

CITY COUNCIL MEETING

AUGUST 19, 1981

CC-45(e)

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REQUEST TO DEFER
IMPROVEMENT
REQUIREMENTS,
615 SOUTH LOWER
SACRAMENTO ROAD,
LODI, GRANTED

A request from the firm of Dauber-Kikuchi, 433
W. Pine Street, Lodi, to defer improvement
requirements at 615 South Lower Sacramento Rd.,
Lodi, was presented for Council's consideration.

Following discussion with questions being directed
to Staff, Council, on motion of Councilman Katnich,
Pinkerton second, approved the request to defer
the subject improvements at 615 South Lower
Sacramento Road, Lodi.

DAUBER / KIKUCHI

LANDSCAPE ARCHITECTS • LAND PLANNERS

419 South Lee Avenue • Lodi, CA 95240 • (209) 369-5474

August 14, 1981

City Council
City of Lodi
221 West Pine Street
Lodi, CA 95240

RE: 16111 North Lower Sacramento Road, Lodi

Gentlemen:

This is a request on behalf of Dauber/Kikuchi Incorporated to ask for a waiver to defer installation of curb, gutter, sidewalk and off-site improvement at this time on our property located at 16111 North Lower Sacramento Road.

Presently our frontage has no contiguous connection with any other existing frontage improvements along Lower Sacramento Road and therefore would not affect traffic flow or the character along this side of the street.

We are more than willing to enter into an agreement with the City guaranteeing these improvements would be installed within a three (3) year period or prior to that time if City desires for their best interest or upon any further expansion of our property.

We would appreciate your consideration of our request and we understand that this request is not precedent setting and has been allowed in the past.

Respectfully submitted,



Dwight W. Dauber, A.I.L.A.
President, DKI

DWD/kas



CITY OF LODI

PUBLIC WORKS DEPARTMENT

COUNCIL COMMUNICATION

TO: City Council
FROM: City Manager
DATE: August 17, 1981
SUBJECT: Request to Defer Improvement Requirements
615 South Lower Sacramento Road

RECOMMENDED ACTION: That the City Council review the request from Dauber-Kikuchi and take appropriate action.

BACKGROUND INFORMATION: Attached is a letter from the firm of Dauber-Kikuchi outlining their request, as well as a copy of a letter sent them earlier this year indicating the requirements of the City.

Also attached is a copy of the City Code requiring the improvements and a drawing showing the relation of their property to other parcels in the area.

Jack L. Ronsko

Jack L. Ronsko
Public Works Director

Enclosures

JLR/eeh

APPROVED:

HENRY A. GLAVES, City Manager

FILE NO.

DAUBER / KIKUCHI

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Dwight W. Dauber, A.I.L.A.
President, DKI

DWD/kas

June 17, 1981

Dauber & Kikuchi
433 W. Pine Street
Lodi, CA 95240

Gentlemen

SUBJECT: 615 S. Lower Sacramento Road

This letter is confirmation of our discussion of June 15, 1981, regarding the proposed conversion of South Lower Sacramento Road to a commercial use, and includes the results of discussions held with the Public Works Director.

The following terms are or will be requirements of the Public Works Department based on standard City policies.

1. Dedication of 15 feet along Lower Sacramento Road - The specific plan calls for relinquishment of access, but since there is no alternative access, the present access will be approved until other access is available.
2. Construction of street improvements including curb, gutter, sidewalk, grading, paving, street lights and necessary drainage facilities.
2. Sanitary sewer is available on the east side of Lower Sacramento Road. You will be responsible for the cost of a tap into that line. Complete with boring, costs are expected to be in the neighborhood of \$ to \$ Abandonment of existing septic tank facilities will also be necessary.
3. Construction of an 8" water line along your frontage of Lower Sacramento Road and one-half the cost of the crossing of Lower Sacramento Road. It may be necessary for you to extend the line south to Tokay Street. If so, you can enter into a reimbursement agreement with the City to cover that portion of the line not fronting your property.

Offsite hydrants will be at your expense. I suggest you discuss your plan with the Fire Chief regarding any requirements for onsite fire protection.

4. Payment of storm drainage fees.- Present fees are \$1100 per gross acre for Intract Drainage and \$3040 for Master Drainage. Allowing credit for existing building, fees on the total parcel would be for 1.0 acre. It would also be necessary for you to construct a drainage basin to temporarily handle the drainage from your parcel as well as that portion of Lower Sacramento Road draining into the new curb and gutter. Onsite drains may be necessary.

