

<p>CARNEGIE FORUM 305 WEST PINE STREET LODI, CALIFORNIA</p>	<p>AGENDA LODI PLANNING COMMISSION</p>	<p>REGULAR SESSION WEDNESDAY, APRIL 23, 2008 @ 7:00 PM</p>
---	---	--

For information regarding this agenda please contact:

Kari Chadwick @ (209) 333-6711
Community Development Secretary

***NOTE:** All staff reports or other written documentation relating to each item of business referred to on the agenda are on file in the Office of the Community Development Department, located at 221 W. Pine Street, Lodi, and are available for public inspection. If requested, the agenda shall be made available in appropriate alternative formats to persons with a disability, as required by Section 202 of the Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12132), and the federal rules and regulations adopted in implementation thereof. To make a request for disability-related modification or accommodation contact the Community Development Department as soon as possible and at least 24 hours prior to the meeting date.*

1. ROLL CALL
2. MINUTES – “April 9, 2008”
3. PUBLIC HEARINGS - None
4. PLANNING MATTERS/FOLLOW-UP ITEMS
 - a. Find the Lodi Community Improvement Project consistent with the General Plan, approve reduced territory, and review the Draft Program Environmental Impact Report.
5. ANNOUNCEMENTS AND CORRESPONDENCE
6. ACTIONS OF THE CITY COUNCIL
 - a. Summary Memo Attached
7. GENERAL PLAN UPDATE/DEVELOPMENT CODE UPDATE
 - a. Development code Update Summary Report.
8. ACTIONS OF THE SITE PLAN AND ARCHITECTURAL REVIEW COMMITTEE
 - a. 4-21-08 - Major remodel of an existing restaurant at 514 West Kettleman Lane. (Applicant, Lance Crannell on behalf of McDonald’s USA, LLC; File # 08-SP-01).
9. UPDATE ON COMMUNITY SEPARATOR/GREENBELT TASK FORCE
10. ART IN PUBLIC PLACES
11. COMMENTS BY THE PUBLIC
12. COMMENTS BY THE PLANNING COMMISSIONERS & STAFF
13. ADJOURNMENT

Pursuant to Section 54954.2(a) of the Government Code of the State of California, this agenda was posted at least 72 hours in advance of the scheduled meeting at a public place freely accessible to the public 24 hours a day.

*****NOTICE:** Pursuant to Government Code §54954.3(a), public comments may be directed to the legislative body concerning any item contained on the agenda for this meeting before (in the case of a Closed Session item) or during consideration of the item.*

Right of Appeal:

If you disagree with the decision of the commission, you have a right of appeal. Only persons who participated in the review process by submitting written or oral testimony, or by attending the public hearing, may appeal.

Pursuant to Lodi Municipal Code Section 17.72.110, actions of the Planning Commission may be appealed to the City Council by filing, within ten (10) business days, a written appeal with the City Clerk and payment of \$300.00 appeal fee. The appeal shall be processed in accordance with Chapter 17.88, Appeals, of the Lodi Municipal Code. Contact: City Clerk, City Hall 2nd Floor, 221 West Pine Street, Lodi, California 95240 – Phone: (209) 333-6702.

**LODI PLANNING COMMISSION
REGULAR COMMISSION MEETING
CARNEGIE FORUM, 305 WEST PINE STREET
WEDNESDAY, APRIL 9, 2008**

1. CALL TO ORDER / ROLL CALL

The Regular Planning Commission meeting of April 9, 2008, was called to order by Chair Mattheis at 7:00 p.m.

Present: Planning Commissioners – Cummins, Hennecke, Kirsten, Kiser, Olsen, White, and Chair Mattheis

Absent: Planning Commissioners – None

Also Present: Planning Manager Peter Pirnejad, Deputy City Attorney Janice Magdich, Senior Planner David Morimoto, Junior Planner Immanuel Bereket, and Administrative Secretary Kari Chadwick

2. MINUTES

“March 26, 2008”

MOTION / VOTE:

The Planning Commission, on motion of Vice Chair Kiser, Cummins second, approved the Minutes of March 26, 2008 as written. (Chair Mattheis abstained because he was not at the subject meeting)

3. PUBLIC HEARINGS

- a) Notice thereof having been published according to law, an affidavit of which publication is on file in the Community Development Department, Chair Mattheis called for the public hearing to consider the request of the Planning Commission for approval of the site plan and architecture of a convenience store with a gas station at 730 South Cherokee Lane.

Planning Manager Pirnejad gave a brief PowerPoint presentation based on the staff report. Staff recommends approval.

Vice Chair Kiser asked how the tanker truck would be able to come in to make a drop off. Planning Manager Pirnejad stated that staff feels it is possible, but it will be tight. Vice Chair Kiser does not believe it is possible.

Commissioner Kirsten thinks that there should be more trees in the landscaping plan. Planning Manager Pirnejad stated that staff is requiring trellises around the trash enclosures and could possibly fit another tree or two along Hale Road. Junior Planner Bereket stated that the landscape strip along Hale Road is too narrow to put larger trees and that is why we required more ground cover in that area.

