



**CITY OF LODI
COUNCIL COMMUNICATION**

AGENDA TITLE: Public Hearing to Consider Introducing Ordinance Revising the Growth Management Ordinance by Expiring Unused Allocations and Suspending the Required Schedule

MEETING DATE: May 15, 2013

PREPARED BY: City Manager

RECOMMENDED ACTION: Public Hearing to consider introducing ordinance revising the Growth Management Ordinance by expiring unused allocations and suspending the required schedule.

BACKGROUND INFORMATION: The City's Growth Management Program was instituted in 1991. The allocation system gives priority through point assignments to projects that reduce impacts on services, infrastructure, and resources. The ordinance sets an annual growth limit of two percent of the City's population, compounded annually. Once the amount of allocation units is 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.

The Growth Management Ordinance includes a priority location area and a point system to assist the City with prioritizing issuance of growth management allocations. The priority location area designates lands available for development and provides development categories of one, two or three, with Priority Area 1 being the first priority area for development. The priority areas are based on availability of city services (e.g., water, wastewater, storm drains, streets, police, fire and parks). The point system was established to rate projects based on various project merits in order to determine if one project should be approved before another, particularly if there are more allocation requests than there are available allocations. However, because the City has had only one growth management allocation request of 12 units since 2006, surplus allocations have accumulated at a fairly rapid pace. The table below provides the numerical history of the program.

Density	Available Allocations		
	Scheduled from 1989-2012	Granted from 1989-2012	Remaining from 1989-2012
Low (0.1-7)	6,648	2,893	3,755
Medium (7.1-20)	1,023	466	557
High (20.1-30)	2,557	0	2,557
TOTAL	10,228	3,359	6,869

APPROVED:

Konradt Bartlam, City Manager

The table does not reflect the units that will be added as a result of the 2013 population estimate. This number is calculated once we receive the estimate from the State Department of Finance in the spring. In 2012, the total was 447 allocations.

As previously discussed, the program has added over 2,000 units in available allocations due to the decline in residential construction activity. With nearly 7,000 unallocated units, there is nearly double the amount allocated during the initial 23 years of the program. The recommendation being made is to expire those allocations that have been added since 2008. I am proposing that this be done across two of the three density categories with High Density Residential taking the majority. In the five-year period, 2,235 allocations were added to the reserve. I'm suggesting that we eliminate 800 Low Density and 1,435 High Density allocations. This will still leave a current balance of 4,634 which should be more than enough considering the additions that will still occur on an annual basis.

The second recommendation included in this action is to suspend the current schedule. Since the inception of the program, allocations occurred on a set schedule which ensured that all applications would be scored against each other for priority. Now with so many unused allocations, the scoring of projects is not so critical. Therefore the need to have all applications at one time is not necessary. This adds flexibility to the development community as well as relieving a workload issue for City staff. I believe it is reasonable to suspend the schedule for a set period of time consistent with the current impact mitigation fee program.

FISCAL IMPACT: Not applicable



Konradt Bartlam
City Manager

ORDINANCE NO. _____

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 ____ of _____, 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. ____ 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 _____, 2013, by the following vote:

- AYES: COUNCIL MEMBERS –
- NOES; COUNCIL MEMBERS –
- ABSENT: COUNCIL MEMBERS –
- ABSTAIN: COUNCIL MEMBERS –

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

Approved as to Form: RANDI JOHL
City Clerk

D. STEPHEN SCHWABAUER
City Attorney



**Please immediately confirm receipt
of this fax by calling 333-6702**

CITY OF LODI
P. O. BOX 3006
LODI, CALIFORNIA 95241-1910

ADVERTISING INSTRUCTIONS

**SUBJECT: PUBLIC HEARING TO CONSIDER REVISIONS TO THE GROWTH
MANAGEMENT ORDINANCE BY EXPIRING UNUSED ALLOCATIONS
AND SUSPENDING THE REQUIRED SCHEDULE**

PUBLISH DATE: SATURDAY, MAY 4, 2013

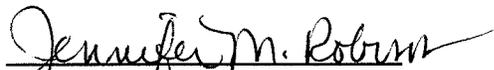
LEGAL AD

TEAR SHEETS WANTED: One (1) please

SEND AFFIDAVIT AND BILL TO: RANDI JOHL, CITY CLERK
LNS ACCT. #0510052 City of Lodi
P.O. Box 3006
Lodi, CA 95241-1910

DATED: THURSDAY, MAY 2, 2013

**ORDERED BY: RANDI JOHL
CITY CLERK**


JENNIFER M. ROBISON, CMC
ASSISTANT CITY CLERK

MARIA DITMORE
ADMINISTRATIVE CLERK

Verify Appearance of this Legal in the Newspaper – Copy to File

Faxed to the Sentinel at 369-1084 at _____ (time) on _____ (date) _____ (pages)
LNS _____ Phoned to confirm receipt of all pages at _____ (time) _____ JMR _____ MB (initials)



DECLARATION OF POSTING

PUBLIC HEARING TO CONSIDER REVISIONS TO THE GROWTH MANAGEMENT ORDINANCE BY EXPIRING UNUSED ALLOCATIONS AND SUSPENDING THE REQUIRED SCHEDULE

On Thursday, May 2, 2013, in the City of Lodi, San Joaquin County, California, a Notice of Public Hearing to consider revisions to the Growth Management ordinance by expiring unused allocations and suspending the required schedule (attached and marked as Exhibit A) was posted at the following locations:

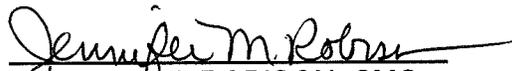
Lodi Public Library
Lodi City Clerk's Office
Lodi City Hall Lobby
Lodi Carnegie Forum

I declare under penalty of perjury that the foregoing is true and correct.

Executed on May 2, 2013, at Lodi, California.

ORDERED BY:

**RANDI JOHL
CITY CLERK**


JENNIFER M. ROBISON, CMC
ASSISTANT CITY CLERK

MARIA DITMORE
ADMINISTRATIVE CLERK



CITY OF LODI

Carnegie Forum
305 West Pine Street, Lodi

NOTICE OF PUBLIC HEARING

Date: May 15, 2013

Time: 7:00 p.m.

For information regarding this notice please contact:

Randi Johl
City Clerk

Telephone: (209) 333-6702

EXHIBIT A

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that on **Wednesday, May 15, 2013**, at the hour of 7:00 p.m., or as soon thereafter as the matter may be heard, the City Council will conduct a public hearing at the Carnegie Forum, 305 West Pine Street, Lodi, to consider the following item:

- a) **Revisions to the Growth Management ordinance by expiring unused allocations and suspending the required schedule.**

Information regarding this item may be obtained in the Community Development Department, 221 West Pine Street, Lodi, (209) 333-6711. All interested persons are invited to present their views and comments on this matter. Written statements may be filed with the City Clerk, City Hall, 221 West Pine Street, 2nd Floor, Lodi, 95240, 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, 221 West Pine Street, at or prior to the close of the public hearing.

By Order of the Lodi City Council:

Randi Johl
City Clerk

Dated: May 1, 2013

Approved as to form:

D. Stephen Schwabauer
City Attorney

EXHIBIT B

Public Hearing to Consider Revisions to the Growth Management Ordinance by Expiring Unused Allocations and Suspending the Required Schedule

Mailing List

John Beckman
Building Industry Association of the Delta
1701 W. March Lane, Suite F
Stockton, CA 95207