01

Dear Sirs:

As homeowners in one of the nicest neighborhoods in Lodi we are asking that you NOT consider the above proposal.

We are AGAINST the idea that Mr. Giannoni build at the end of our street a multi- unit. Not only will it increase traffic and noise but the quality of the neighborhood will be impacted by this proposal. It is our opinion that the quality of his build projects are not always to our standard.

Why not continue to maintain the quality of this area in an upscale way rather than down grading it? We understand development for our town and as Roget Park develops and the proposed future cottages for seniors, we can continue to have that quality neighborhood without a 12 unit apartment!

Respectfully submitted,

John and Vicki Fitzhugh

John and Vicki Fitzhugh

1239 Salzburg Lane

Lodi, CA 95242

Blue sheet Item 3a

Kari Chadwick

From: Rad Bartlam
Sent: Wednesday, August 08,2012 9:29 AM
To: Susan Lake; dmakin@kochmembrane.com
cc: Kari Chadwick; Immanuel Bereket
Subject: RE: Wednesday Planning Commission Meeting

Dave,

First, I did not have a conversation with your wife regarding this project. I did see her at the Rotary meeting this past Monday. She stated that she opposed the project. I did not reply.

The public hearing notices are twofold as required by State law. We advertise in the Lodi News Sentinel a minimum of 10 days prior to the hearing. We also send a notice to all property owners within 300 feet of the subject parcel. I have not made the calculation as to the distance your property is from the site, but will today. I know for a fact others in your neighborhood have received this notice as we have received calls about the project.

The proposal before the Planning Commission tonight is to recommend approval of a Growth Management Allocation for 12 residential units. The Planning Commission's recommendation is to the City Council. This is the required first step in developing a residential project of more than five units pursuant to the City's long standing growth management program. The Planning Commission action DOES NOT approve the project, design or any other potential requests. Those would need to occur after allocations have been granted. For this project, a SPARC application will be required which would consider the design of the project including site, parking, setbacks, colors and materials. I would not expect this to occur until late this calendar year or early next assuming the City Council grants the allocation and the applicant moves forward with the project. Additionally, the applicant has made it clear to staff that he intends to propose a subdivision map in order to create lots in order to sell each unit. This Parcel Map could be entertained at the same time as a SPARC request.

Finally, I will provide this correspondence to the Planning Commission. They certainly have the ability to continue the request to a later date should they see fit to provide additional opportunity for public review. I would also note and encourage you and your neighbors to review the application personally either at the Community Development counter at City Hall or on-line at the City of Lodi web page.

Please do not hesitate to contact me if you have further questions/concerns.

Thanks,

Rad Bartlam
City Manager

-----Original Message-----
From: Susan Lake
Sent: Wed 8/8/2012 7:36 AM
To: Rad Bartlam
Subject: FW: Wednesday Planning Commission Meeting

From: Akin, David [mailto:dmakin@kochmembrane.com]
Sent: Wednesday, August 08, 2012 12:13 AM
To: Susan Lake
Cc: Brenda Akin
Subject: Wednesday Planning Commission Meeting

Over for Pg. 2

City Manager Bartlam;

Rad, I heard of a Planning Commission meeting to vote on a proposal for high density apartments located near my residence by way of a flyer on my doorstep Saturday. While Brenda, my wife, told me she had talked to you and you stated it had been posted it the Sentinel "several weeks ago", may I remind you that not all of us read the Sentinel on a daily basis, nor pay attention to the City announcements. I do read the paper, but I guess I am guilty of overlooking this announcement, as , apparently, many others did the same.

The point of this message is not to express opinion for or against this proposal, since I have not had time to do so, and I consider three working days not ample to be prepared to form an opinion, one way or another, especially when out of town for the week (Argentina). I realize you must proceed with the Planning Commission meeting Wednesday, but I do not know if it is an agenda item for discussion or vote. If it is an action item calling for a vote, I respectively ask that the vote be postponed until the next scheduled or special meeting so that further study of the project and preparation can be made by me and many others that did not see any announcement in the newspaper.

One further note; the last time an issue of this consequence came to home owners in this neighborhood with a stake in the outcome, we received a formal letter from the City notifying us well in advance of a meeting (Roget Park). Why was this not repeated on this occasion? Please allow the neighborhood to respond when all facts are known and proper opinions formed by postponing a vote.

Regards-

David M. Akin

(408) 888-2125

dmakin@kochmembrane.com

David M. Akin

Food and Life Sciences

Koch Membrane Systems

Phone: (408) 888-2125; Fax (209) 333-8115

dmakin@kochmembrane.com

www.kochmembrane.com

RESOLUTION NO. P.C. 12-14

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LODI RECOMMENDING TO THE CITY COUNCIL THE APPROVAL OF THE REQUEST OF MR. JOHN GIANNONI FOR 12 MEDIUM DENSITY RESIDENTIAL GROWTH MANAGEMENT UNITS AT 2110 TIENDA 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, on May 31,2012, the City of Lodi received an application from Mr. John Giannoni for Growth Management Allocations to permit and construct 12 dwelling units at 2110 Tienda Drive; and

WHEREAS, the project proponent is Mr. John Giannoni 2111 West Kettieman Lane, Suite D, Lodi, CA 95242; and

WHEREAS, property owners of record are John and Kerry Giannoni, 2960 Applewood Drive, Lodi, CA, 95242; and

WHEREAS, the project site is at 2110 Tienda Drive, Lodi, CA 95242 (APN: 027-410-19); and

WHEREAS, the City General Plan 2010 designates the project site as Mixed Use Corridor; and

WHEREAS, the City's Municipal Code classifies the project as R-C-P, Residential, Commercial and Professional Zoning District; and

WHEREAS, the General Plan land use designation of Mixed Use Corridor and R-C-P Zoning District permit residential development density range of 7.1-20 dwelling units per acre; and

WHEREAS, the request is for approval of 12 Medium Density Residential Growth Management Allocations for a 12-unit, proposed as a two-phased project; and

WHEREAS, as required by the Lodi Municipal Code Section 17.81.030 (A), future developments and construction plans shall be reviewed and approved by the Planning Commission and, if necessary, by Site Plan and Architectural Review Committee prior to the issuance of a building permit; and

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

NOW BE IT FOUND, as follows, by the Planning Commission of the City of Lodi, based on the entirety of the record before it, which includes without limitation, the staff report, project file, written and oral testimony, makes the following findings:

1. The required public hearing by the Planning Commission was duly advertised and held in a manner prescribed by law.
2. 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.
3. 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, shall

conform to the standards and improvements mandated by the City of Lodi Public Works Department Standards and Specifications, and Zoning Ordinance.

