

16

CITY COUNCIL MEETING  
NOVEMBER 4, 1987

URGENCY ORDINANCE  
AMENDING THE LAND  
USE ELEMENT OF THE  
GENERAL PLAN TO DESIGNATE THE  
APARTMENT  
MORATORIUM AREA  
(EASTSIDE STUDY  
AREA) FOR LOW  
DENSITY SINGLE-  
FAMILY WITH CERTAIN  
EXCEPTIONS ADOPTED

URGENCY ORDINANCE  
NO. 1409 ADOPTED

CC-53(a)  
CC-149

Following introduction of the matter by staff, Council on motion of Mayor Pro Tempore Snider, Reid second, adopted Urgency Ordinance No. 1409 amending the Land Use Element of the General Plan to designate the apartment moratorium area (eastside study area) for Low Density Single-Family with certain exceptions, which ordinance is entitled, "An Ordinance of the Lodi City Council Amending the Official District Map of the City of Lodi Adopted by Section 17.06 et seq. of the Lodi Municipal Code and Thereby Rezoning Certain Properties".

The motion carried by unanimous vote of the Council.

Community Development Director Schroeder pointed out:

- A) That any property presently zoned R-C-P, C-1, C-2 or C-M, containing a multifamily dwelling unit, will be permitted to rebuild only the same number of units, upon the destruction of the present multifamily dwelling unit.
- B) That in the downtown core area, a commercially-zoned property which does not presently have a multifamily unit built thereon, will be permitted to build a multifamily residential unit facility only with a conditional use permit approved by the City Council.
- C) In all other commercially-zoned areas in the Eastside Moratorium Study Area, if there is not presently located on those parcels a multifamily unit, no such unit shall be permitted to be built.

Mr. Barry Clark, 715 North School Street, Lodi, suggested that single-family homes located between apartment complexes in the subject area could be used for child care facilities for children living in the apartment complexes.

Staff responded to questions posed by Mr. Malcom Goodell, 8 North Rose Street, Lodi, regarding conversions and the requirements for building permits.

## COUNCIL COMMUNICATION

TO: THE CITY COUNCIL  
FROM: THE CITY MANAGER'S OFFICE

DATE:  
November 4, 1987

NO.

SUBJECT:

Consider Adoption of Urgency Ordinance Amending the Land Use Element of the General Plan to designate the Apartment Moratorium Area (eastside study area) for Low Density Single-Family with Certain Exceptions.

PREPARED BY: City Attorney

BACKGROUND INFORMATION: Attached hereto for your review for the Wednesday, November 4, 1987 City Council meeting is a draft copy of an ordinance regarding item K2 "Consider adoption of Urgency Ordinance amending the Land Use Element of the General Plan to designate the Apartment Moratorium Area (eastside study area) for low Density Single-Family with certain exceptions." What I have done in this draft ordinance is to attempt to put into writing, that which the City Council approved at its October 21, 1987 Council meeting.

Please note specifically the following:

- A. That any property presently zoned R-C-P, C-1, C-2 or C-M, containing a multifamily dwelling unit, will be permitted to rebuild only the same number of units, upon the destruction of the present multifamily dwelling unit.
- B. That in the downtown core area, a commercially-zoned property which does not presently have a multifamily unit built thereon, will be permitted to build a multifamily residential unit facility only with a conditional use permit approved by the City Council.
- C. In all other commercially-zoned areas in the Eastside Moratorium Study Area, if there is not presently located on those parcels a multifamily unit, no such unit shall be permitted to be built.

Respectfully submitted,



Ronald M. Stein  
City Attorney

RMS:vc

CCCTRAFF.IC/TXTA.01V

ED and HELEN BEOSHANZ  
219 East Pine Street  
Lodi, Ca. 95240

RECEIVED  
1987 OCT 29 PM 12:18  
ALICE M. REIMCHE  
CITY CLERK  
CITY OF LODI

October 28, 1987

LODI CITY COUNCIL

Dear City Council:

We have just recently learned of the councils intent to rezone certain properties in the city from multi-family lots to single family lots. As we are property owners in the intended rezoning area, we must voice our strong disapproval of this action.

We have currently invested in properties in the effected areas with the intent to develop them to their full financial potential, in accordance to how they were zoned when we purchased them. The rezoning of these properties would cause us substantial financial loss.

As property owners in the effected area were not notified as to the intent of the council to consider rezoning, we feel that we have not been given a fair oppertunity to voice our objections. Please reconsider the rezoning issue as the Supreme Court of the U.S. has deemed that you will be fully responsible for any financial loss caused by rezoning.

Sincerely,



Ed and Helen Beoshanz

Roy and Sandra Collins  
P.O. Box S  
Woodbridge, CA 95258  
reference: 329 Daisy Ave.