Chair Mattheis stated that he agreed with Commissioner Kirsten regarding the landscaping. He is also concerned that the area for handicap customers is in the path of two-way vehicle travel, and the vehicles fueling up will be sticking out into the drive lanes. Junior Planner Bereket stated that there is only going to be one pump with two handles allowing only two vehicles to fuel at a time. Chair Mattheis stated that he would like to see a condition in the Resolution stating that.

Hearing Opened to the Public

- Aster Canet, representative of the applicant, came forward to answer questions. Mr. Canet stated that he sees handicap paths of travel crossing vehicle paths all the time. The company that will be delivering the fuel has seen the plans and stated that they believe they will be able to make the turns required.

- Commissioner White asked how many pumps there will be on the island. Mr. Canet stated that there will be two separate pumps with four handles, but only one car per side can fuel up at a time.
- Commissioner Kirsten wanted to know why the mansard roof was taken off the south side of the building. Mr. Canet stated that the roof was meant for the original building which was longer. Mr. Canet stated that the applicant may not be opposed to putting it back on the building.
- Chair Mattheis asked what will prevent four vehicles from trying to fuel up at the same time if there are four pumps available. Mr. Canet stated that he feels that the lack of available space for the cars will prevent it.

Public Portion of Hearing Closed

- Commissioner Hennecke stated his concerns for the project. He liked the elevations from the first time the application came before the Commission. He would also like to see only one pump placed on the island in a way so that no matter which way a vehicle pulls up to the pump it will not be blocking any of the drive lanes.
- Vice Chair Kiser stated his concerns for the project; Tanker truck not fitting, four handles will have four cars fueling. He stated that he can not support this project.
- Commissioner Cummins stated that he also shares the other Commissioners concerns and asked staff if there is a minimum lot size for this type of development. Planning Manager Pirnejad stated that there is not.
- Commissioner Kirsten stated his concerns for the project, but does not want to discourage the applicant. He feels that it would be inappropriate for the Commission to approve a project that could be a potential hazard.
- Chair Mattheis stated his concerns for the project; handicap path of travel and four pumps. He stated he can not support the project in its current form.
- Commissioner Olson stated her concerns for the tightness of the property and the speed in which the property will break down and become blighted do to the tightness of the lot.
- Commissioner Cummins asked to have the public hearing re-opened to the public to get some answers from the applicant regarding the concerns stated.

Public Hearing Re-Opened

- Aster Canet, came forward to offer some solutions to the concerns expressed; using only one pump on the island and placing a door on the south elevation to eliminate the handicap path of travel through the traffic travel area.
- Vice Chair Kiser re-stated his concern for the fueling vehicles sticking out into the drive lanes.
- Commissioner Hennecke stated that anyone with a truck towing a trailer/boat there would still be a problem.

Public Hearing Re-Closed

- Planning Manager Pirnejad offered new conditions to address some of the concerns:
 - Add to #16 – the applicant shall add three more Crape Myrtles along Hale Road to the maximum extent possible.
 - New #17 – The applicant shall be limited to two gas pumps with one handle each located on either side of the island.
 - New #18 – The applicant shall provide an ADA accessable door on the south side of the building in a manner that maintains a 24 foot isle to the neighboring site.

Continued

- Vice Chair Kiser stated that even with the added conditions he doesn't see this site working for this purpose. Commissioner Hennecke agreed.
- Commissioner Cummins ask if there is anyway that this could be configured so that it works. Discussion occurred regarding the probability of this use fitting on this site.
- Commissioner Olson stated that this project may not be the right one for this site and the right thing to do in this case may be to just deny this project.

MOTION / VOTE:

The Planning Commission, on motion of Vice Chair Kiser, Kirsten second, denied the plans for the site plan and architecture of a convenience store with a gas station at 730 South Cherokee Lane. The motion carried by the following vote:

Ayes: Commissioners – Cummins, Hennecke, Kirsten, Kiser, Olson, White, and Chair Mattheis.
Noes: Commissioners – None

- b) Notice thereof having been published according to law, an affidavit of which publication is on file in the Community Development Department, Chair Mattheis called for the public hearing to consider the request for approval of Negative Declaration 08-ND-01 as adequate environmental documentation for the proposed City Well No. 28.

Planning Manager Pirnejad stated that there have been some concerns brought up by San Joaquin County's Habitat Conservation Plan (HCP) staff that City staff is trying to address at this time and would like to have the item continued to a date uncertain.