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Dauber & Kikuchi
June 17, 1981
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5. Payment of Engineering fee of 3% of the estimated cost of offsite improvements - Since you have already contacted the Utility Department, I am sure you are aware of any of their requirements. It is suggested you also get in contact with Community Development and Building to determine any fees or requirements they may have.

Preliminary Investigation would indicate that all of the above facilities could be installed at this time, however, if you should elect to develop only a portion of the project as Phase 1, fees and construction would normally be required only for that portion being developed.

Should you have any questions concerning any of the requirements, contact me at any time.

Sincerely

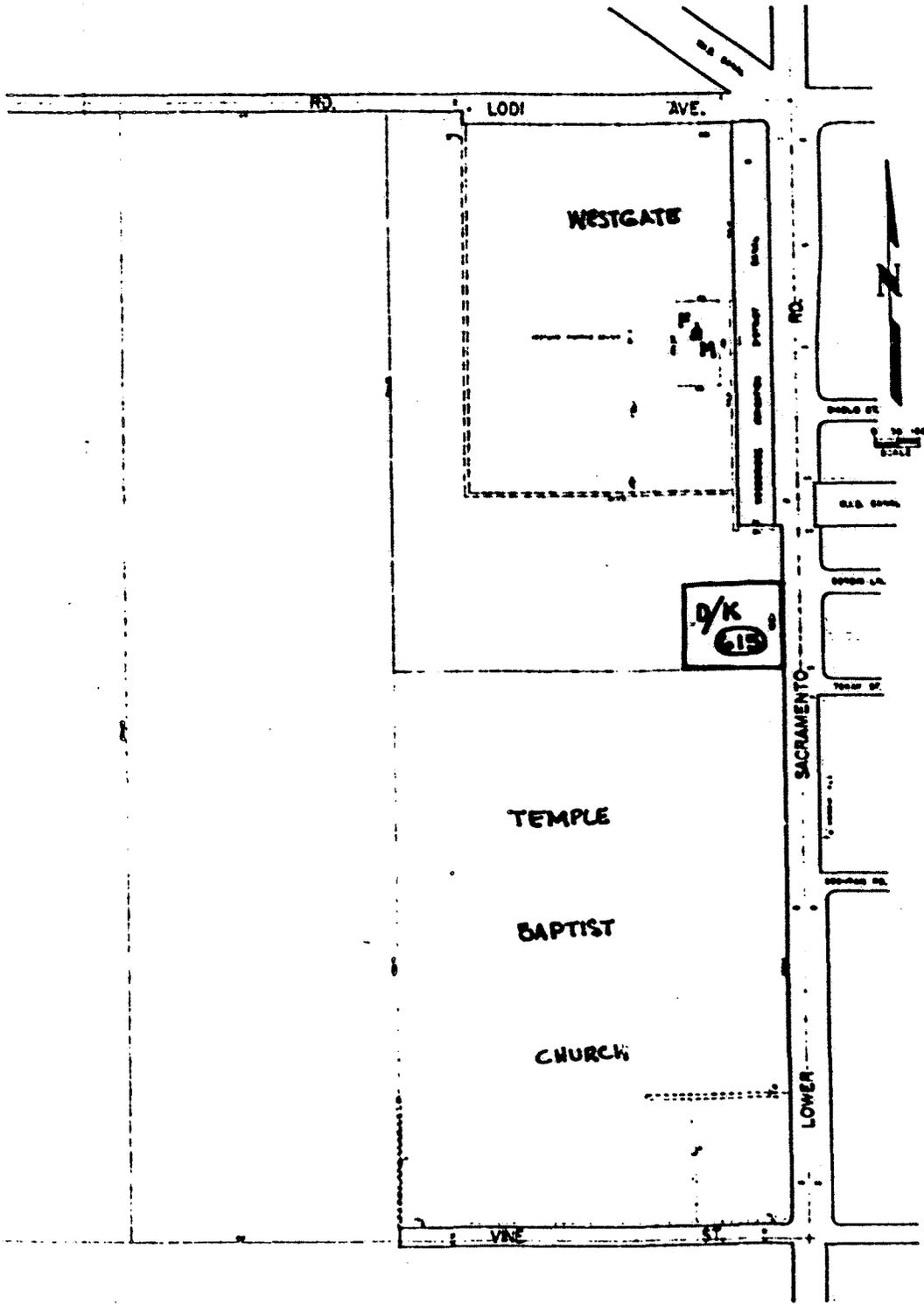
Glenn E. Robison
Assistant City Engineer

GER:kw



CITY OF LODI

PUBLIC WORKS DEPARTMENT



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.)