4. 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.

5. 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.

6. The proposal is compatible with surrounding developments, zoning and land uses.

7. The site is suitable for the type of development proposed by the project in that the site can be served by all public utilities and creates design solutions for storm water, traffic and air quality issues.

8. The design of the proposed project and type of improvements are not likely to cause serious public health problems in that all public improvements will be built per City standards and all private improvements will be built per the California Building Code.

9. The design of the proposed project and type of improvements are not likely to cause serious public health problems in that all public improvements will be built per City standards and all private improvements will be built per the California Building Code.

10. The project allows for the orderly development of Lodi in that the Land Use and Growth Management Element calls for the development of the site at a density of 7.1 to 20.0 dwelling units per acre and the allocation of units proposed sets a density of **8.2** dwelling units per acre.

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

12. No new impacts were identified in the public testimonies that were not addressed as normal conditions of project approval.

NOW, THEREFORE, BE IT DETERMINED AND RESOLVED, by the Planning Commission of the City of Lodi hereby recommends that the City Council award Mr. John Giannoni **12** medium density growth management allocation units, subject to the following development conditions and standards:

1. The property owner and/or developer and/or successors in interest and management shall, at their sole expense, defend, indemnify and hold harmless fhe City of Lodi, its agents, officers, directors and employees, from and against all claims, actions, damages, losses, or expenses of every type and description, including but not limited to payment of attorneys' fees and costs, by reason of, or arising out of, this development approval. The obligation to defend, indemnify and hold harmless shall include, but is not limited to, any action to arbitrate, attack, review, set aside, void or annul this development approval on any grounds whatsoever. The City of Codi shall promptly notify the developer of any such claim, action, or proceeding and shall cooperate fully in the defense.

2. This recommendation for approval by the Planning Commission shall not constitute an authorization to begin any construction. The proposed residential development plan shall be submitted for Planning Commission/SPARC review and approval. The said plan shall 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.

3. The property owner and/or developer and/or successors in interest and management shall submit for approval by the City all required condominium map and related documents to create legal parcels.

4. All applicable state statutes, and local ordinances, including all applicable Building and Fire Code requirements for hazardous materials shall apply to the project. In an event of a conflict, the strictest law or regulation shall apply.

5. Any fees due the City of Lodi for processing this project shall be paid to the City within thirty (30) calendar days of final action by the approval authority. Failure to pay such outstanding fees within the time specified shall invalidate any approval or conditional approval granted. No permits, site work, or other actions authorized by this action shall be processed by the City, nor permitted, authorized or commenced until all outstanding fees are paid to the City.

6. No variance from any City of Lodi adopted code, policy or specification is granted or implied by this approval.

Dated: August **8,2012**

I certify that Resolution No. 12-14 was passed and adopted by the Planning Commission of the City of Lodi at a regular meeting held on August ***8,*** 2012 by the following vote:

AYES:	Commissioners:	Cummins. Hennecke, Jones, and Chair Olson
NOES:	Commissioners:	Heinitz and Kiser
ABSENT:	Commissioners:	Kirsten

ATTEST_____

Secretary, Planning Commission

LODI PLANNING COMMISSION
REGULAR COMMISSION MEETING
CARNEGIE FORUM, 305 WEST PINE STREET
WEDNESDAY, AUGUST 8, 2012

1. CALL TO ORDER / ROLL CALL

The Regular Planning Commission meeting of August 8, 2012, was called to order by Chair Olson at 7:00 p.m.

Present: Planning Commissioners – Cummins, Heinitz, Hennecke, Jones, Kirsten, Kiser, and Chair Olson

Absent: Planning Commissioners – Kirsten (arrived at 8:08 pm)

Also Present: Community Development Director Konradt Bartlam, Associate Planner Immanuel Bereket, City Attorney Stephen Schwabauer, and Administrative Secretary Kari Chadwick

2. MINUTES

"July 11, 2012"

MOTION / VOTE:

The Planning Commission, on motion of Commissioner Kiser, Hennecke second, approved the Minutes of July 11, 2012 as written. (Commissioners Cummins and Jones abstain because they were not in attendance of the subject meeting)

3. PUBLIC HEARINGS

Chair Olson announced that Item 3c will be heard first due to the amount if interest that has been expressed for the other two items.

a) Notice thereof having been published according to law, an affidavit of which publication is on file in the Community Development Department, Chair Olson called for the public hearing to consider the request for Planning Commission to recommend to the City Council to Approve Growth Management Allocations to Permit and Construct 12 Residential Units at 2110 Tienda Drive. (Applicant: John Giannoni; File No: 12-GM-01)

Associate Planner Bereket gave a brief PowerPoint presentation based on the staff report. Staff recommends approval of the request for the Planning Commission to recommend that the City Council approve twelve Growth Management Allocations.

Commissioner Hennecke asked how long that parcel has been zoned R-C-P. Director Bartlam stated that it has had that zoning since its annexation more than fifteen years ago.

Commissioner Heinitz asked if this parcel was already approved for nine units. Director Bartlam stated that that is correct.

Commissioner Kiser asked if these are going to be built as condominiums or apartments. Director Bartlam stated that is a good question for the applicant. The applicant has indicated that he will be submitting a tentative map and splitting the units to be sold individually.

Hearing Opened to the Public

- John Giannoni Jr., applicant, came forward to answer questions. Mr. Giannoni stated that the plan will be to build twelve townhouses that will be for owner occupied. This is

going to be a PD not a PUD. There will not be any carports involved with the site plan. The plan is to have a piazza in the middle.