MOTION / VOTE:

The Planning Commission, on motion of Commissioner Kirsten, Cummins second, approved the request to continue item 3b for approval of Negative Declaration 08-ND-01 as adequate environmental documentation for the proposed City Well No. 28 to a date uncertain. The motion carried by the following vote:

Ayes: Commissioners – Cummins, Hennecke, Kirsten, Kiser, Olson, White, and Chair Mattheis.
Noes: Commissioners – None

4. PLANNING MATTERS/FOLLOW-UP ITEMS

Planning Manager Pirnejad stated that the Environmental Impact Report (EIR) for the Redevelopment Project Area has gone out for public review and should be brought before the Commission soon. Commissioner White asked who should be sitting on the Commission for this hearing. Deputy City Attorney Magdich stated that the Commissioners that were chosen by lot to sit at the first hearing should continue to sit in on all the hearings for the RDA, given that Commissioner Olson was not on the Commission at the time she may also be able to sit in on the hearing.

Planning Manager Pirnejad stated that the Lodi Shopping Center Revised Environmental Impact Report final draft is almost ready for release and the Commission will get copies as soon as that happens.

5. ANNOUNCEMENTS AND CORRESPONDENCE

None

6. ACTIONS OF THE CITY COUNCIL

Planning Manager Pirnejad gave a brief report on the items listed on the memo attachment in the packet.

7. GENERAL PLAN UPDATE/DEVELOPMENT CODE UPDATE

Continued

Planning Manager Pirnejad stated that the General Plan consultant has been contacted regarding an update and staff is waiting for a response. The Development Code Update will have a summary report brought before the Commission at the next meeting regarding all of the items that staff has compiled over the years that were of high enough importance that they could be implemented prior to the General Plan Update.

8. ACTIONS OF THE SITE PLAN AND ARCHITECTURAL REVIEW COMMITTEE

None

9. UPDATE ON COMMUNITY SEPARATOR/GREENBELT TASK FORCE

None

10. ART IN PUBLIC PLACES

Commissioner Kirsten stated that he has been in contact with the head of the Committee, but there has not been any meetings yet.

11. COMMENTS BY THE PUBLIC

None

12. COMMENTS BY STAFF AND COMMISSIONERS

Planning Manager Pirnejad stated that if any of the Commissioners have any concerns or ideas regarding the layout of the agendas please feel to contact staff.

Deputy City Attorney Magdich stated that staff is available to discuss any concerns the Commissioners may have in regards to conflicts with the Redevelopment Project Area hearing.

Chair Mattheis would still like to see a Heritage Tree Ordinance put into place. Planning Manager Pirnejad stated that it will be part of the Development Code summary report.

Commissioner Cummins asked about the acting Community Development Director position. Planning Manger Pirnejad stated that Randy Hatch does not official depart until June 1st. The three managers in the department have been assisting in the duties that the director would normally take on.

13. ADJOURNMENT

There being no further business to come before the Planning Commission, the meeting was adjourned at 8:17 p.m.

ATTEST:

Peter Pirnejad
Planning Manager

Item 4a.

**CITY OF LODI
PLANNING COMMISSION
Staff Report**

MEETING DATE: April 23, 2008

REQUEST: The Redevelopment Agency for the City of Lodi (“Agency”) requests that the Lodi Planning Commission adopt a Resolution finding that the Plan for the Lodi Community Improvement Project is consistent with the Lodi General Plan, that proposed projects area consistent with the General Plan, that certain territory be removed from the proposed project area, and that the City Council and the Agency approve the Lodi Community Improvement Project.

LOCATION: City of Lodi.
County of San Joaquin, CA.

APPLICANT: City of Lodi
221 West Pine Street
Lodi, CA 95241-1910

RECOMMENDATION :

Adopt Planning Commission Resolution 08-09, which: 1) finds that the Lodi Community Improvement Project is consistent with the Lodi General Plan, 2) finds that proposed projects are consistent with the General Plan, 3) recommends that certain territory be removed from the proposed project area, and 4), recommends that the City Council and the Agency approve the Lodi Community Improvement Project

BACKGROUND/ANALYSIS:

The Agency has initiated the preparation and adoption of the Lodi Community Improvement Project. A draft Redevelopment Plan has been prepared according to the requirements of California Community Redevelopment Law and distributed to various local governmental agencies. Before the City Council can consider adopting the Redevelopment Plan, it must first be submitted to the Planning Commission for two actions:

1. A finding that the Amended and Restated Redevelopment Plan is in conformance with the General Plan.

Redevelopment Law requires that the Plan be in conformance with the General Plan. The Plan is not a specific plan for the development of the project area. Rather, the Plan is an authorizing document, which allows the Agency to use a variety of financing and implementation tools to promote new development and redevelopment in a manner consistent with the General Plan.

To assist the Planning Commission in its finding of General Plan conformity, Subsection 210 of the Plan is drafted so that future development projects must be in conformance with the General Plan, as it now exists or may be amended in the future. This will help ensure that the Plan remains consistent with the General Plan if the General Plan is amended in the future. Additional sections of the Plan which also require conformity with the General Plan: 252, 253, 255, and 257.

2. A recommendation on the adoption of the Redevelopment Plan.

Redevelopment Law provides the Planning Commission the opportunity to make a recommendation to the City Council regarding the adoption of the Lodi Community Improvement Project. The City Council will then consider the Plan at a public hearing currently scheduled for late May.

