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REPORTS OF THE
CITY MANAGER

Agenda item K-1 - "Appeal of Mr. Dennis Jones regarding sidewalk installation at 1020 Woodrow Street, Lodi", was introduced by Public Works Director Ronsko.

REGULAR CALENDAR

APPEAL RE SIDE-
WALK INSTALLATION
AT 1020 WOODROW
STREET, LODI

Council was advised that on December 6, 1984, River City Pools applied for a permit to construct a pool at 1020 Lloyd Street for Mr. and Mrs. Dennis Jones. The pool was valued at \$12,900, and since it was over \$12,500, was referred to the Public Works Department for evaluation under Sec. 5-19 et seq of the Lodi Municipal Code.

After determining that City sidewalk would be required under the code and discussing the matter with Mr. Jones, we researched other similar single family projects and determined that they have either made the necessary installation or deposited sufficient funds with the City to guarantee the future installation... This was explained to Mr. Jones, and he was given the same options.

A building permit was issued on December 21, 1984, on the basis that Mr. Jones would probably appeal the requirement, and should he lose the appeal, he would install the necessary sidewalk prior to completion and use of the pool.

The area is generally zoned R-2. At the present time, the closest sidewalk is three parcels north, a distance of approximately 135 feet. Installation would not require any plant removal other than lawn, and does not appear to adversely affect either the Jones parcel or the home on either side.

Mr. Jones was in the audience and spoke on behalf of his appeal. Council discussion followed with questions being directed to Staff and to Mr. Jones.

On motion of Council Member Reid. Hinchman second, Council denied the appeal of Mr. Jones regarding a sidewalk installation at 1020 Woodrow Street, Lodi; however, allowed Mr. Jones the option of depositing with the City the amount of money such an installation would cost; thereby allowing the City to make such a sidewalk installation on the subject parcel, when it deems it is appropriate to do so.



CITY OF LODI

PUBLIC WORKS DEPARTMENT

COUNCIL COMMUNICATION

TO: City Council
FROM: City Manager
DATE: January 30, 1985
SUBJECT: 1020 Woodrow Street
Sidewalk Appeal Background Information

On December 6, 1984, River City Pools applied for a permit to construct a pool at 1020 Lloyd Street for Mr. and Mrs. Dennis Jones. The pool was valued at \$12,900, and since it was over \$12,500, was referred to the Public Works Department for evaluation under Sec. 5-19 et seq of the Lodi Municipal Code, copy attached.

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Jack L. Ronsko
Public Works Director

Attachment

JLR/cag

APPROVED:

HENRY A. GLAVES, City Manager

FILE NO.

Article V. Off-site Improvements and Dedications.

Sec. 5-19. Purpose.

The purpose of this article is to set forth requirements for the installation of nonexistent or inadequate nonconforming public off-site improvements and the dedication of public rights-of-way and easements as a condition to the issuance of a building permit or development approval in order to protect and improve the public's safety, convenience and general welfare. (Ord. No. 1142, § 2.)

Sec. 5-20. Definitions.

For the purpose of this article, the following words and phrases shall have the meanings respectfully ascribed to them by this section:

"Development" means all residential, commercial and industrial construction or remodeling, as well as developments of public agencies, including but not limited to on-site parking facilities, open storage areas, and other similar improvements which may or may not require a building permit.

"Off-site improvement" means all publicly owned facilities that are or will be located in the public right-of-way which typically include, but are not limited to, curbs, gutters, sidewalks, street paving, storm drains, water mains, sewer lines, fire hydrants, electrical facilities, street lights and landscaping. (Ord. No. 1142, § 3.)

Sec. 5-21. Development must comply.

No building permit shall be issued for a development nor shall an on-site parking facility, open storage area or other similar improvement be created or constructed within the city unless compliance is made with the public off-site improvements and dedication requirements set forth in this article. (Ord. No. 1142, § 4.)