- Commissioner Heinitz asked Mr. Gianonni to explain what a PD and PUD are. Mr. Gianonni stated that this plan is a PD because of the individual lots. There will not be any shared walls involved in the dwelling units. All common areas will be on the exterior.
- Commissioner Kiser asked if the units will be built with zero lot lines and how the maintenance agreements for the common areas will work. Mr. Gianonni stated that the CC&R's that will regulate the common areas have already been drafted.
- Loel Flemmer, Lodi resident, came forward to object to the density twelve allocations would cause. He does not think that the project will live up to the current standards of the neighborhood, based on what has been submitted at this time.
- Roger Barker, Lodi resident, came forward to object to the number of allocations. Mr. Barker stated that twelve units are too many for this parcel. He also feels that there are many safety issues associated with the proposed project. He feels that a second driveway would help to alleviate the safety hazards with the dead end driveway that splits the units. Anything that is built should be of equal or higher standard than what is currently in the neighborhood.
- Commissioner Hennecke stated that the Commission's focus tonight has nothing to do with what the exterior is going to look like and encouraged Mr. Barker to return to the Commission when the development plans are brought forward.
- Commissioner Kiser asked if the Fire Department has looked at this to determine if twelve units can fit on the property and allow safety equipment to access the rear units. He is concern about approving twelve units if there will be a safety issue. Mr. Bartlam stated that twelve units are not being approved with this application. Twelve allocations are being approved. The applicant will need to come back with development and SPARC plans and show that twelve units will work on the property before the building of the dwelling units can move forward to the next step. These are the plans that Fire as well as the other departments will review and then those comments will be brought before the Commission for approval.
- Mr. Barker asked why allocate twelve units if you don't know if they will fit.
- Fred Baker, Lodi resident, came forward to object to the number of allocations. Mr. Baker stated that he was in support of the original nine units that was approved for this parcel and would like to see only nine units allocated. Commissioner Heinitz asked if there was a lot line adjustment to accommodate his project next door to this parcel. Mr. Baker stated that the original plan had nine units on each side of the private driveway and they were mirror images of each other. The plan for the west parcel then changed to have only eight units, four duplexes, on four parcels.
- Suzanne Burns, Lodi resident, came forward to object to the project. Ms. Burns does not believe that this project will have a positive impact on the neighborhood.
- Brenda Akin, Lodi resident, came forward to object to the number of allocations. Safety for the seniors and children in this neighborhood are Ms Akin's major concerns. The traffic is already busy and would like to see a traffic report done and distributed to the neighborhood.

<u>Public Portion of Hearing Closed</u>

- Commissioner Heinitz stated that this has been looked at before with nine allocations and it was going to be a tight fit then. Now trying to fit twelve units on the same if not smaller parcel is relevant.

- Commissioner Cummins asked for the definition of Medium Density. Director Bartlam stated that the definition according to the General Plan is eight to twenty units per acre. The property as proposed with twelve units comes in at about 9.2 units per acre. Cummins stated that Tienda has always been a busy street and will not be anything but a busy street.
- Commissioner Kiser stated that this has been looked at before and doesn't want to keep adding to a problem such as traffic if it isn't necessary.
- Chair Olson asked for clarification on the allocation process being a maximum of twelve then the applicant goes back to his office and draws it and then brings it back for approval. Director Bartlam stated that that is correct. It has been six years since staff and the Commission have been through the Growth Management Allocation process. He stated that if this were an application for twelve single family lots to be allocated the Commission wouldn't see the development plan until early next year. Bartlam stated that there are a number of projects that have been given more allocations than they needed or used.
- Commissioner Hennecke stated his appreciation for the fact that someone is expressing a desire to build something. He also added that the applicant will still have to bring the actual development plan back to staff for review, then the Commission will get another look at it and if it doesn't look right at that time it can still be denied.
- Director Bartlam stated that 660 allocations exist, there is no competition for the units and he is the only application in for this year, there is no reason why he should not be able to move forward to the next level.

MOTION / VOTE:
The Planning Commission, on motion of Commissioner Jones, Hennecke second, approved the request of the Planning Commission to recommend to the City Council to Approve Growth Management Allocations to Permit and Construct 12 Residential Units at 2110 Tienda Drive subject to the conditions in the resolution. The motion carried by the following vote:

Ayes:	Commissioners –	Cummins, Hennecke, Jones, and Chair Olson
Noes:	Commissioners –	Kiser and Heinitz
Absent:	Commissioners -	Kirsten

The Chair called for a short break 7:53 pm
The meeting was called back to order 7:58 pm

b) Notice thereof having been published according to law, an affidavit of which publication is on file in the Community Development Department, Chair Olson called for the public hearing to consider the request of the Planning Commission for a Use Permit and a SPARC Review to Allow Development of a Gas Station with 8-Dispenser Canopy, 3,078 Square Foot Convenience Store with sale of beer and wine (Type-20), and a drive through carwash facility on a .94-acre site located at 255 East Harney Lane. (Applicant: Peter Tobin, on behalf of Hardev Singh Gill; File Number: 12-U-06 and 12-SP-02)

Vice Chair Kirsten joined the Commission meeting (8:08pm).

Associate Planner Bereket gave a brief PowerPoint presentation based on the staff report. Staff recommends approval of the project.

Commissioners Jones, Hennecke, and Kirsten all disclosed that they spoke with the applicant prior to the meeting.

Commissioner Jones asked if this Use Permit is approved tonight does it include all of the conditions that were outlined in the staff report and in the staff presentation. Mr. Bereket stated that it does.

Hearing Opened to the Public

- Peter Tobin, applicant, came forward to answer questions.

- Chair Olson asked if this is a standard plan. Mr. Tobin stated that the general layout is a nice size allowing for a lot of buffering and the architecture is a bit more detailed than a normal standard plan for this type of project.

- Ken Dharni, owner, came forward to answer questions.

- Connie Ibarra, Lodi resident, came forward to express her concerns regarding the project. Ms. Ibarra is concerned with the extra noise over and above the noise that can already be heard from Harney Lane. She would like to know where the trash bins will be kept. How bright will the lights be and will they shine into her yard? Where will the traffic be flowing in and out of the property? She wanted to know which neighbors' staff spoke to? Ms. Ibarra would like to be able to use her back yard without smelling trash and fuel fumes.

- Commissioner Hennecke asked if Commissioners are following the proper procedure when making their disclosures. City Attorney Schwabauer stated that the Commissioners should be disclosing that the meeting took place and then any material items presented in that meeting that are pertinent to making a decision on the project. Hennecke disclosed that he was shown the design plans for the project. Schwabauer stated that if they were the same plans as presented tonight then there isn't a problem, but if they were different then you would need to disclose the differences.