A Redevelopment Plan functions as a basic long-term document. It sets out broad goals and can place certain limitations on the authority of the agency (such as no eminent domain). The Redevelopment Plan is typically a very general document, providing the agency with maximum flexibility. This document proposes to set the maximum time limits under the law, prevents the use of eminent domain by the agency for any use, and gives as much flexibility as possible in spending tax increment money on as many uses as possible. Consequently, allowing future city council's the opportunity to use funds for the greatest good at that time.

Detailed studies were performed on every parcel of land in the Project. These studies revealed that the Project Area is a predominantly "blighted area" pursuant to the requirements set forth in the California Community Redevelopment Law ("CRL") and that it qualifies for inclusion in a redevelopment area. Therefore, it is recommended that the Planning Commission recommend adoption of the proposed Lodi Community Improvement Project by the City Council.

3. A recommendation that certain territory be removed from the proposed Lodi Community Improvement Project.

Furthermore, Agency staff recommends that certain territory be removed from the proposed Lodi Community Improvement Project. Under the Community Redevelopment Law, the Planning Commission makes a recommendation to the City Council regarding the removal of the territory.

Exhibit A, which is part of the attached resolution, shows the territory recommended for removal. This includes parcels north of Turner Road and along the river, various residential neighborhoods that do not show significant conditions of blight, and parcels presently in agricultural use.

Finally, the Planning Commission was provided with a Draft Program Environmental Impact Report for the Lodi Community Improvement Project. This document will be certified by the Agency and City Council prior to voting on the proposed project. As a program EIR the document is generalized in nature, and focuses mostly on cumulative impacts. Subsequent environmental documents will consider development project-specific impacts. Commissioners may comment on the Draft Program EIR, and responses to these comments will be prepared and included in the Final Program EIR.

Respectfully Submitted,

Concur,

Peter Pirnejad
Planning Manger

Blair King
City Manager

ATTACHMENTS:

1. Draft Resolution

RESOLUTION NO. P.C. 08-09

RESOLUTION OF THE LODI PLANNING COMMISSION FINDING THE REDEVELOPMENT PLAN FOR THE LODI COMMUNITY IMPROVEMENT PROJECT IS IN CONFORMANCE WITH THE LODI GENERAL PLAN; APPROVING REVISED BOUNDARIES OF THE PROPOSED PROJECT AREA; AND MAKING ITS RECOMMENDATION TO THE LODI CITY COUNCIL AND REDEVELOPMENT AGENCY FOR THE CITY OF LODI

WHEREAS, the Planning Commission of the City of Lodi has heretofore held a duly noticed public hearing, as required by law, on the requested Use Permit in accordance with the Government Code and Lodi Municipal Code Chapter 17.72, Adjustments and Use Permits; and

WHEREAS, the Lodi City Council and the Redevelopment Agency for the City of Lodi (the "Agency") are in the process of creating a Redevelopment Plan for the Lodi Community Improvement Project (the "Project"); and,

WHEREAS, the Agency has prepared a Draft Redevelopment Plan for the Project; and,

WHEREAS, the Planning Commission has reviewed said Draft Redevelopment Plan for conformance with the Lodi General Plan; and,

WHEREAS, in accordance with redevelopment law, the Planning Commission may make a recommendation to the City Council and the Agency regarding the Draft Redevelopment Plan; and,

WHEREAS, Agency staff is requesting the Planning Commission remove various parcels of land from the proposed Project Area as shown on Exhibit "A" attached hereto and by this reference made a part hereof.

NOW, THEREFORE, BE IT RESOLVED by the Lodi Planning Commission:

SECTION 1: The Planning Commission hereby finds and determines that the Draft Redevelopment Plan is in conformance with, and consistent with, the Lodi General Plan.

SECTION 2: The Planning Commission hereby finds and determines that the location, purpose and extent of any acquisition or disposition of real property for street, square, park or other public purpose by the Agency for the purposes of carrying out the Redevelopment Plan conforms to the General Plan.

SECTION 3: The Planning Commission hereby removes parcels of land from the proposed Project Area, as shown in Exhibit "A."

SECTION 4: The Planning Commission hereby recommends to the City Council and the Agency that the Draft Redevelopment Plan be approved.

SECTION 5: The Secretary of the Planning Commission is hereby authorized and directed to transmit a copy of this Resolution to the City Council and to the Agency as prescribed in Sections 33347 and 33453 of the Health and Safety Code.

