

BUILDING MORATORIUM
ON CONVERSION OF
SINGLE-FAMILY HOMES
TO MULTIPLE FAMILY
IN CERTAIN DEFINED
AREAS

URGENCY ORDINANCE
NO. 1369 ADOPTED

This agenda item was introduced by City Manager Peterson who advised that at a recent joint meeting, the City's Planning Commission and the City Council discussed the proliferation of conversions of single family residences to multiple family units. Both bodies expressed considerable concern regarding the ability of the City's infrastructure to accommodate these large numbers of land use changes. Also of concern was the impact such projects have on the neighborhood in which they are located, as well as the impact on the school district.

Staff then reviewed the process of establishing a moratorium on the conversion of single family residences to multiple family residential units in certain areas within the City and responded to questions as were posed by the Council.

A diagram of the proposed area of concern was displayed and additional discussion followed.

The following persons who were in the audience addressed the Council regarding the matter:

- a) Mr. Larry Redman, 325 E. Locust Str., Lodi
- b) Mr. Arthur Schnell, 1830 N. Lakeshore Drive, Lodi
- c) Mrs. Janet Pruss, 2421 Diablo Court, Lodi
- d) Pastor Ronald Greilich, 611 Tahoe Court, Lodi
- e) Mr. George Galatsatos, 16767 Tretheway Road, Lodi
- f) Mr. Sid Crawford, 4645 Moser Drive, Lodi

Following additional discussion, Council on motion of Council Member Pinkerton, Snider second, adopted Urgency Ordinance No. 1369 which established with certain exceptions pursuant to Section 65858 of the State of California Government Code, only single family dwellings on vacant lots of record will be permitted to be constructed or reconstructed within a prescribed area of the City of Lodi as of November 6, 1985. The exception of this Ordinance will be the erection of multiple-family units on lots of record previously approved by the City Council for the issuance of Multiple-Family Mortgage Revenue Bonds, 2) the erection of commercial or industrial structures in zones that conform, and 3) the remodeling of any multiple-family structures.

Further, Council set a public hearing for the Regular Council Meeting of December 4, 1985 for review of the matter as prescribed by Section 65858 of the State of California Government Code. The motion carried by a unanimous vote of all Council Members present.

Inoperability and Repeal
This section becomes inoperative July 1, 1986, and is repealed Jan. 1, 1987 by its own terms.

1984 Legislation. Section 1 of Stats. 1984, c. 1443, p. —, provides: "The Legislature finds and declares that manufactured housing offers Californians the opportunity to own and live in decent, safe, and affordable housing on a permanent basis. The Legislature further finds that the enactment of Chapter 1142 of the Statutes of 1980 (§ 65851.3, Health & S.C. § 65852.7, Health & S.C. §§ 18300, 18551.1) made significant changes relating to the zoning of property for mobilehomes, and that any failure of local communities to implement the provisions of those statutes limits the opportunity for Californians to live in mobilehomes on lots zoned for residential land use or for single-family housing."

§ 65854. Public hearing upon ordinance or amendment; notice
The planning commission shall hold a public hearing on the proposed zoning ordinance or amendment to a zoning ordinance. Notice of the * * * hearing * * * shall be given pursuant to Section 65090 and, if the proposed ordinance or amendment to a zoning ordinance affects the permitted uses of real property, notice shall also be given pursuant to Section 65091.

(Amended by Stats. 1984, c. 1009, p. —, § 22.)

1984 Legislation. Legislative intent relating to Stats. 1984, c. 1009, see note under Educ.C. § 39002.

§ 65854.5. Repealed by Stats. 1984, c. 1009, p. —, § 22.5

See, now, §§ 65091, 65094, 65095, 65856.

§ 65856. Public hearing; exceptions

(a) Upon receipt of the recommendation of the planning commission, the legislative body shall hold a public hearing. However, * * * if the matter under consideration is an amendment to a zoning ordinance to change property from one zone to another, and the planning commission has recommended against the adoption of such amendment, the legislative body shall not be required to take any further action on the amendment unless otherwise provided by ordinance or unless an interested party requests a hearing by filing a written request with the clerk of the legislative body within five days after the planning commission files its recommendations with the legislative body.

(b) Notice of the * * * hearing shall be given pursuant to Section 65090.

(Amended by Stats. 1984, c. 1009, p. —, § 23.)

1984 Legislation. Legislative intent relating to Stats. 1984, c. 1009, see note under Educ.C. § 39002.

§ 65858. Interim zoning; urgency measures; duration of section
Text of section operative until Jan. 1, 1989.

