

ORDINANCE NO. 1793

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF
LODI APPROVING THE REQUEST OF TOM DOUCETTE,
FRONTIER COMMUNITY BUILDERS, FOR PRE-ZONING
TO PD (PLANNED DEVELOPMENT) ON 151 ACRES
(WESTSIDE PROJECT)

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

SECTION 1. The properties subject to this pre-zoning include properties located within the Westside Project, totaling 151 acres and described as follows:

APN	Site Address	Property Owner
029-380-05	351 East Sargent Rd.	Georgia Perlegos Et al
027-040-01	70 East Sargent Rd.	Manna Trust
027-04-020	212 East Sargent Rd.	DHKS Development
027-04-030	402 East Sargent Rd.	Noble D. Fore Jr. II

SECTION 2. The applicant for the requested pre-zoning is Tom Doucette, Frontier Community Builders, 10100 Trinity Parkway, Suite 420, Stockton, CA 95219. The applicant represents property owners of the parcels within the Westside Project site, and these property owners have provided written consent to the applicant for this zone change.

SECTION 3: The requested pre-zoning consists of the following:

Reclassification of the afore-described properties from San Joaquin County AU-20 (Agriculture, Urban Reserve, Minimum 40 Acres) to City of Lodi Planned Development (PD) Zone.

SECTION 4: The pre-zone designation is described as follows:

Planned Development (PD) Zone

The planned development zone is designed to accommodate various types of development such as neighborhood and community shopping centers, grouped professional and administrative office areas, senior citizens' centers, multiple housing developments, commercial service centers, industrial parks, or any other use or combination of uses which can be made appropriately part of a planned development. In a PD zone, any and all uses are permitted, provided that such use or uses are shown on the development plan for the particular PD zone as approved by the City Council. Maximum height and bulk, and minimum setback, yard and parking and loading requirements shall be established for each PD zone by the development plan as approved by the City Council. These development parameters would be consistent with the General Plan designation for the sites.

SECTION 5: Based upon the evidence within the staff report and project file, the City Council of the City of Lodi makes the following findings:

1. The Environmental Impact Report (EIR) (EIR-05-01) was certified and Findings and Statement of Overriding Considerations for the project pursuant to California Environmental Quality Act (CEQA) were adopted by City Council Resolution No. 2007-48.
2. The required public hearing by the Planning Commission was duly advertised and held in a manner prescribed by law.
3. The required public hearing by the City Council was duly advertised and held in a manner prescribed by law.
4. The City must approve "pre-zone" zoning designations prior to requesting approval of the annexation of the lands into the City from the San Joaquin Local Agency Formation Commission.
5. The requested rezoning does not conflict with adopted plans or policies of the General Plan and will serve sound Planning practice.
6. The parcels of the proposed rezoning are physically suitable for the development of the proposed project.
7. The proposed design and improvement of the site is consistent with all applicable standards adopted by the City in that the project, as conditioned, will conform to adopted standards and improvements mandated by the City of Lodi Public Works Department Standards and Specifications and the Zoning Ordinance, as well as all other applicable standards.
8. The size, shape, and topography of the site are physically suitable for the proposed residential development.
9. The site is suitable for the density proposed by the project in that the site can be served by all public utilities and creates design solutions for storm water, traffic, and air quality issues.
10. The design of the proposed project and type of improvements are not likely to cause serious public health problems in that all public improvements will be built per City standards and all private improvements will be built per the Uniform Building Code.
11. *Development of the proposed project shall be consistent with the Westside Land Use Plan ultimately approved by the City Council.*

SECTION 6: All development conditions for this pre-zoning are included as Attachment A.

SECTION 7: All ordinances and parts of ordinances in conflict herewith will be repealed insofar as such conflict may exist upon the completion of the annexation of the subject properties into the City of Lodi.

SECTION 8: 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 9: 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 shall 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 10: 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 take effect 30 days from and after its passage and approval.

Approved this 4th day of April, 2007



BOB JOHNSON
Mayor

Attest:


RANDI JOHL
City Clerk

State of California
County of San Joaquin, ss.