Dated: April 23, 2008

I hereby certify that Resolution No. 08-09 was passed and adopted by the Planning Commission of the City of Lodi at a regular meeting held on April 23, 2008, by the following vote:

AYES: Commissioners:

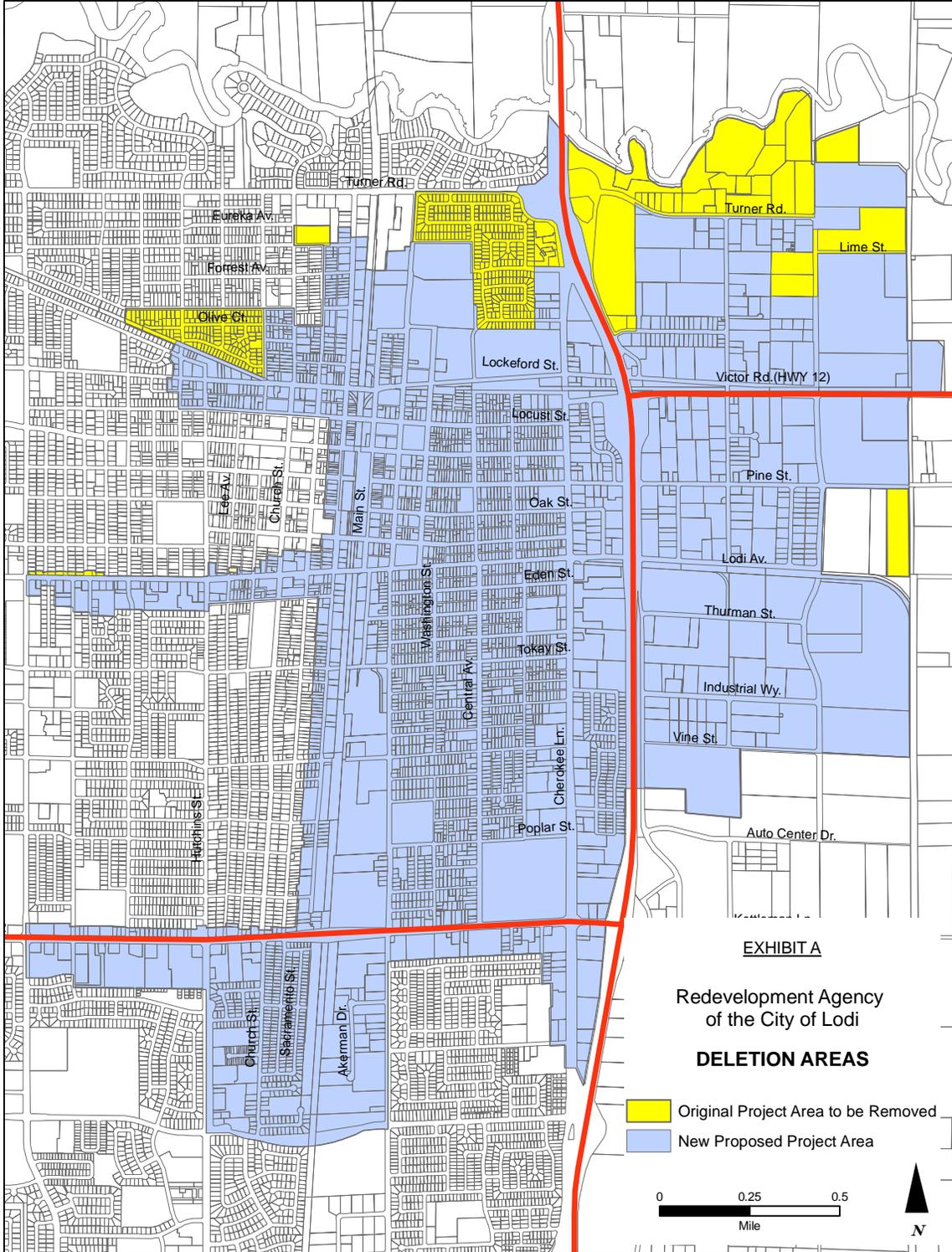
NOES: Commissioners:

ABSENT: Commissioners:

ATTEST:

Secretary, Planning Commission

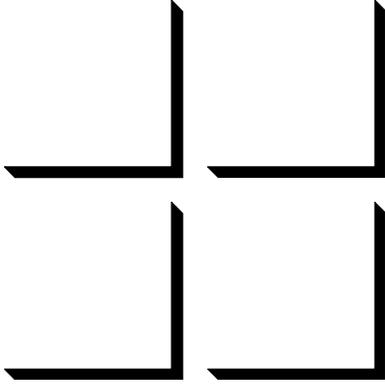
EXHIBIT A



April 18, 2008

DRAFT
**Plan for the Lodi Community
Improvement Project**

REDEVELOPMENT AGENCY OF THE CITY OF LODI



Adopted:
Ordinance No.:

DRAFT

Plan for the Lodi Community Im-

provement Project

REDEVELOPMENT AGENCY OF THE CITY OF LODI

 GRC Redevelopment Consultants
701 South Parker Street
Suite 7400
Orange, CA 92868

DRAFT

Plan for the Lodi Community Improvement Project

CITY COUNCIL/ REDEVELOPMENT AGENCY

JoAnne Mounce, *Mayor/Chair*
Larry D. Hansen, *Mayor Pro Tem/Vice Chair*
Susan Hitchcock, *Councilperson/Member*
Bob Johnson, *Councilperson/Member*
Phil Katzakian, *Councilperson/Member*