RECEIVED

1987 OCT 29 PM 12:18

ALICE M. REINICHE  
CITY CLERK  
CITY OF LODI

October 28, 1987

LODI CITY COUNCIL

Dear City Council:

We have just recently learned of the councils intent to rezone certain properties in the city from multi-family lots to single family lots. As we are property owners in the intended rezoning area, we must voice our strong disapproval of this action.

We have currently invested in properties in the effected areas with the intent to develop them to their full financial potential, in accordance to how they were zoned when we purchased them. The rezoning of these properties would cause us substantial financial loss.

As property owners in the effected area were not notified as to the intent of the council to consider rezoning, we feel that we have not been given a fair oppertunity to voice our objections. Please reconsider the rezoning issue as the Supreme Court of the U.S. has deemed that you will be fully responsible for any financial loss caused by rezoning.

Sincerely,



Roy and Sandra Collins

SEQUENCE OF EVENTS REGARDING MORATORIUM  
ON CONVERSION OF SINGLE-FAMILY HOMES TO MULTI-FAMILY  
IN CERTAIN AREAS OF LODI

- 11/6/85 Ordinance No. 1369 establishing building moratorium on conversion of single-family homes to multiple family in certain areas adopted (effective for 45 days only)
- 12/4/85 Council extends moratorium for 10 months and 15 days
- 1/15/86 Lodi Residential Density Study approved by Council
- 2/20/86 Agreement entered into with Jones and Stokes Associates, Inc. for preparation of Residential Density Study and Environmental Impact Report
- 3/19/86 Council approves eastside moratorium water study and authorizes execution of agreement with consultants
- 10/15/86 Ordinance No. 1394 adopted extending moratorium for one year

ORDINANCE NO. 1409

AN ORDINANCE OF THE LODI CITY COUNCIL  
AMENDING THE OFFICIAL DISTRICT MAP OF THE CITY OF LODI  
ADOPTED BY SECTION 17.06 ET SEQ. OF THE  
LODI MUNICIPAL CODE AND THEREBY REZONING  
CERTAIN PROPERTIES.

BE IT ORDAINED BY THE LODI CITY COUNCIL.

SECTION 1. The Official District Map of the City of Lodi adopted by Municipal Code Title 17, Zoning, Chapter 17.06 et seq. is hereby amended by rezoning certain properties located at 309 North Stockton Street and 115 and 121 East Lockeford Street (i.e. APN 041-230-33,34 and 35) to R-1.

SECTION 2. The Official District Map of the City of Lodi adopted by Municipal Code Title 17, Zoning, Chapter 17.06 et seq. is hereby amended by rezoning certain properties in the areas bounded by:

Beginning at the southeast corner of West Turner Road and North Pleasant Street; thence easterly along West Turner Road to North Sacramento Street; thence southerly along North Sacramento Street to Louie Avenue; thence westerly along Louie Avenue to an alley line between North Sacramento Street and North School Street; thence southerly along said alley line to West Lockeford Street; thence easterly along West and East Lockeford Street to an alley between North Main Street and North Stockton Street; thence northerly along said alley to Lawrence Avenue; thence easterly along Lawrence Avenue to North Washington Street; thence southerly along North Washington Street; to East Lockeford Street; thence easterly along East Lockeford Street to North Cherokee Lane; thence southerly along North Cherokee Lane to Victor Road (State Route 12); thence along Victor Road to a point on an alley line 150 feet east of the east side of Cherokee Lane; thence southerly along said alley line to East Pine Street; thence along East Pine Street to the west line of State Route 99 Freeway; thence southerly along State Route 99 Freeway to East Kettleman Lane (State Route 12); thence westerly along East Kettleman Lane to South Stockton Street; thence northerly along South Stockton Street to East Lodi Avenue; thence westerly along East and West Lodi Avenue to an alley line between South Sacramento Street and South School Street;

thence southerly along said alley line to West Tokay Street; thence westerly along West Tokay Street to South Hutchins Street; thence northerly along South Hutchins Street to a point on a line 95 feet north of Sturla Street; thence along said line to South Crescent Avenue; thence northerly along South Crescent Avenue to West Lodi Avenue; thence easterly along West Lodi Avenue one-half block to an alley line between South Crescent Avenue and South Rose Street; thence northerly along said alley line to West Locust Street; thence easterly along West Locust Street to North California Street; thence northerly along North California Street to Carlo Way; thence westerly along Carlo Way to a point on a line 150 feet west of North California Street; thence northerly along said line to the Southern Pacific Railroad right-of-way; thence northwesterly along said railroad right-of-way to a point on a line which is the southerly extension of Grant Avenue; thence northerly along said line and Grant Avenue to an alley line between Daisy Avenue and Forrest Avenue; thence easterly to North California Street; thence northerly along North California Street to Louie Avenue; thence easterly along Louie Avenue to North Pleasant Avenue; thence northerly along North Pleasant Avenue to West Turner Road and the beginning of this description, as follows:

All properties in the aforementioned areas shall be zoned R-1 Residence District - One Family, except as follows:

(1) All property upon which there is a multiple-family unit shall be determined to be a conforming use except that any rebuild and/or reconstruction and/or new construction after demolition of said multiple-family unit shall not exceed the number of units existing as of the date of adoption of this Ordinance and shall require the approval of a conditional use permit.