I, Randi Johl, City Clerk of the City of Lodi, do hereby certify that Ordinance No. 1793 was introduced at a regular meeting of the City Council of the City of Lodi held March 21, 2007, and was thereafter passed, adopted, and ordered to print at a regular meeting of said Council held April 4, 2007, by the following vote:

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

I further certify that Ordinance No. 1793 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:

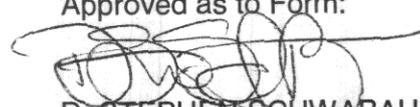

D. STEPHEN SCHWABAUER
City Attorney

EXHIBIT "A" TO ORDINANCE NO. 1793

The pre-zone of the entire 151 acres of the Westside Project to PD (Planned Development), which includes designations specific to housing, and public/quasi-public uses all as shown on the attached map (Exhibit B), are subject to the following development conditions:

1. This pre-zoning shall be of no force and effect unless and until the San Joaquin County Local Agency Formation Commission (LAFCO) has approved the annexation of the Westside Project area and all actions necessary to complete the annexation have occurred.
2. Prior to the issuance of any tentative subdivision maps, final development plans shall be subject to review and approval by the Planning Commission. The development plan shall include development standards for proposed residential units (i.e., building height, setbacks, lot coverage, and permitted accessory uses).
3. Prior to the approval of any tentative subdivision maps, final park plans shall be subject to review and approval by the Parks and Recreation Department.
4. Prior to the issuance of a building permit, the multi-family components of the project shall be subject to review and approval by the Site Plan and Architectural Review Committee.
5. Prior to the development of any portion of the Westside Project, the applicant/developer shall file for a tentative subdivision map. Review and approval of the tentative subdivision map is a discretionary action and additional conditions of approval may be placed on the project at that time.
6. The conditions of approval listed below are to be accomplished prior to deeming complete the first Tentative Subdivision Map, unless noted otherwise:
 - A. Preparation of detailed master plans and supporting studies as listed below, including engineering calculations, for all phases of the development. The study area shall include all the area between Kettleman Lane, Lower Sacramento Road, and Woodbridge Irrigation District canal and shall be coordinated with the master plans for the Southwest Gateway Project south of Kettleman Lane.
 - a. Water master plan, including the following:
 - i. Surface water transmission and distribution facilities.
 - ii. Identification of possible water well sites within the project area. Developer shall coordinate test well drilling for determination of actual well sites prior to mapping of adjacent lots.
 - b. Recycled water master plan, including the following:
 - i. Identification of areas to be irrigated.
 - ii. Detailed summary of demand calculations. Include Southwest Gateway project demands in calculations.
 - iii. Detailed summary of pipe sizing calculations.
 - iv. Provisions for future westerly extension in Lodi Avenue and Vine Street.
 - v. As an alternative to i) through iv) above, Developer may provide a one-time payment, not to exceed \$50,000, to partially fund the Lodi Recycled Water Master Plan Study.
 - c. Wastewater master plan.

- d. Storm drainage master plan, including storm drainage basin dimensions and details. Retention basins shall be designed as passive bypass systems. Identify a single-facility designate to receive low flow and first flush flows.
- e. Streets/circulation plan, including the following:
 - i. Dimensions of street rights-of-way, including Kettleman Lane and Lower Sacramento Road, bike/pedestrian/open space corridor and utility corridors.
 - ii. Traffic analysis of operations at critical intersections to determine if supplemental right-of-way is required.
 - iii. Typical cross-section diagrams showing proposed utility locations and demonstrating that sufficient width has been provided to meet separation requirements between pipes.
 - iv. Traffic round-about in Lodi Avenue.
 - v. Traffic calming features at cross intersections, along long, straight streets and at other locations as required by the Public Works Director.
- f. Transit study to identify new or modified routes to serve the area.
- g. Topography for the entire study area to confirm validity of water, wastewater, and storm drain master plans.
- h. Composite utility diagram to facilitate review of potential utility crossing conflicts.

Water, recycled water, wastewater, and storm drain master plans for the project have been submitted, and first check Public Works Department comments on the plans were issued on June 26, 2006. The plans require revision.