- Vice Chair Kirsten disclosed that he and the applicant discussed the feed back that the applicant had been getting from the neighbors.

- Vice Chair Kirsten asked Ms. Ibarra if she has seen the site plan. Ms. Ibarra stated that she has not. Kirsten stated that one can be provided for her tonight. Mr. Bartlam pointed out on the site plan from the PowerPoint slide Ms. Ibarra's residence in relation to the project site and he added that of all the parcels adjacent to the project her residence will have the most buffering.

- Chair Olson asked if this is the final look at this project. Mr. Bartlam stated that all approvals are included with application before the Planning Commission tonight. The next step will be for the applicant to submit the plans to the Building Division for review and approval.

- Ms Ibarra would like to know the hours of operation. Mr. Bartlam stated that the store will operate 24 hours except for the car wash which will be from 7am to 7pm. Ibarra asked if there was someone local to contact if there are any problems. Chair Olson stated that that information can be gotten from the applicant. Commissioner Kiser added that the lighting and noise concerns are just two of the items that are being addressed by the Commission tonight. The impact to the surrounding neighborhood is a great concern to the Commission. Olson added that there is always recourse for bringing the item back to the Commission if there are concerns that are not being addressed by the property owner.

- Richard Karsting, Lodi resident, came forward to object to this type of project for this parcel. Mr. Karsting is concerned that his renters will not want to rent near this type of use and he will lose the home. He would like the Commission to put themselves in the

position of living near the proposed project with the car wash and vehicle vacuums. Commissioner Cummins asked for clarification on weather or not Mr. Karsting was told about the commercial development when purchasing the property. Mr. Karsting stated that he was told that the development was supposed to be a little strip mall with shops. Commissioner Hennecke stated that he has lived near this type of development and the recourse is to complain if they are not following the guidelines set out for the approval.

- Terry Tarditi, owner of the Montessori School on Stockton Street, came forward to object to the selling of alcohol within 200 feet of the school. He would like the Commission to consider not allowing the sale of alcohol and tobacco.

- Vice Chair Kirsten asked the City Attorney if he needs to recues himself from this item due to the personal nature of his association with Mr. Tarditi. Mr. Schwabauer stated that Commissioner Kirsten would only need to recues himself if there is a financial relationship between him and Mr. Tarditi.

- Terry Tarditi stated that all the paperwork has been approved for the school to re-open.

- Commissioner Kiser asked if there are any restrictions for the sale of alcohol near a school. Mr. Bartlam stated that there are no restrictions for off-sale alcohol licenses. There are restrictions for on-site consumption such as bars, nightclubs, and lounges.

- Fred Ergonis, potential owner of the Montessori School, came forward to object to the project. Has there been any consideration or mitigations regarding the school. Considerations for the residential neighborhood have been made. He does not believe that this is the right use for that location. The school will have 130 students starting Monday, August 13, 2012. This is a tobacco and beer store. There is the potential for the store to get robbed and that will put all the students and staff at the school in danger.

- Commissioner Hennecke asked if this school location has a valid use permit. Mr. Bartlam stated that a use permit was issued in about 2003. Hennecke asked if it was valid. Bartlam stated that he will need to look into it and added that staff may not have been aware that the school was closed. Hennecke asked if the school would then have trouble revalidating their use permit with the proximity to the sale of tobacco and alcohol. Mr. Bartlam stated that there are no restrictions for the proximity of the sale of tobacco and alcohol and the school. Mr. Bartlam added that back when the original application for the school came before City Staff Mr. Tarditi was cautioned that this is an industrial area.

- Commissioner Cummins asked if Mr. Ergonis was concerned with the attendance if this project is approved. Mr. Ergonis stated that he is concerned for the safety of the children that attend the school.

- Vice Chair Kirsten stated that there isn't a proximity issue. The Commission is here to apply the code within the boundaries that they are given. Mr. Ergonis stated that staff did a study for the lighting and noise and how it would impact the residential neighborhood did anyone do a study to see how this type of project would affect the school. Kirsten stated that there isn't anything in the application from a planning standpoint that would require the Commission to consider an impact on the school.

- Commissioner Kiser asked Mr. Bartlam if there is a valid use permit for the school. Mr. Bartlam stated that he would research it as soon as possible.

- Chair Olson stated that this parcel has been zoned for this type of use for some time. This is not a new zoning designation. Mr. Bartlam stated that it was a part of the original development plan when it was annexed. The eight foot wall was part of the

development because the property has always been zoned as C-1, General Commercial. In 2004 the same type of use was approved for this parcel. Olson asked what the recourses are for Mr. Ergonis if this is approved and the applicant is not operating under the guidelines of the use permit approvals. Mr. Bartlam stated that the Use Permit can be re-opened should there be any issues regarding alcohol. The issues will need to be brought to the attention of staff before they can be acted on, so if Mr. Ergonis is experiencing any issues he is encouraged to report them.

- Lowell Flemmer came forward to state that his questions have been answered.

- Peter Tobin, came forward to introduce Paulo Bollard who did the noise study. Mr. Bollard stated that staff has done their due diligence and the noise from the vacuums will not be an issue.

- Richard Karsting asked if the outdoor vacuums will also be regulated to the 7 am to 7 pm time frame. Mr. Karsting would like to know when the carwash portion of the application was brought into the discussion. It was not a part of the original approvals for this site. Mr. Bartlam stated that there are two separate types of vacuums proposed on this site. One set in the car wash facility and the other set sits along Stockton Street and they will service the inside of the vehicles. The set along Stockton Street have not had any time regulations placed on them, but the Commission is welcome to address that if they wish.

- Pete Tobin came forward to say that the applicant is willing to limit the use of the out side vacuums from 7 am to 7 pm.