(2) Any property which on the date of the adoption of this ordinance is zoned R-C-P Residential-Commercial-Professional Office District, C-1 Neighborhood Community-District, C-2 General Commercial District, C-M Commercial Light Manufacturing District, M-1 Light Manufacturing District, or M-2 Heavy Manufacturing District, shall continue to be zoned R-C-P, C-1, C-2, C-M, M-1, or M-2, except:

(a) that any rebuild and/or reconstruction and/or new construction after demolition of a multiple family unit shall not exceed the number of units existing as of the date of the adoption of this Ordinance and shall require the approval of a conditional use permit by the City Council; and

(b) any property zoned R-C-P, C-1, C-2 or C-M in the area bounded by Lockeford Street on the north; the north-south alley between Stockton Street and Main Street on the east, Lodi Avenue on the south and Church Street on the west not containing any multiple family unit may build or convert to

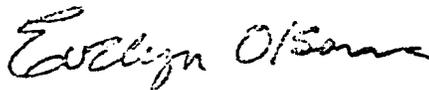
multiple family purposes after the approval of a conditional use permit by the City Council

SECTION 2. All ordinances and parts of ordinances in conflict herewith are repealed insofar as such conflict may exist.

SECTION 3. The foregoing Ordinance No. 1409 was introduced and adopted as an urgency ordinance because there are indications that the infrastructure in the subject area is old and may not be able to tolerate the present zoning for multi-family units. Further, the Building Moratorium on conversions of Single-Family Homes to Multi-Family, imposed by the Adoption of Ordinance No. 1394, is due to expire November 6, 1987.

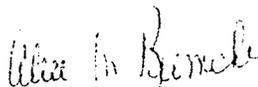
SECTION 4. This ordinance shall be published one time in the "Lodi News Sentinel", a daily newspaper of general circulation printed and published in the City of Lodi and shall be in force and take effect immediately as an urgency ordinance.

Approved this 4th day of November, 1987



\_\_\_\_\_  
EVELYN M. OLSON  
Mayor

Attest:



ALICE M. REIMCHE  
City Clerk

State of California  
County of San Joaquin, ss.

I, Alice M. Reimche, City Clerk of the City of Lodi, do hereby certify that Ordinance No. 1409 was adopted as an urgency ordinance at a regular meeting of the City Council of the City of Lodi held November 4, 1987 and was thereafter ordered to print by the following vote:

Ayes: Council Members - Hinchman, Pinkerton, Reid,  
Snider and Olson (Mayor)

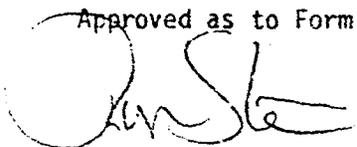
Noes: Council Members - None

Absent: Council Members - None

Abstain: Council Members - None

I further certify that Ordinance No. 1409 was approved and signed by the Mayor on the date of its passage and the same has been published pursuant to law.

*Alice M. Reimche*  
ALICE M. REIMCHE  
City Clerk

Approved as to Form  
  
RONALD M. STEIN  
City Attorney

CITY COUNCIL

EVELYN M. OLSON, Mayor  
JOHN R. (Randy) SNIDER  
Mayor Pro Tempore  
DAVID M. HINCHMAN  
JAMES W. PINKERTON, Jr.  
FRED M. REID

# CITY OF LODI

CITY HALL, 221 WEST PINE STREET  
CALL BOX 3006  
LODI, CALIFORNIA 95241-1910  
(209) 334-5634  
TELECOPIER (209) 333-6795

THOMAS A. PETERSON  
City Manager

ALICE M. REIMCHE  
City Clerk

RONALD M. STEIN  
City Attorney

November 6, 1987

Mr. Roger Stafford  
Chairman  
City of Lodi Planning Commission  
801 South Mills Avenue  
Lodi, CA 95240

Dear Mr. Stafford:

Attached please find a certified copy of Urgency Ordinance No. 1409 which was adopted by the Lodi City Council at its regular meeting of November 4, 1987 amending the Land Use Element of the General Plan to designate the Apartment Moratorium area (eastside study area) for Low Density Single-Family with certain exceptions.

Very truly yours,

*Alice M. Reimche*  
Alice M. Reimche  
City Clerk

AMR:jj  
Enc.