In addition, on July 21, 2006, City staff forwarded information to the developer's engineer regarding existing utility crossings, preferred utility alignments, existing easements, and design requirements to be used in establishing utility alignments for the project. The project improvements must respect the preferred alignments and existing easements. For example, new pipes along Westgate Drive south of the project site need to be on the west side of the street, which will require dedication of additional land to provide a utility corridor. The required master plans and supporting studies are necessary to confirm the design of the proposed development and will affect the number of growth management allocations that can ultimately be utilized. If the Developer agrees that the proposed project layout and number of growth management allocations approved may be subject to revision based on the results of the completed master plans and studies, the development or growth management plan and accompanying growth management allocations may be approved prior to completion and approval of the master plans and supporting studies. Completion and approval of the master plans and studies must then be accomplished prior to submittal of the first tentative map for the project.

- B. Phasing analysis to be approved by the City prior to submittal of the first tentative map. The analysis shall include the following:
 - a. Phase boundaries and number of units to be constructed with each phase.
 - b. Permanent and interim/temporary facilities required to implement each phase based on the mitigation monitoring program and the above mentioned master plans.
 - c. Master utility calculations for permanent and interim/temporary facilities to be constructed with each phase.

- C. Preparation of a Traffic Mitigation Implementation and Financing Plan that details each of the physical improvements and the timing and geometric changes listed in Table IV.B-6 of the Environmental Impact Report (EIR) for both the Existing + Project and Cumulative scenarios (cumulative to address Impact TRANS-2 in the EIR), who will be responsible for implementing the improvement, how the improvement will be funded, including a reimbursement program where appropriate, and the schedule or trigger for initiating and completing construction prior to the intersection operation degrading to an unacceptable level.
- D. Finance and Implementation Plan to identify funding for the required public improvements and interim/temporary improvements for each phase of the project. The Finance and Implementation Plan is dependent on the above mentioned master plans and phasing analysis and shall be approved by the City prior to submittal of the first tentative map.
7. All mitigation measures for the project, identified in the adopted Mitigation Monitoring and Reporting Program, are hereby incorporated into this recommendation of approval.
 8. As part of Mitigation Measure LU-2 of the Lodi Annexations EIR (EIR-05-01) the developer has the option to comply with the San Joaquin County Agricultural Mitigation program or preserve 151 acres of agricultural land in perpetuity to mitigate significant impacts associated with conversion of the 151 acres of Prime Farmland within the Westside Project. If the developer proceeds with the mitigation to preserve land within an agricultural easement and the City of the Lodi becomes party to said easement, the developer shall pay the City a one-time administration fee of five thousand dollars. Said fee shall be paid prior to the approval of a quarter of the building permits within the Westside and Southwest Gateway projects (as per the timing of Mitigation Measure LU-2).
 9. All applicable state statutes and local ordinances, including all applicable Building and Fire Code requirements for hazardous materials, shall apply to the project.
 10. Prior to submittal of building permits, the applicant shall submit construction elevations, perspective elevations, precise landscape and irrigation plans, as well as building materials for the review and approval as part of a development plan application. Said plans shall indicate that all corner lots shall have architectural treatments on both street facing elevations.
 11. Prior to submittal of building permits, the applicant shall submit a walls and fencing plan as part of a development plan application. Said plan shall show all proposed walls and fencing. Fencing visible to the public right of way shall be constructed of treated wood or alternative material to prevent premature deterioration. Furthermore, all fencing within the project site shall be designed with steel posts, or a functional equivalent, to prevent premature deterioration and collapse.
 12. Within 90 days of the approval of this project, the applicant shall sign a notarized affidavit stating that "I(we), _____, the owner(s) or the owner's representative, have read, understand, and agree to the conditions approving Z-04-03." Immediately following this statement will appear a signature block for the owner or the owner's representative, which shall be signed. Signature blocks for the City Community Development Director and City Engineer shall also appear on this page. The affidavit shall be approved by the City prior to any improvement plan or final map submittal.

EXHIBIT B WESTSIDE PROJECT LAND USE PLAN