- Fred Ergonis came forward to clarify if this item was being voted on tonight without the follow-up to the question of whether or not his school's Use Permit is valid. Mr. Bartlam stated that it will have no bearing on the decision. Mr. Ergonis asked if the school complains about drinking on site what is the threshold required to bring it back to the Commission for further review. Mr. Bartlam stated that condition number six of the resolution covers the items that Mr. Ergonis is concerned about; condition number seven limits the advertising and visibility of alcohol to the public right-of-way; and condition number eight allows for periodic review by staff and or the Planning Commission based on the information that has been reported to either Planning Staff or the Police Department Staff. Ergonis asked about the threshold. Bartlam stated that there isn't a threshold. Staff will investigate the reports and if the reports violate the conditions of the Use Permit it can be brought back for review.

<u>Public Portion of Hearing Closed</u>

- Commissioner Heinitz stated that he understands the concerns expressed but this is not a new idea. There are several convenient stores within blocks of schools all around town.

- Vice Chair Kirsten stated his support for the project.

MOTION / VOTE:
The Planning Commission, on motion of Commissioner Kiser, Heinitz second, approved the request for a Use Permit and a SPARC Review to Allow Development of a Gas Station with 8-Dispenser Canopy, 3,078 Square Foot Convenience Store with sale of beer and wine (Type-20), and a drive through carwash facility on a .94-acre site located at 255 East Harney Lane subject to the conditions in the resolution with the amendment to condition number nine to include the time limitations on the outdoor vacuums. The motion carried by the following vote:

Ayes:	Commissioners –	Cummins, Heinitz, Hennecke, Jones, Kirsten, Kiser and Chair Olson
Noes:	Commissioners –	None
Absent:	Commissioners -	None

c) Notice thereof having been published according to law, an affidavit of which publication is on file in the Community Development Department, Chair Olson called for the public hearing to consider the request of the Planning Commission for a Use Permit to allow a Type 2 (Winery) Alcoholic Beverage Control license at 20 West Elm Street. (Applicant: Erin Taylor, on behalf of Riaza Wines, LLC; File Number: 12-U-11)

Item 3c was the first public hearing heard by the Commission at this meeting.

Associate Planner Bereket gave a brief PowerPoint presentation based on the staff report. Staff recommends approval of the project.

Hearing Opened to the Public

- Erin Taylor, applicants, came forward to answer any questions.

Public Portion of Hearing Closed

MOTION / VOTE:
The Planning Commission, on motion of Commissioner Kiser, Hennecke second, approved the request of the Planning Commission for a Use Permit to allow a Type 2 (Winery) Alcoholic Beverage Control license at 20 West Elm Street subject to the conditions in the resolution. The motion carried by the following vote:

Ayes:	Commissioners –	Cummins, Heinitz, Hennecke, Jones, Kiser and Chair Olson
Noes:	Commissioners –	None
Absent:	Commissioners -	Kirsten

4. PLANNING MATTERS/FOLLOW-UP ITEMS

None

5. ANNOUNCEMENTS AND CORRESPONDENCE

Director Bartlam wished our City Attorney, Steve Schwabauer a Happy Birthday.

6. ACTIONS OF THE CITY COUNCIL

Director Bartlam stated that there has been a memo provided in the packet and staff is available to answer any questions.

7. DEVELOPMENT CODE UPDATE

a. Staff presentation on the Draft Development Code Section 2, Commercial and Industrial Districts.

Director Bartlam gave a PowerPoint presentation based on the staff report.

Opened for Public Comment

- No comments made.

Closed to Public Comment

8. ACTIONS OF THE SITE PLAN AND ARCHITECTURAL REVIEW COMMITTEE

None

9. ART IN PUBLIC PLACES

None

10. COMMENTS BY THE PUBLIC

None

11. COMMENTS BY STAFF AND COMMISSIONERS

Director Bartlam congratulated Commissioners Kiser and Heinitz on being re-appointed to the Commission. He also added that the Supreme Court has decided not to take up the issue that was brought before them, so the Super Wal Mart project is moving forward. Kiser asked if there is a use for the old building. Bartlam stated that a tenant occupying the old building or the building being torn down is a condition for Wal Mart to occupy the new building.

Chair Olson stated that she has a concern over the way that the growth management allocations role over from year to year and she would like to have staff look at finding a way to limit the number of allocations that can be rolled over from year to year. She would like to have a discussion item brought back to the Commission in the near future.

12. ADJOURNMENT

There being no further business to come before the Planning Commission, the meeting was adjourned at 9:20 p.m.

ATTEST:

Konradt Bartlam
Planning Commission Secretary

RESOLUTION NO. 2012-162

A RESOLUTION OF THE CITY COUNCIL OF
THE CITY OF LODI APPROVING THE PLANNING
COMMISSION'S RECOMMENDATION FOR THE
2012 GROWTH MANAGEMENT ALLOCATIONS FOR
JOHN GIANNONI

==========

NOW, THEREFORE, BE IT RESOLVED that the Lodi City Council does hereby approve the 2012 Growth Management Allocation as recommended by the Lodi Planning Commission, as shown as follows:

	Requested 2012 Allocations	Approved 2012 Allocations
John Giannoni	12	9 Medium Density, 2110 Tienda Drive
TOTAL	12	9

Dated: October 3, 2012

==========

I hereby certify that Resolution No. 2012-162 was passed and adopted by the City Council of the City of Lodi in a regular meeting held October 3, 2012, by the following vote:

AYES: COUNCIL MEMBERS – Johnson, Nakanishi, and Mayor Mounce

NOES: COUNCIL MEMBERS – Hansen and Katzakian

ABSENT: COUNCIL MEMBERS – None

ABSTAIN: COUNCIL MEMBERS – None

RANDI JOHL

City Clerk

Growth Management Allocation Application

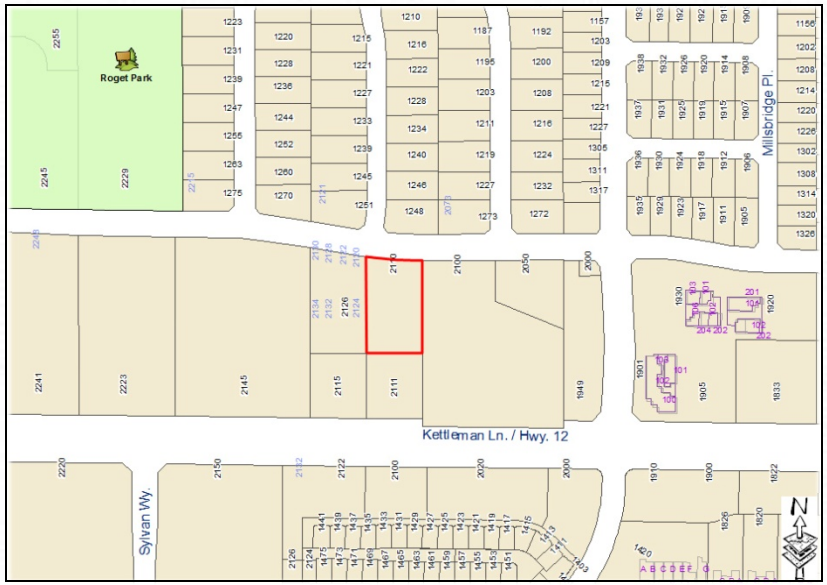
Applicant: John Giannoni
Application No.: 12-GM-01