PLANNING COMMISSION

Tim Mattheis, *Chair*
Wendel Kiser, *Vice-Chair*
Steve Hennecke, *Commissioner*
Dave Kirsten, *Commissioner*
Dennis White, *Commissioner*
Bill Cummins, *Commissioner*
Debbie Olson, *Commissioner*

CITY/AGENCY STAFF

Blair King, *City Manager/Executive Director*
Randy Hatch, *Community Development Director*
Peter Pirnejad, *Planning Manager*
Mark Huebsch, *Agency Special Counsel*
Stephen Schwabauer, *City Attorney*
Kirk Evans, *Budget Manager*
Immanuel Bereket, *Junior Planner*
Rick Caguiat, *Junior Planner*
David Morimoto, *Senior Planner*

DRAFT

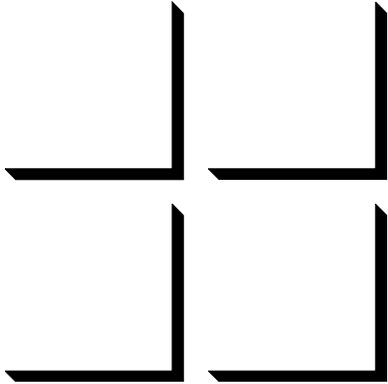
Plan for the Lodi Community Improvement Project

TABLE OF CONTENTS

I.	Introduction	1
A.	Background and Authority	1
B.	Purpose and Basis of this Plan.....	1
C.	Definitions	2
D.	Project Area Boundaries	3
II.	Development in the Project Area	5
A.	Project Objectives	5
B.	Conformance to the General Plan	8
C.	Specific Development Objectives	9
D.	Land Uses for the Project Area	9
E.	Public Uses for the Project Area.....	10
F.	General Development Requirements	10
G.	Development Procedures	12
III.	Redevelopment Implementation	15
A.	General	15
B.	Participation by Owners and Tenants	14
C.	Property Acquisition and Management	15
D.	Relocation of Persons, Families and Businesses	16
E.	Demolition, Clearance, Site Preparation, Project Improvements and Public Improvements	16
F.	Rehabilitation and Conservation of Structures.....	20
G.	Real Property Disposition and Development.....	21
H.	Other Agency Authority.....	25
IV.	Low- and Moderate-Income Housing	29
A.	20% Tax Increment Funds Requirement	29
B.	Low- and Moderate-Income Housing and Replacement	29
C.	Provision of Low- and Moderate-Income Housing....	30
D.	New or Rehabilitated Dwelling Units Developed within the Project Area.....	31
E.	Last Resort Housing.....	32

V.	Project Financing	33
A.	General Description of the Proposed Financing Method	33
B.	Tax Increments.....	34
C.	Issuance of Bonds and Notes	35
D.	Loans and Grants.....	35
E.	Financing Limitations.....	36
F.	Low- and Moderate-Income Housing Fund	37
G.	Payments to Taxing Agencies.....	37
VI.	Administration	39
A.	Administration and Enforcement of this Plan.....	39
B.	Duration of this Plan’s Development Controls	39
C.	Procedure for Plan Amendment	40
D.	Agency/City Cooperation	40
E.	Cooperation with Other Public Jurisdictions	41

APPENDIX A:	Redevelopment Plan Map
APPENDIX B:	Project Area Legal Description



I. INTRODUCTION

A. (§100) BACKGROUND AND AUTHORITY

This Redevelopment Plan for the Lodi Community Improvement Project (the “Project”) was prepared by the Redevelopment Agency for the City of Lodi (the “Agency”) pursuant to the Community Redevelopment Law of the State of California (the “CRL;” Health and Safety Code Sections 33000, et seq.; all statutory references hereinafter shall be to the Health and Safety Code unless otherwise designated), the California Constitution, and all applicable laws, local codes, and ordinances. This Plan consists of this text, the attached Plan Map, and the attached Legal Description (Sections 100 through 640, and Appendices A and B, respectively).

B. (§110) PURPOSE AND BASIS OF THIS PLAN

The overall purpose of formulating this Plan is to provide for the elimination or alleviation of physical and economic blighting conditions, as defined in CRL Section 33030 and 33031, that affects an approximately 2,159-acre area (the “Project Area”). Broadly stated, these conditions include: physical deterioration of buildings and facilities; potential threats to the public health and safety, inadequate public improvements and facilities that are essential to the health and safety of local residents and property owners; areas of incompatible land uses; lots of irregular form and shape and of inadequate size for proper development; and land suffering from depreciated or stagnant values.

The basis for this Plan is the Preliminary Plan for the Lodi Community Improvement Project, adopted by the Planning Commission of the City of Lodi (the “Planning Commission”) on November 14, 2007.