(a) Without following the procedures otherwise required prior to the adoption of a zoning ordinance, the legislative body, to protect the public safety, health and welfare, may adopt as an urgency measure an interim ordinance prohibiting any uses which may be in conflict with a contemplated general plan, specific plan, or zoning proposal which the legislative body, planning commission or the planning department is considering or studying or intends to study within a reasonable time. That urgency measure shall require a four-fifths vote of the legislative body for adoption. The interim ordinance shall be of no further force and effect 45 days from its date of adoption. After notice pursuant to Section 65090 and public hearing, the legislative body may extend the interim ordinance for 10 months and 15 days and subsequently extend the interim ordinance for

Asterisks * * * indicate deletions by amendment.

§ 65858

GOVERNMENT CODE

one year. Any such extension shall also require a four-fifths vote for adoption. Not more than the two such extensions may be adopted.

(b) Alternatively, an interim ordinance may be adopted by a four-fifths vote following notice pursuant to Section 65090 and public hearing, in which case it shall be of no further force and effect 45 days from its date of adoption. After notice pursuant to Section 65090 and public hearing, the legislative body may by a four-fifths vote extend the interim ordinance for 22 months and 15 days.

(c) The legislative body shall not adopt or extend any interim ordinance pursuant to this section unless the ordinance contains a finding that there is a current and immediate threat to the public health, safety, or welfare, and that the approval of additional subdivisions, use permits, variances, building permits, or any other applicable entitlement for use which is required in order to comply with a zoning ordinance would result in a threat to public health, safety, or welfare.

(d) Ten days prior to the expiration of an interim ordinance or any extension, the legislative body shall issue a written report describing the measures taken to alleviate the condition which led to the adoption of the ordinance.

(e) When any such interim ordinance has been adopted, every subsequent ordinance adopted pursuant to this section, covering the whole or a part of the same property, shall automatically terminate and be of no further force or effect upon the termination of the first such ordinance or any extension of the ordinance as provided in this section.

This section shall remain in effect only until January 1, 1989, and as of such date is repealed, unless a later enacted statute, which is chaptered before January 1, 1989, deletes or extends such date.

(Amended by Stats.1984, c. 1009, p. —, § 24.)

For text of section operative Jan. 1, 1989, see § 65858, post.

1984 Legislation.

Legislative intent relating to Stats.1984, c. 1009, see note under Educ.C. § 39002.

§ 65858. Interim zoning; urgency measures; operative date of section

Text of section operative Jan. 1, 1989.

Without following the procedures otherwise required preliminary to the adoption of a zoning ordinance, the legislative body, to protect the public safety, health and welfare, may adopt as an urgency measure an interim ordinance prohibiting any uses which may be in conflict with a contemplated general plan, specific plan, or zoning proposal which the legislative body, planning commission, or the planning department is considering or studying or intends to study within a reasonable time. That urgency measure shall require a four-fifths vote of the legislative body for adoption. The interim ordinance shall be of no further force and effect four months from its date of adoption. After notice pursuant to Section 65090 and public hearing, the legislative body may extend the interim ordinance for eight months and subsequently extend the interim ordinance for one year. Any such extension shall also require a four-fifths vote for adoption. Not more than the two such extensions may be adopted. Alternatively, an interim ordinance may be adopted by a four-fifths vote following notice pursuant to Section 65090 and public hearing, in which case it shall be of no further force and effect one year from its date of adoption. After notice pursuant to Section 65090 and public hearing, the legislative body may by a four-fifths vote extend the interim ordinance for one year. When any such interim ordinance has been adopted, every subsequent ordinance adopted pursuant to this section, covering the whole or a part of the same property, shall automatically terminate and be of no further force or effect upon the termination of the first such ordinance or any extension of the ordinance as provided in this section.

This section shall become operative January 1, 1989.

(Amended by Stats.1984, c. 1009, p. —, § 25, operative Jan. 1, 1989.)

For text of section operative until Jan. 1, 1989, see § 65858, ante.

1984 Legislation.

Legislative intent relating to Stats.1984, c. 1009, see note under Educ.C. § 39002.

Underline indicates changes or additions by amendment

COUNCIL COMMUNICATION

TO: THE CITY COUNCIL

DATE

NO.

FROM: THE CITY MANAGER'S OFFICE

October 30, 1985

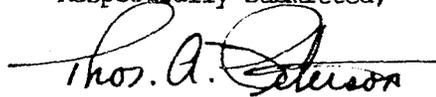
SUBJECT: CONSIDER MORATORIUM ON CONVERSION OF SINGLE FAMILY RESIDENCES TO
MULTIPLE FAMILY IN CERTAIN DEFINED AREAS

RECOMMENDED ACTION: That the City Council consider establishing a moratorium on the conversion of single family residences to multiple family residential units in certain areas of the City and take action as deemed appropriate.

BACKGROUND INFORMATION: At a recent joint meeting, the City's Planning Commission and the City Council discussed the proliferation of conversions of single family residences to multiple family units. Both bodies expressed considerable concern regarding the ability of the City's infrastructure to accommodate these large numbers of land use changes. Also of concern was the impact such projects have on the neighborhood in which they are located, as well as the impact on the school district.