Project Description

- Review Growth Management Allocation Application
  - 12 Units Residential Project
- No Development Plan Review
- No Parcel Map

Location

- Project Located at 2110 Tienda Drive
- Vacant
- Fully improved Lot
- 0.81 acre (35,284 sq. ft)
- Sufficient Lot size for development



General Plan Requirements

- General Plan Designation:
  - **MUC**, Mixed Use Corridor

- MUC:
  - General office, medical office
  - Commercial
  - Multi-family units
    - 7.1-35 du/ac
    - Maximum FAR 1.2

- Sufficient size

- No General Plan amendment

Growth Management Allocation Process

Growth Management Allocation Ordinance

- Adopted in 1991
- Based on competitive permit allocation system
  - In-fill prioritized
- Applies to new residential development project dwelling that adds five (5) or more units
- Does not apply to non-residential development, senior citizen housing, residential remodels or additions, or demolition and construction of new homes on the same site.
- Second residential units, condominium conversions and special care/senior facilities are also exempt.

Growth Management Allocation Process

- First application for Growth Management Application Since 2006
- 447 Medium Density Housing inventory available for use
  - Applicant requests 12 Medium Density allocations

Density	Available Allocations				
	Scheduled from 1989-2012	Granted from 1989-2011	Remaining from 1989-2011	2%Allocations for 2012	Total Available for 2012
Low (0.1-7)	6,648	2,893	3,482	290	3,772
Medium (7.1-20)	1,023	438	615	45	660
High (20.1-30)	2,557	0[a]	2,452	112	2,564
TOTAL	**10,228**	**3,331**	**6,549**	**447**	**4,278**

Planning Commission Action

Review of Growth Management Application

- Reviewed Application August 8, 2012
- Recommended to City Council to award 12 Medium Density Units

Planning Commission recommendations does NOT

- Authorize construction
- Constitute SPARC Review
- Parcel Map approval

Allocation Conditions

Development Plan Review

- SPARC application
  - Detailed development plan that shows the exact dimensions and building details
- Parcel Map Application

Development Plan/SPARC applications

- Must comply with design standards
  - Setback, height, lot coverage, parking etc.
- Demonstrate 12 units could be built

G-1

Jennifer Robison

From: Randi Johl
Sent: Tuesday, October 02,2012 11:56 **AM**
To: Jennifer Robison
Subject: FW: Opposition to Giannoni Request for 12 residential units at 2110 Tienda Drive, Lodi
Attachments: Letter to Lodi City re Giannoni Proposal.doc

Randi Johl, JD, MMC
City Clerk. City of Lodi
Legislative Director, California City Clerks Association
221 West Pine Street
Lodi. *California 95240*
(209) 333-6702 Telephone
(209) 333-6807 Facsimile

From: Fred Baker [mailto:afreduar@gmail.com]
Sent: Tuesday, October 02, 2012 11:42 AM
To: City Council
Subject: Opposition to Giannoni Request for 12 residential units at 2110 Tienda Drive, Lodi

Dear Mayor and Members of the City Council. Attached please find my letter which states the reasons for my opposition to the Resolution approving John Giannoni's request for 12 housing unit allocations. It is my request that you will use your discretion to deny his request and limit the number to 9, which was the number originally planned for the property when it was 1st approved. Should you have any questions or comments feel free to call or email me. Thank you,

A. Fred Baker
2375 Brittany Lane
Lodi, CA 95242
Telephone: (209) 333-2881
mailto:afreduar@gmail.com

CONFIDENTIALITY NOTICE: This e-mail transmission, and any documents, files or previous e-mail messages attached to it may contain confidential information that is legally privileged. If you are not the intended recipient, or a person responsible for delivering it to the intended recipient, any disclosure, copying, distribution or use of any of the information contained in or attached to this transmission is STRICTLY PROHIBITED. If you have received this transmission in error, please immediately notify us by reply e-mail and delete the original transmission and its attachments without reading or saving in any manner. Thank You.

A. Fred Baker
G. *Camy Baker*
2375 Brittany Lane
Lodi, California 95242
- -
Telephone: (209) 333-2881
Email: afreduar@gmail.com
October 2,2012

To: The Mayor and Member of the Lodi City Council

Re: Giannoni Request for 12 residential units – October 3, 2012

Dear Mayor and Members of the City Council:

I'm sorry that I will not be able to attend the Council hearing to be held October 3, 2012, to consider John Giannoni's request for 12 residential units (2 large buildings) to be built at 2110 Tienda Drive. John Giannoni said ant the Planning Commission that he intends to build and sell the 12 units.

As you may know, I built and own a duplex at 2128 and 2130 Tienda Drive next door to the subject property. I built this duplex circa 2008 when the zoning designation was R-GA and only allowed for **9** units on this property.

Originally, when Sunwest Unit 14 was developed, Mr. Giannoni and I each owned the adjoining mirror image properties where I built the duplex and now he intends to build 12 units. At that time, Mr. Giannoni and I developed mirror image plans for **9** single story units on each of our properties with entries and plenty of extra parking off of Tienda Drive. In the City's plans, the property had a density zoning of R-GA which would only allow for **9** units to be built on each of the properties.

Around 2008, the City planning staff suggested that I divide my property into 4 lots which would provide for lower density duplexes at 2128 & 2130 Tienda Drive, allow for space between each building, and provide attached two car garages for each. I currently have plans for similar duplexes on the remaining 3 lots.

