AGENDA ITEM C-01

CITY OF LODI
COUNCIL COMMUNICATION

AGENDA TITLE: Ordinance No. 1787 Entitled, "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) of 257.76 Acres (Southwest Gateway Project) and Two Parcels on Harney Lane (565 and 603 East Harney Lane) and Pre-Zoning to R-MD (Medium Density Multifamily Residence) on 47.79 Acres (Other Areas to be Annexed)"

MEETING DATE: November 29, 2006 (Special City Council Meeting)

PREPARED BY: City Clerk

RECOMMENDED ACTION: Motion waiving reading in full and (following reading by title) adopting the attached Ordinance No. 1787.

BACKGROUND INFORMATION: Ordinance No. 1787 entitled, "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) of 257.76 Acres (Southwest Gateway Project) and Two Parcels on Harney Lane (565 and 603 East Harney Lane) and Pre-Zoning to R-MD (Medium Density Multifamily Residence) on 47.79 Acres (Other Areas to be Annexed)" was introduced at the regular City Council meeting of November 15, 2006.

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. 1787

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) OF 257.76 ACRES (SOUTHWEST GATEWAY PROJECT) AND TWO PARCELS ON HARNEY LANE (565 AND 603 EAST HARNEY LANE) AND PRE-ZONING TO R-MD (MEDIUM DENSITY MULTIFAMILY RESIDENCE) ON 47.79 ACRES (OTHER AREAS TO BE ANNEXED)

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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 Southwest Gateway Project area, the Other Areas to be Annexed (totaling 305.55 acres), and the two parcels on Harney Lane (comprising two acres) and are described as follows:

APN	Site Address	Property Owner
Southwest Gateway Project Area		
058-030-09	252 E. St. Route 12 Highway	Carolyn Reichmuth
058-030-03	14509 North Lower Sacramento Road	Van Ruiten Ranch, LTD
058-030-04	14499 North Lower Sacramento Road	Van Ruiten Ranch, LTD
058-030-05	14433 North Lower Sacramento Road	Van Ruiten Ranch, LTD
058-030-06	14195 North Lower Sacramento Road	Howard Investments, LLC
058-040-01	14101 North Lower Sacramento Road	Schumacher Trust
058-040-02	13837 North Lower Sacramento Road	Schumacher Trust
058-040-04	13537 North Lower Sacramento Road	Schumacher Trust
058-040-05	13589 North Lower Sacramento Road	Schumacher Trust
058-040-14	No site address assigned	Joey Tamura Trust
058-040-13	641 East Harney Lane	Schumacher Trust
Other Annexation Areas		
058-230-04	13786 North Lower Sacramento Road	Tsugio Kubota
058-140-13	14320 North Lower Sacramento Road	M. Bill Peterson
058-140-12	14500 North Lower Sacramento Road	M. Bill Peterson
058-140-14	14620 North Lower Sacramento Road	Ruth Susan Peterson
058-140-04	14752 North Lower Sacramento Road	Dean and Sharon Frame Trust
058-140-11	777 East Olive Avenue	Zane Grever Trust
058-140-06	800 East Olive Avenue	Vernet and Charlene Herrmann Trust
058-140-07	844 East Olive Avenue	Santiago and Ramona Del Rio
058-140-08	890 East Olive Avenue	Frank Hall
058-140-05	865 East Olive Avenue	Santiago and Ramona Del Rio
058-140-09	908 East Olive Avenue	Santiago and Ramona Del Rio
058-140-10	930 East Olive Avenue	Leticia F. Amigable Et al
Two parcels on Harney Lane		
058-040-11	565 East Harney Lane	Robert and Letha Pinnell
058-040-12	603 East Harney Lane	Frank Hall

SECTION 2: The applicants for the requested pre-zoning are as follows:

For the Southwest Gateway Project area:	Tom Doucette for Frontiers Community Builders
For the Other Annexation Areas:	The City of Lodi
For the two parcels on Harney Lane:	Robert and Letha Pinnell and Frank Hall

SECTION 3: The requested pre-zonings consist of the following:

For the Southwest Gateway Project area: Reclassification from San Joaquin County AU-20 (Agriculture, Urban Reserve, Minimum 20 Acres) to City of Lodi Planned Development (PD) Zone.

