



CITY OF LODI COUNCIL COMMUNICATION

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AGENDA TITLE: Ordinance No. 1795 Entitled, “An Uncodified Ordinance of the Lodi City Council Amending the Official District Map of the City of Lodi and Thereby Rezoning 1325 and 1333 South Central Avenue (APN 047-270-11 and 047-270-12) from RE-1, Single Family Residential Eastside, to C-2, General Commercial, for the Gini Project”

MEETING DATE: April 18, 2007

PREPARED BY: City Clerk

RECOMMENDED ACTION: Motion waiving reading in full and (following reading by title) adopting the attached Ordinance No. 1795.

BACKGROUND INFORMATION: Ordinance No. 1795 entitled, “An Uncodified Ordinance of the Lodi City Council Amending the Official District Map of the City of Lodi and Thereby Rezoning 1325 and 1333 South Central Avenue (APN 047-270-11 and 047-270-12) from RE-1, Single Family Residential Eastside, to C-2, General Commercial, for the Gini Project” was introduced at the regular City Council meeting of April 4, 2007.

ADOPTION: With the exception of urgency ordinances, no ordinance may be passed within five days of its introduction. Two readings are therefore required – one to introduce and a second to adopt the ordinance. Ordinances may only be passed at a regular meeting or at an adjourned regular meeting; except for urgency ordinances, ordinances may not be passed at a special meeting. Id. All ordinances must be read in full either at the time of introduction or at the time of passage, unless a regular motion waiving further reading is adopted by a majority of all council persons present. **Cal. Gov’t Code § 36934.**

Ordinances take effect 30 days after their final passage. **Cal. Gov’t Code § 36937.**

This ordinance has been approved as to form by the City Attorney.

FISCAL IMPACT: None.

FUNDING AVAILABLE: None required.

Randi Johl
City Clerk

RJ/jmp

Attachment

APPROVED: _____
Blair King, City Manager

ORDINANCE NO. 1795

AN UNCODIFIED ORDINANCE OF THE LODI CITY COUNCIL AMENDING THE
OFFICIAL DISTRICT MAP OF THE CITY OF LODI AND THEREBY REZONING
1325 AND 1333 SOUTH CENTRAL AVENUE (APN 047-270-11 AND 047-270-12)
FROM SINGLE FAMILY RESIDENTIAL EASTSIDE (RE-1)
TO GENERAL COMMERCIAL (C-2) FOR THE GINI PROJECT

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WHEREAS, a Negative Declaration (ND-06-03) has been prepared in compliance with the California Environmental Quality Act of 1970, as amended, and the Guidelines provided hereunder. Further, the Planning Commission has reviewed and considered the information contained in said Negative Declaration with respect to the project identified in its Resolution No. P.C. 06-55 and recommended approval at its meeting of February 14, 2007; and

WHEREAS, the Planning Commission of the City of Lodi recommends approval of the request of Kenneth J. Gini on behalf of the Gini Project for a zone change (06-Z-01) from Single Family Residential Eastside (RE-1) to General Commercial (C-2) to the City Council of the City of Lodi; and

WHEREAS, the City Council, on April 4, 2007, approved Negative Declaration (ND-06-03) as adequate environmental documentation of said request; and

WHEREAS, the City Council, on April 4, 2007, amended the General Plan for the said project to General Commercial.

NOW, THEREFORE, BE IT ORDAINED BY THE LODI CITY COUNCIL AS FOLLOWS:

Section 1. The Lodi City Council hereby approves the request of Kenneth J. Gini, 1325 South Central Avenue, Lodi, CA 95240, on behalf of the Gini Project, for a zone change (06-Z-01) from Single Family Residential Eastside (RE-1) to General Commercial (C-2).

Section 2. The Official District Map of the City of Lodi adopted by Title 17 of the Lodi Municipal Code is hereby amended as follows:

1325 and 1333 South Central Avenue (APN 047-270-11 and 047-270-12) are hereby rezoned from Single Family Residential Eastside (RE-1) to General Commercial (C-2) for the Gini Project.

Section 3. 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 4. 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 5. The alterations, changes, and amendments of said Official District Map of the City of Lodi herein set forth have been approved by the City Planning Commission and by the City Council of this City after public hearings held in conformance with provisions of Title 17 of the Lodi Municipal Code and the laws of the State of California applicable thereto.

Section 6. All ordinances and parts of ordinances in conflict herewith are repealed insofar as such conflict may exist.

Section 7. 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 30 days from and after its passage and approval.

Approved this 18th 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. 1795 was introduced at a regular meeting of the City Council of the City of Lodi held April 4, 2007, and was thereafter passed, adopted, and ordered to print at a regular meeting of said Council held April 18, 2007, by the following vote:

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

I further certify that Ordinance No. 1795 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