C. (§120) DEFINITIONS

The following definitions will govern in the context of this Plan unless otherwise stipulated herein:

- 1) (§120.1) **Agency** means the Redevelopment Agency of the City of Lodi, California.
- 2) (§120.2) **Project Area** means the territory subject to this Plan, as described in Appendix 'B.'
- 3) (§120.3) **Lodi Community Improvement Project** means the Project under this Plan.
- 4) (§120.4) **City** means the City of Lodi, California.
- 5) (§120.5) **City Council** means the City Council of the City of Lodi, California.
- 6) (§120.6) **County** means the County of San Joaquin, California.
- 7) (§120.7) **CRL** means the Community Redevelopment Law of the State of California (California Health and Safety Code, Sections 33000, et seq.), as from time to time amended.
- 8) (§120.8) **General Plan** means the Lodi General Plan, as it may be from time to time amended.
- 9) (§120.9) **Legal Description** means a description of the land within the Project Area in accordance with map specifications approved by the California State Board of Equalization, and attached hereto as Appendix 'B.'
- 10) (§120.10) **Owner Participation Rules** means the adopted owner participation rules as they may be amended from time to time by the Agency.
- 11) (§120.11) **Person** means any individual or any public or private entity.
- 12) (§120.12) **Persons or Families of Low- or Moderate-Income** means the same as defined by Health and Safety Code Sections 50093 (low and moderate income), 50079.5 (lower income), 50105 (very low income) and 50106 (extremely low income). The County-wide dollar-definition of these incomes is published annually pursuant to Title 25 California Code of Regulations, Section 6932.
- 13) (§120.13) **Personal Property** means all property other than Real Property.

- 14) (§120.14) **Project** means all activities, plans, programs, objectives, goals, and policies involved in this Plan, either directly or by reference.
- 15) (§120.15) **Property** means Real Property and/or Personal Property.
- 16) (§120.16) **Real Property** means land, buildings, structures, fixtures and improvements on the land; property appurtenant to or used in connection with the land; every estate, interest, privilege, easement, franchise, and right in land, including rights-of-way, terms for years, and liens, charges, or encumbrances by way of judgment, mortgage or otherwise, and the indebtedness secured by such liens.
- 17) (§120.17) **Redevelopment Law** means the CRL.
- 18) (§120.18) **Redevelopment Plan** or **Plan** means this document, which, upon adoption by the City Council, shall be officially designated as, “The Plan for the Lodi Community Improvement Project.”
- 19) (§120.19) **Redevelopment Plan Map** means the Community Improvement Plan Map, attached hereto in Appendix ‘A.’
- 20) (§120.20) **State** includes any state agency or instrumentality of the State of California.
- 21) (§120.21) **Zoning Ordinance** means the codes, ordinances and resolutions relating to zoning, land use, and development in the City, as may be from time to time amended.

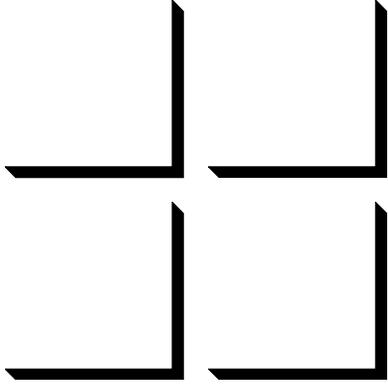
D. (§130) PROJECT AREA BOUNDARIES

The Project Area includes all properties within the boundaries shown on the Community Improvement Plan Map (see Appendix ‘A’), and described in the Legal Description (see Appendix ‘B’).

ö ö ö

This page intentionally left blank

ö ö ö



II. DEVELOPMENT IN THE PROJECT AREA

A. (\$200) PROJECT OBJECTIVES

The Project Area includes a number of conditions that are specified in the CRL as characteristic of blight. Due to the range of these detrimental physical and economic conditions, the Agency must undertake a comprehensive program of activities, including providing needed public improvements, targeted programs and activities to stimulate quality development, financial assistance to promote rehabilitation of existing improvements and structures, and various other activities that would serve existing residents and businesses, and would encourage new private investment. In addition to providing needed public improvements and other assistance, the Agency may assist owners and developers with key in-fill projects through a variety of targeted programs. In doing such, the Agency intends to mitigate the effects of blight in the Project Area.

Vision Statement

Urban Environment

Overriding Goal: Enhance existing business and residential neighborhoods, and encourage new in-fill development as appropriate.

- Encourage development according to the City's General Plan, as it currently exists or may be amended in the future.
- Help preserve and enhance existing conforming residential neighborhoods through landscaping, street and other infrastructure improvements.

- Work with business and property owners to upgrade their properties in the Project Area.
- Rehabilitate deteriorated residential and commercial properties to eliminate safety deficiencies to extend the useful lives of these structures.
- Encourage policies that protect historic structures and ensure historic preservation in the Project Area.
- Work with property owners and businesses to clean up properties that are or have been exposed to hazardous materials.
- Work with property owners to eliminate the negative impacts related to non-conforming land uses.
- Provide for an appropriate buffer to residential neighborhoods from noise, odors, and vibrations for non-residential uses.
- Promote and ensure an environment that is friendly and safe for pedestrians.
- Strengthen pedestrian connections between neighborhoods, and from the Project Area to the rest of the City.