For the Other Annexation Areas: Reclassification from San Joaquin County AU-20 (Agriculture, Urban Reserve, Minimum 20 Acres) to City of Lodi Medium Density Multifamily Residence (R-MD) Zone.

For the two parcels on Harney Lane: Reclassification from San Joaquin County R-VL Zone (Very Low Density Residential) to City of Lodi Planned Development (PD) Zone.

SECTION 4: The pre-zone designations for the three areas are 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 citizen 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.

Medium Density Multifamily Residence (R-MD) Zone

The Medium Density Multifamily Residence Zone is designed to accommodate medium density residential development. In the R-MD zone, one-family, two-family, multifamily, and group dwellings are permitted; and parks, schools, children's nurseries and nursery schools, playgrounds, community centers, rest and convalescent homes, churches, museums, public utilities services buildings, automobile parking when adjacent to a commercial zone, and golf courses and similar noncommercial recreational uses are conditionally permitted. The development standards are as follows: maximum height is two-stories, not to exceed 35 feet; density is 5,000 square feet for a one-family dwelling; 6,000 square feet for a two-family dwelling; and 4,000 square feet for the first unit and 2,000 square feet for each additional units for a multifamily or group dwelling; and a sufficient parcel size to provide the necessary yard areas and parking spaces required for other types of buildings; and the required yards are a minimum of 20 feet for front yards, no minimum required side yards except adjacent to a residential zone when the minimum setback is 5 feet, corner side yards are a minimum of 10 feet, and rear yards are minimum of 10 feet, except for reduced yard requirements for specified circumstances. These development parameters would be consistent with the General Plan designation for the sites.

SECTION 5: Based upon the evidence in the staff report and project file the City Council of the City of Lodi hereby determines the following:

1. The Environmental Impact Report (EIR) (EIR-05-01) was certified by City Council Resolution No. 2006-209 and Findings and Statement of Overriding Considerations for the project pursuant to California Environmental Quality Act (CEQA) were adopted by City Council Resolution No. 2006-209.

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 applicant, Tom Doucette for Frontiers Community Builders, 10100 Trinity Parkway, Suite 420, Stockton, CA 95219, represents property owners of the parcels within the Southwest Gateway project site and these property owners have provided written consent to the project proponent and applicant for this zone change.

5. The City has initiated the request for a General Plan amendment and zone change for properties referred to as "Other Annexation Areas."

6. The property owners of two parcels contiguous to the Southwest Gateway project area (565 and 603 East Harney Lane) have submitted applications for pre-zoning.

7. 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 Area Formation Commission.

8. It is found that the requested Rezoning does not conflict with adopted plans or policies of the General Plan and will serve sound planning practice.

9. It is further found that the parcels of the proposed pre-zonings are physically suitable for the development of the proposed project.

10. 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, Zoning Ordinance as well as all other applicable standards.

11. The size, shape, and topography of the site are physically suitable for the proposed residential development.

12. 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.

13. 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.

14. Development of the proposed project shall be consistent with the Southwest Gateway land use plan ultimately approved by the City Council.

15. Final development plans demonstrating the height, setbacks, lot coverage, and other development standards, pursuant to Municipal Code Section 17.33.090, will be submitted for review and approval by the Planning Commission prior to the approval of a tentative subdivision map.

16. As required by the Planned Development Zoning Designation, the multi-family units with the Southwest Gateway Project shall be reviewed and approved by the Site Plan and Architectural Review Committee prior to the issuance of a building permit.

