



**CITY OF LODI
COUNCIL COMMUNICATION**

AGENDA TITLE: Ordinance No. 1877 Entitled, "An Uncodified Ordinance of the City Council of the City of Lodi Revising the Growth Management Ordinance by Expiring Unused Allocations and Suspending the Application Schedule Set Forth in Resolution No. 2006-141 Through December 31, 2019"

MEETING DATE: June 5, 2013

PREPARED BY: City Clerk

RECOMMENDED ACTION: Motion waiving reading in full and (following reading by title) adopting the attached Ordinance No. 1877.

BACKGROUND INFORMATION: Ordinance No. 1877 entitled, "An Uncodified Ordinance of the City Council of the City of Lodi Revising the Growth Management Ordinance by Expiring Unused Allocations and Suspending the Application Schedule Set Forth in Resolution No. 2006-141 Through December 31, 2019," was introduced at the regular City Council meeting of May 15, 2013.

ADOPTION: With the exception of urgency ordinances, no ordinance may be passed within five days of its introduction. Two readings are therefore required – one to introduce and a second to adopt the ordinance. Ordinances may only be passed at a regular meeting or at an adjourned regular meeting; except for urgency ordinances, ordinances may not be passed at a special meeting. *Id.* All ordinances must be read in full either at the time of introduction or at the time of passage, unless a regular motion waiving further reading is adopted by a majority of all council persons present. **Cal. Gov't Code § 36934.**

Ordinances take effect 30 days after their final passage. **Cal. Gov't Code § 36937.**
This ordinance has been approved as to form by the City Attorney.

FISCAL IMPACT: None.

FUNDING AVAILABLE: None required.



Randi Johl
City Clerk

RJ/jmr
Attachment

APPROVED: 

Konradt Bartlam, City Manager

ORDINANCE NO. 1877

AN UNCODIFIED ORDINANCE OF THE CITY COUNCIL OF THE
CITY OF LODI REVISING THE GROWTH MANAGEMENT
ORDINANCE BY EXPIRING UNUSED ALLOCATIONS AND
SUSPENDING THE APPLICATION SCHEDULE SET FORTH IN
RESOLUTION NO. 2006-141 THROUGH DECEMBER 31, 2019

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WHEREAS, the Lodi City Council adopted Ordinance No. 1521 in 1991 establishing a Growth Management Plan for residential development within the City of Lodi; and

WHEREAS, the Ordinance sets an annual growth limit of two percent of the City's population, compounded annually, and once the amount of allocation units are figured, the City requires that the allocation of units be distributed among housing types as follows: 65 percent low density, 10 percent medium density, and 25 percent high density; and

WHEREAS, with nearly 7,000 unallocated units, there is nearly double the amount allocated during the initial 23 years of the program; and

WHEREAS, staff's recommendation is to expire the allocations that have been added since 2008, and that this be done across two of the three density categories with High Density Residential taking the majority; and

WHEREAS, staff recommends that the following allocations be eliminated, leaving a balance of 4,634:

- 800 Low Density; and
- 1,435 High Density allocations; and

WHEREAS, Resolution No. 2006-141 sets forth an application schedule for developers to apply for Growth Management Allocations; and

WHEREAS, the surplus of allocations will render the application schedule unnecessary through the life of the current Development Impact Mitigation Fee Program (December 31, 2019).

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LODI AS FOLLOWS:

SECTION 1.

- 1) That all allocations since 2008 be expired, eliminating the following allocations:
 - a) 800 Low Density; and
 - b) 1,435 High Density allocations; and

- 2) That the remaining balance of allocations (not including 2013 allocations which have yet to be calculated) be as follows:

a.	2,955 Low Density)	
b.	557 Medium Density)	4,634 Total Allocations
c.	1,122 High Density)	

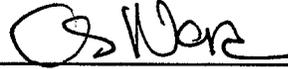
3) That the current application schedule set forth in Resolution No. 2006-141 be suspended until December 31, 2019.

SECTION 2. No Mandatory Duty of Care. This ordinance is not intended to and shall not be construed or given effect in a manner which imposes upon the City, or any officer or employee thereof, a mandatory duty of care towards persons or property within the City or outside of the City so as to provide a basis of civil liability for damages, except as otherwise imposed by law.

SECTION 3. Severability. If any provision of this ordinance or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application. To this end, the provisions of this ordinance are severable. The City Council hereby declares that it would have adopted this ordinance irrespective of the invalidity of any particular portion thereof.

SECTION 4. This uncodified ordinance shall be published one time in the "Lodi News-Sentinel," a daily newspaper of general circulation printed and published in the City of Lodi, and shall take effect 30 days from and after its passage and approval.

Approved this 5th day of June, 2013



ALAN NAKANISHI
Mayor

Attest:



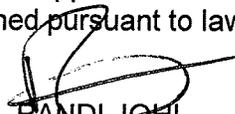
RANDI JOHL
City Clerk

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State of California
County of San Joaquin, ss.

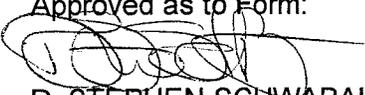
I, Randi Johl, City Clerk of the City of Lodi, do hereby certify that this uncodified Ordinance No. 1877 was introduced at a regular meeting of the City Council of the City of Lodi held May 15, 2013, and was thereafter passed, adopted, and ordered to print at a regular meeting of said Council held June 5, 2013, by the following vote:

- AYES: COUNCIL MEMBERS – Hansen, Johnson, Katzakian, Mounce, and Mayor Nakanishi
- NOES; COUNCIL MEMBERS – None
- ABSENT: COUNCIL MEMBERS – None
- ABSTAIN: COUNCIL MEMBERS – None

I further certify that Ordinance No. 1877 was approved and signed by the Mayor on the date of its passage and the same has been published pursuant to law.


RANDI JOHL
City Clerk

Approved as to Form:



D. STEPHEN SCHWABAUER
City Attorney