Interestingly, at the time, Mr. Giannoni opposed my change of use even though it **lowered densities.**

Recently, Mr. Lloyd Karger and I met with Konradt Bartlam to review Mr. Giannoni's proposal and viewed the plans with the staff in the planning department.

Now, Mr. Giannoni is asking to take advantage of the recent update in the General Plan which allows increased densities on the properties. It appears he is asking to crowd the absolute maximum allowable units (12 units) with the **minimum number of parking** (2 per unit – no guest parking) he needs for the buildings. There also appears to be no common areas for residents or children to play.

And, as Mr. Giannoni stated to the planning commission, he intends to have **no homeowners association** for the management or upkeep of the property. That would mean that after Mr. Giannoni has sold the properties for whatever price, he will be gone and leave no one to manage or maintain the property. I do not believe this plan to be a good one.

I agree with the large number of neighbors who voiced their opposition at the Planning Commission that this plan will **negatively impact** and burden not only my property next door but the **neighborhood and Lodi in general.**

Thank you,

Fred Baker

Page 1 of 4

G-1 (12) 10/3/12

Petition to the City of Lodi from the Sunwest Community

Petition summary and background	PLEASE **DO** NOT APPROVE JOHN GIANNONI'S HOUSING UNIT ALLOCATION REQUEST
Action petitioned for	We, the undersigned, are concerned citizens who urge our leaders to act now to TURN DOWN JOHN GIANNONI'S REQUEST FOR HOUSING UNIT ALLOCATION at 2110 Tienda Drive FOR THE FOLLOWING REASONS: 1. There were at least 50 people in attendance at the Planning Commission's meeting opposing this matter – we cannot all speak against this matter; 2. When we purchased our homes we were promised Giannoni's property would be limited to Garden Apartment density; 3. A higher density project would barely accommodate **2** cars per unit parking off street; 4. There are no common area for the residents or their children to play; 4. At the Planning Commission John Giannoni said there would be no homeowner's association - so there would be no responsible governing authority for the project once Giannoni sells it off; 5. If John Giannoni's application is approved, it is foreseeable that the Baker property next door will also want to increase his densities which would also have a negative impact on the neighborhood;
City Council Meeting	October 3, 2012

Printed Name	Signature	Address	Comment	Date
L. KARGER	Lloyd Karger	1210 Salzburg Ln Lodi	OVER BUILDING THE LOT	10/2/12
W.D Emig	Wesley D Emig	2030 Bern Way Lodi		10/2/12
Sharon L. Emig	Sharon L. Emig	2030 Bern Way Lodi	NOT GOOD FOR THIS LOCATION	10/2/12
A.L. RANTZ	A.L. Rantz	1220 Heidelberg Way	Not Here	
CARLA ASHBAUGH	Carla Ashbaugh	1228 Heidelberg Way	parking	10/2/12
Dave + Sonja Rapin		1244 Heidelberg Way	object to expansion	10-3-12
Myrna L. Harris	Myrna L. Harris	1275 Heidelberg Way Lodi, CA		10/1/12

Printed Name	Signature	Address	Comment	Date
Linda Camper	Linda Camper	1263 Hielderberg		10/2/12
Carrie Whirlow	Carrie Whirlow	1255 Heidelberg		10/2/12
Doug Larsson	Doug Larsson	1239 Heidelberg		10/2/12
Eleanor Kinnke	Eleanor Kinnke	1247 Heidelberg		10/2/12
Ronald Winter	Ronald S. Winter	1223 Heidelberg Way		10.2.12
Violet Flemmer	Violet Flemmer	2031 Bern Way		10-2-12
Lowell Flemmer	L B Flemmer	2031 Bern Way		10-2-12
Brent Flemmer	Brent Flemmer	2023 Bern way		10-02-12
Sharon Flemmer	S Flemmer	2023 Bern Way		10-2-12
Dolores Prudhel	Dolores L. Prudhel	1202 Salzburg Lane		10-2-12
David Prudhel	David Prudhel	1202 Salzburg Ln.		10-2-12
Roger Barker	Roger Barker dCR	1234 Salzburg Ln		10-2-12
Steven Wood	S Wood	1216 Salzburg Ln		10-2-12
Pete Silvan	Pete Silvan	1228 Salzburg Ln		10-2-12
Bonnie Silvan	Bonnie Silvan	1228 Salzburg Lane		10-2-12
John Fitzhugh	John Fitzhugh	1239 Salzburg Lane		10-2-12

Printed Name		Address	Comment	Date
Hsiufen Chen	Hsiufen Chen	1195 Vienna Dr. Lodi, CA 95242		10/03/2012
Rod. Gaines	Rod Gaines	1187 VIENNA DR. Lod: 95242		10-3-12
John Tetz	[illegible]	1176 Vienna Dr.		10/3/12
DONNA Lilly	Donna Lilly	2019 Petersburg Way		10/3/12
Gina Rivers	Gina M. Rivers	2058 Petersburg Way		10/2/12
Shirtsie Beeskau	Shirtsie Beeskau	1121 Geneva Dr. Lodi		10/3/12
IRVIN R. BENDER	Irvin R. Bender	1116 GENEVA LN LODI		10/3/12
Debra Georgeson	[illegible]	1221 Salzburg Ln		10-3-12
RICHARD HENRICKSON	[illegible]	1233 SALZBURG LN		10-3-12
LILLI HENRICKSON	Lilli R. Henrickson	1233 SALZBURG LN		10-3-12

Printed Name	Signature	Address	Comment	Date
Vicki Fitzhugh	Vicki Fitzhugh	1239 Salzburg Ln		10/2/12
GLENN CLARKE		1215 SALZBURG LN		10/2/12
Cindy Clarke	C Clarke	1215 Salzburg Lane		10-2-12
Char Rostomily	Charlene M Rostomily	1211 Vienna Dr.		10-3-12
BOB & MARIA IYONO.	Bm Iyono	1208 VIENNA DR.	CONCERNS OF TRAFFIC, etc.	10-3-12

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 ADOPTING A RESOLUTION APPROVING THE PLANNING COMMISSION'S RECOMMENDATION FOR 2012 GROWTH MANAGEMENT ALLOCATIONS TO PERMIT AND CONSTRUCT 12 RESIDENTIAL UNITS AT 2110 TIENDA DRIVE**