17. The Southwest Gateway Development Plan, required by Lodi Municipal Code Chapter 17.33 PD Planned Development District, consists of a master planned residential community for the future development of 1,230 residential units, 31 acres of parks and trails, an elementary school, and related infrastructure.

SECTION 6: All conditions of approval 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 29th day of November, 2006

SUSAN HITCHCOCK
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 herby certify that Ordinance No. 1787 was introduced at a regular meeting of the City Council of the City of Lodi held November 15, 2006, and was thereafter passed, adopted, and ordered to print at a special meeting of said Council held November 29, 2006, by the following vote:

AYES: COUNCIL MEMBERS –

NOES: COUNCIL MEMBERS-

ABSENT: COUNCIL MEMBERS-

ABSTAIN: COUNCIL MEMBERS-

I further certify that Ordinance No. 1787 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 CITY OF LODI ORDINANCE NO. 1787

The pre-zone of the entire 257.76 acres of the SW Gateway acres to PD (Planned Development), which includes designations specific to housing, and public/quasi-public uses all as shown on the attached map (Exhibit B), and approval of the pre-zone of the Other Annexation Areas to R-MD (Residential Medium Density), which would allow for future development of residential uses, are subject to the following conditions of approval. :

1. Prior to the issuance of any tentative subdivision maps, final development plans shall be subject to review and approval by Planning Commission. The development plan shall include development standards for proposed residential units (i.e., building height, setbacks, lot coverage and permitted accessory uses).

2. Prior to the issuance of any tentative subdivision maps, final park plans shall be subject to review and approval by Parks and Recreation Department.

3. 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.

4. Development of the parcels identified as Other Annexation Areas shall be subject to the zoning standards of the R-MD zoning district.

5. Prior to the development of any portion of the SW Gateway 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 WID 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.

i. Modification of the Lodi Bicycle Transportation Master Plan. The current master plan includes a Class I bike path along the westerly project boundary that would be part of the City-wide recreational trail in conformance with the Parks and Recreation Master Plan. This bike trail can be incorporated into the proposed north-south bicycle/pedestrian corridor. The bicycle master plan also includes a Class II or III bike boulevard extending north-south from the WID canal north of Lodi Avenue to Harney Lane and east-west along the extension of Vine Street and Class II bike lanes along Lodi Avenue. All modifications to the bicycle master plan shall be to the approval of the City Council.

j. Parks and Recreation master plan.

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 Final Environmental Impact Report (FEIR), and set out in the Mitigation Monitoring and Reporting Program are hereby incorporated into this approval.

8. All applicable state statutes, and local ordinances, including all applicable Building and Fire Code requirements for hazardous materials shall apply to the project.

9. 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 of the Community Development Director and Public Works Director. Said plans shall indicate that all corner lots shall have architectural treatments on both street facing elevations.

10. Prior to submittal of building permits, the applicant shall submit a walls and fencing plan. 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.

11. Within 90 days of the approval of this project, whichever occurs first, 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-04-01."