Sec. 5-22. Exceptions and deferments.

(a) The requirements of section 5-21 shall not apply if the cost of development within any twelve-month period is determined by the public works director to be less than ten thousand dollars.

This amount shall be adjusted by the public works director on July 1st of each year based upon the change of the U.S. Average Engineering News-Record Building Cost Index, using the following formula:

$$\text{Amount} = \$10,000 \times \frac{\text{ENR Index for June}}{1936 \text{ (ENR Index for June 1980)}}$$

and that the amount shall be rounded to the nearest one hundred dollars.

(b) The city may defer compliance with the requirements of section 5-21 if the public works director determines that it would be in the best interest of the city to cause all or a portion of the work to be done on an area-wide basis; provided, that the property owner enters into an agreement with the city agreeing that the property owner will undertake and start the construction of the required improvements within ninety days after notice is given by the city. The agreement shall further provide that in the event of default in undertaking and completing the required improvements within the time specified, the city may cause such work to be done and the cost thereof to be assessed as a lien against the property. Such agreement shall also be considered as a covenant running with the land and shall be recorded in order to constitute notice to any prospective buyer of such property. The city manager is authorized to execute such an agreement for and on behalf of the city. (Ord. No. 1142, § 5; Ord. No. 1205, § 1.)

Sec. 5-23. Off-site improvement requirements.

The off-site improvements required for all developments under this article are as follows:

(a) Curb, gutter, sidewalk, driveways and street improvements shall be installed fronting all portions of the developer's property being developed which fronts upon a public street or future public street. Said improvements shall be in accordance with the then current city policies and city standards.

(b) Water, sewer, storm drains, and landscaping shall be installed in accordance with the then current city policies and city standards.

(c) Electrical facilities and street lights shall be installed in accordance with plans prepared and approved by the city utility department.

(d) Plans showing the off-site improvements shall be prepared by a registered civil engineer unless waived by the public works director.

(e) The installation of off-site improvements within existing public right-of-way requires an encroachment permit from the city.

(f) If off-site improvements exist that do not meet existing city standards or are inadequate or a hazard to the general public, then these off-site improvements shall be reconstructed to current city standards.

(g) No occupancy permit shall be issued or utility connections made unless the required off-site improvements and dedications have been completed and approved. (Ord. No. 1142, § 6.)

Sec. 5-24. Standard dedications.

The public right-of-way and easement dedications required under this article shall be in conformance with the then current city design standards and adopted specific plans. The required dedications shall be made prior to the issuance of a building permit or allowing the development to proceed. (Ord. No. 1142, § 7.)

Sec. 5-25. Guarantee and permit issuance.

Any person required to construct off-site improvements under this article shall either complete same to city specifications or shall guarantee such completion by furnishing to the city, prior to the issuance of a building permit, or allowing a development to proceed, a surety bond, instrument of credit, or cash in the amount of the development's construction cost. (Ord. No. 1142, § 8.)

Sec. 5-26. Inspection and approval.

Off-site improvements required under this article are subject to the inspection and approval of the public works director. (Ord. No. 1142, § 9.)

Sec. 5-27. Fees.

The then current applicable development fees must be paid prior to the issuance of a building permit, or allowing a development to proceed to cover the following:

- (a) Master storm drainage acreage fee;
- (b) In-tract storm drainage acreage fee;
- (c) Engineering fee;
- (d) Other established development fees. (Ord. No. 1142, § 10.)

Sec. 5-28. Appeal.

Any person required to make improvements or dedications under this article may appeal any decision of the public works director to the city council. Such appeals shall be in writing and shall be filed with the city clerk within fifteen days of the date notice of the decision is made.

The city council shall hold a hearing on the appeal within thirty days of the date on which the appeal was filed. The city clerk shall send written notice of the hearing to the appellant at least seven days prior to the date of the hearing. The determination of the city council shall be considered as final. (Ord. No. 1142, § 11.)