Staff has reviewed the process of establishing such a moratorium and will be prepared to discuss this with the City Council at Wednesday night's meeting.

Respectfully submitted,



Thomas A. Peterson
City Manager

TAP/lh

911-116

ORDINANCE NO. 1369

AN URGENCY ORDINANCE OF THE CITY COUNCIL
ESTABLISHING A BUILDING MORATORIUM ON CONVERSION
OF SINGLE-FAMILY HOMES TO MULTIPLE-FAMILY IN CERTAIN
DEFINED AREAS PURSUANT TO STATE OF CALIFORNIA GOVERNMENT CODE
SECTION 65858

BE IT ORDAINED BY THE LODI CITY COUNCIL.

SECTION 1. That pursuant to Section 65858 of the State of California Government Code, only single-family dwellings on vacant lots of record will be permitted to be constructed or reconstructed in the following described area within the City of Lodi as of November 6, 1985:

Beginning at the southeast corner of West Turner Road and North Pleasant Street; thence westerly along West Turner Road to North Sacramento Street; thence southerly along North Sacramento Street to Louie Avenue; thence easterly 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 North Stockton Street; thence northerly along North Stockton Street to the north line of Armory Park; thence easterly along said north line 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 Carl Way; thence westerly along Carl 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.

SECTION 2. The exceptions to this Ordinance will be 1) the erection of multiple-family units on lots of record previously approved by the City Council for the issuance of Multiple-Family Mortgage Revenue Bonds, 2) the erection of commercial or industrial structures in zones that conform, and 3) the remodeling of any multiple-family structures.

SECTION 3. Pursuant to Section 65858 of the State of California Government Code, this Ordinance shall be in effect for 45 days from its date of passage.

SECTION 4. All Ordinances and parts of ordinances in conflict herewith are repealed insofar as such conflict may exist.

SECTION 5. The foregoing Ordinance No. 1369 was introduced and adopted as an urgency ordinance pursuant to provisions of Section 65858 of the State of California Government Code, because there are indications that the infrastructure in the subject area is old and may not be able to tolerate the present zoning for multiple-family units. It is therefore necessary to study the infrastructure to determine whether or not a different zoning is necessary for that area.

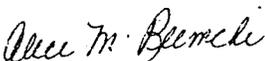
SECTION 6. This ordinance shall be published one time in the "Lodi News Sentinel", a daily newspaper of general circulation printed and published in the City of Lodi.

Approved this 6th day of November, 1985



DAVID M. HINCHMAN
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, California, do hereby certify that Ordinance No. 1369 was introduced and adopted as an urgency ordinance and thereafter ordered to print at a Regular Meeting of the City Council of the City of Lodi held November 6, 1985 by the following vote:

Ayes: Council Members - Pinkerton, Reid, Snider, and
Hinchman

Noes: Council Members - None

Abstain: Council Members - None

Absent: Council Members - Olson.

I further certify that Ordinance No. 1369 was approved and signed by the Mayor on the date of its passage as an urgency ordinance 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

3/11/86

PUBLIC HEARING
HELD PURSUANT TO SECTION 65858 OF THE GOVERNMENT CODE
FOLLOWING ADOPTION OF ORDINANCE NO. 1369,
AN URGENCY ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LODI
ESTABLISHING A BUILDING MORATORIUM ON CONVERSION OF
SINGLE-FAMILY HOMES TO MULTIPLE FAMILY IN CERTAIN DEFINED
AREAS PURSUANT TO STATE OF CALIFORNIA GOVERNMENT CODE

WHEREAS, the City Council of the City of Lodi did on November 6, 1985 adopt Urgency Ordinance No. 1369 - An Urgency Ordinance of the City Council of the City of Lodi Establishing a Building Moratorium on Conversion of Single-Family Homes to Multiple Family in Certain Defined Areas Pursuant to State of California Government Code Section 65858; and

WHEREAS, according to State Statute, the interim ordinance shall be of no further force and effect 45 days from its date of adoption; however, after notice and public hearing, the legislative body may extend the interim ordinance for 10 months and 15 days and subsequently extend the interim ordinance for one year. Any such extension shall require a four-fifths vote for adoption and not more than two such extensions may be adopted.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Lodi pursuant to State of California Government Code Section 65858 does hereby call a Public Hearing to be held on Wednesday, December 4, 1985 to receive public testimony regarding the establishment of a building moratorium on conversion of single-family homes to multiple family in certain defined areas established under the adoption of Urgency Ordinance No. 1369 and to consider the need to extend the interim ordinance as provided by law.

All interested persons are invited to present their views on this matter. Written statements may be filed with the City Clerk 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 at, or prior to, the Public Hearing.

By Order of the Lodi City Council

ALICE M. REIMCHE
City Clerk

Dated: November 6, 1985