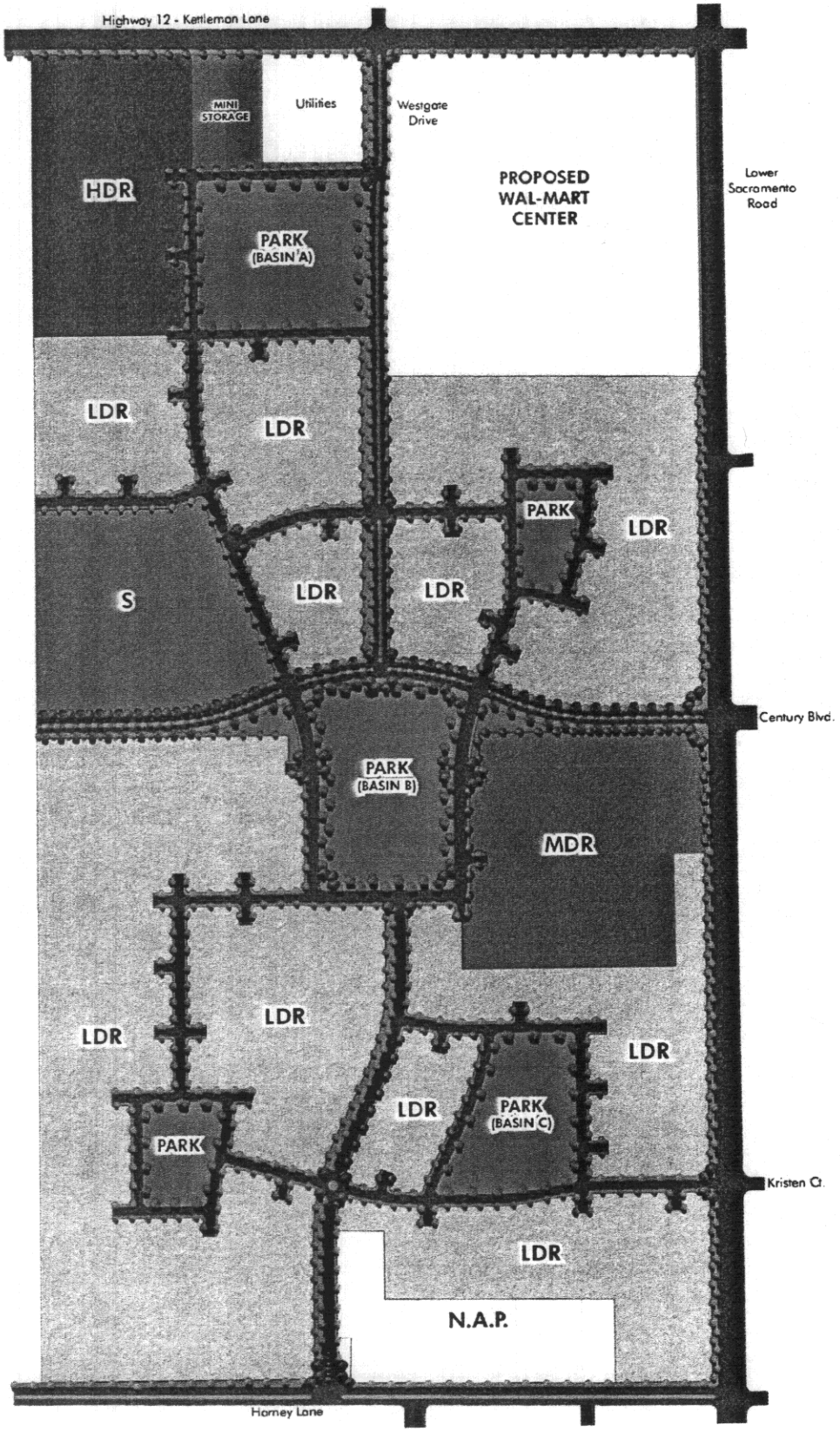
Immediately following this statement will appear a signature block for the owner or the owner's representative which shall be signed. Signature blocks for the City Community Development Director and City Engineer shall also appear on this page. The affidavit shall be approved by the City prior to any improvement plan or final map submittal.

12. As part of Mitigation Measure LU-2 of the Lodi Annexations EIR (EIR-05-01) the developer must preserve agricultural land in perpetuity to mitigate significant impacts associated with conversion of the 241 acres of Prime Farmland within the Southwest Gateway and 39 acres in the Other Areas to be Annexed. 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 ten thousand dollars. Said fee shall be paid prior to approval of the first tentative subdivision map.

EXHIBIT B

SOUTHWEST GATEWAY LAND USE PLAN

SW Gateway Land Use Plan



LODI GATEWAY: Illustrative Land Use Plan

SCALE : 1" = 200'

City of Lodi, CA

FCB HOMES