PUBLISH DATE: **SATURDAY, SEPTEMBER 22,2012**

LEGAL AD

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

SEND AFFIDAVIT AND BILL TO:
LNS ACCT. #0510052

RANDI JOHL, CITY CLERK
City of Lodi
P.O. Box 3006
Lodi, CA 95241-1910

DATED: THURSDAY, SEPTEMBER 20,2012

ORDERED BY: RANDI JOHL
CITY CLERK

Jennifer M. Robison

JENNIFER M ROBISON, CMC
ASSISTANT CITY CLERK

MARIA BECERRA
ADMINISTRATIVE CLERK

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

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

forms\advins.doc

DECLARATION OF POSTING

PUBLIC HEARING TO CONSIDER ADOPTING RESOLUTION APPROVING PLANNING COMMISSION'S RECOMMENDATION FOR 2012 GROWTH MANAGEMENT ALLOCATIONS TO PERMIT AND CONSTRUCT 12 RESIDENTIAL UNITS AT 2110 TIENDA DRIVE

On Thursday, September 20, 2012, in the City of Lodi, San Joaquin County, California, a Notice of Public Hearing to consider adopting a resolution approving the Planning Commission's recommendation for 2012 Growth Management Allocations to permit and construct 12 residential units at 2110 Tienda Drive (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 September 20, 2012, at Lodi, California.

ORDERED BY:

RANDI JOHL
CITY CLERK

Jennifer M Robison

JENNIFER M. ROBISON, CMC
ASSISTANT CITY CLERK

MARIA BECERRA
ADMINISTRATIVE CLERK

N:\Administration\CLERK\Forms\DECPOSTCDD.DOC

DECLARATION OF MAILING

PUBLIC HEARING TO CONSIDER ADOPTING RESOLUTION APPROVING PLANNING COMMISSION'S RECOMMENDATION FOR 2012 GROWTH MANAGEMENT ALLOCATIONS TO PERMIT AND CONSTRUCT 12 RESIDENTIAL UNITS AT 2110 TIENDA DRIVE

On Thursday, September 20, 2012, 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 Notice of Public Hearing to consider adopting a resolution approving the Planning Commission's recommendation for 2012 Growth Management Allocations to permit and construct 12 residential units at 2110 Tienda Drive, 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 September 20, 2012, at Lodi, California.

ORDERED BY:

RANDI JOHL
CITY CLERK, CITY OF LODI

JENNIFER M. ROBISON, CMC
ASSISTANT CITY CLERK

MARIA BECERRA
ADMINISTRATIVE CLERK

CITY OF LODI

Carnegie Forum
305 West Pine Street, Lodi

NOTICE OF PUBLIC HEARING
NOTICE OF PUBLIC HEARING

Date: October 3, 2012

Time: 7:00 p.m.
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, October 3, 2012,** 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 the following item:

a) Resolution approving the Planning Commission's recommendation for 2012 Growth Management Allocations to permit and construct 12 residential units at 2110 Tienda Drive.

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: September 19,2012

Approved as to form:

D. Stephen Schwabauer
City Attorney

EXHIBIT B

APN	OWNER NAME	CARE OF	OWNER STREET	OWNER CITY	OWNER STATE	OWNER ZIP5
2739001	BAKER, A FRED & G CAMY		2375 BRITTANY LN	LODI	CA	95242
2739002	BAKER, A FRED & G CAMY		2375 BRITTANY LN	LODI	CA	95242
2739003	BAKER, A FRED & G CAMY		2375 BRITTANY LN	LODI	CA	95242
2739004	BAKER, A FRED & G CAMY		2375 BRITTANY LN	LODI	CA	95242
2739005	ARCHIBALD, HELEN TR		10711 THORNTON RD	STOCKTON	CA	95209
2739030	THOMAS, MICHAEL V & SUSAN A		1252 HEIDELBERG	LODI	CA	95242
2739031	VANDERLANS, GERALD J TR		PO BOX 1771	WOODBRIDGE	CA	95258
2739033	FERNANDEZ, RAMON & TRACY TR		1245 SALZBURG LN	LODI	CA	95242
2739034	FITZHUGH, JOHN & VICKI L TR		1239 SALZBURG LN	LODI	CA	95242
2739040	BARKER, ROGER M & LINDA TR		1234 SALZBURG LN	LODI	CA	95242
2739041	HASHIMOTO, WESLEY K & ALENE T		1240 SALZBURG LN	LODI	CA	95242
2739042	WALL, NANCY JOANNE TR ETAL	MICHAEL G GALLAHAN	1246 SALZBURG LN	LODI	CA	95242
2739043	VERA, DAVID R & RACHEL G		1227 VIENNA DR	LODI	CA	95242
2739044	EDDY, DOUGLAS E & HOLLI K TR		1219 VIENNA DR	LODI	CA	95242
2739060	SMITH, JONATHAN R & ALYSIA M		1232 VIENNA DR	LODI	CA	95242
2741017	LODI RETIREMENT RESIDENCE LLC		PO BOX 130477	DALLAS	TX	75313
2741018	BRITTANY LLC		2375 BRITTANY LN	LODI	CA	95242
2741019	GIANNONI, JOHN M JR & KERRY M		2960 APPLEWOOD DR	LODI	CA	95242
2741020	BRITTANY LLC		2375 BRITTANY LN	LODI	CA	95242
2741021	GIANNONI, JOHN M JR & KERRY		2960 APPLEWOOD DR	LODI	CA	95242
2741022	CHURCH OF GOD 7TH DAY OF LODI		2100 TIENDA DR	LODI	CA	95242
2741023	SEVERSON, CLARENCE C & LUELLA		2050 TIENDA DR	LODI	CA	95242
5816078	MICHAEL, DAVID J & PAMELA J TR		6255 RAYMOND CT	STOCKTON	CA	95212
5816083	WRIGHT, GARLAND & RUTH TR ETAL		2100 W KETTLEMAN LN	LODI	CA	95242
5816089	2122 32 KETTLEMEN LANE LLC	BLR COMMERCIA	2423 W MARCH LN STE 202	STOCKTON	CA	95207