Economic Development

Overriding Goal: Create successful commercial and industrial employment areas to serve local residents, businesses, employees and visitors.

- Develop infrastructure improvements that facilitate private investment in the Project Area.
- Assist economically depressed properties to reverse stagnant or declining property investment through infrastructure improvements and programs.
- Expand opportunities for shopping and services by encouraging the development of new commercial uses that fulfill unmet needs in the community and rehabilitation of existing commercial properties.

- Work with property owners to consolidate parcels to induce new or expanded business development.
- Promote the development of new commercial and industrial opportunities that provide for diverse employment opportunities.
- Provide relocation assistance to businesses and residents in accordance with current law.

Housing Affordability and Quality

Overriding Goal: Establish the Project Area as a community with a high-quality housing stock that includes a variety of housing unit types affordable to a wide range of households.

- Improve the appearance and attractiveness of residential neighborhoods through neighborhood improvement programs, code enforcement efforts, and residential rehabilitation programs.
- Protect the health and general welfare of the Project Area's low- and moderate-income residents by utilizing 20% of the property tax increment revenues to improve, increase and preserve the supply of low- and moderate-income housing.
- Provide replacement housing as required by law if any dwelling units affordable to low- or moderate-income persons or families are lost from the housing supply as a result of Agency activities.
- Provide relocation assistance to businesses and households displaced by Agency activities.
- Provide housing rehabilitation programs to upgrade properties to eliminate blight and adverse code conditions.

Public Infrastructure

Overriding Goal: Improve the Project Area's public infrastructure system to ensure public health, safety and welfare of residents, businesses, and properties

- Provide for improvements to the infrastructure system that cannot be undertaken by a single property owner, but must be improved on an area-wide basis such as drainage improvements, water distribution lines, flood control facilities, and under-grounding of utilities.
- Provide a range of public infrastructure improvements that induce or facilitate private investment such as intersection upgrades, streets, curbs and gutters, sidewalks, street medians, and parking management facilities.
- Work with property owners on the location and timing of improvements to economically assist the repositioning and development of parcels.

Plan Management

Overriding Goal: Ensure that the Lodi Community Improvement Project is managed in the most efficient, effective and economical manner possible.

- Encourage the cooperation and participation of property owners, tenants, residents, public agencies, and community organizations in the elimination of blighting conditions and the promotion of new or improved development in the Project Area.
- Establish programs and activities which assist, complement, and coordinate with public and private development and encourage revitalization and enhancement in the Project Area.
- Oversee the necessary infrastructure improvements in a coordinated and efficient manner.

B. (§210) CONFORMANCE TO GENERAL PLAN

All uses proposed in this Plan shall be in conformance with the General Plan as it now exists, or may be hereafter amended. All requirements of the Zoning Ordinance shall apply to all uses proposed hereunder. All applicable development codes shall apply to all uses in the Project Area.

C. (§220) SPECIFIC DEVELOPMENT OBJECTIVES

Development in the Project Area will be in conformance with this Plan, the General Plan, and the Zoning Ordinance. Development in the Project Area shall also be in conformance with any applicable adopted specific plan or master plan.

The Agency's development objectives involve encouraging the implementation of development in accordance with the General Plan as identified above. In doing so, it is the Agency's intent to provide assistance in the following manner:

- 1) The construction of needed public improvements and facilities including, but not limited to, those described in Section 344 herein.
- 2) The completion of various planning or marketing studies as necessary to facilitate and coordinate a successful redevelopment process.
- 3) All other forms of Agency assistance authorized by the CRL, including, but not limited to, loans, tax exempt financing, or other financial aid programs for new construction and/or rehabilitation.

D. (§230) LAND USES FOR THE PROJECT AREA

In addition to generally identifying the boundaries of the Project Area, the Community Improvement Plan Map (Appendix A) also generally illustrates the proposed public rights-of-way, public easements, open space, and proposed land uses to be permitted in the Project Area, all of which are consistent with the General Plan as it exists as of the date of the adoption of this Plan.

Pending the ultimate development of land in accordance with the provisions of this Plan, the Agency is authorized to use or permit the use of any land in the Project Area for interim uses not in conformity with the uses permitted in this Plan, provided that approval of any such interim uses shall be subject to compliance with provisions of the Zoning Ordinance.

If the General Plan is amended in the future, as it applies to the Project Area, this Plan shall be deemed amended to conform to the General Plan as so amended.

E. (§240) PUBLIC USES FOR THE PROJECT AREA

1. (§241) PUBLIC STREET LAYOUT, RIGHTS-OF-WAY AND EASEMENTS

The public rights-of-way, easements, and principal streets proposed or existing in the Project Area are the same as those indicated in the General Plan, and are shown on the attached Community Improvement Map (Appendix A).

Such streets and rights-of-way may be widened, altered, realigned, abandoned, vacated, or closed by the Agency and the City as appropriate given ownership, and necessary for proper development of the Project. The Agency and the City may create additional public streets, alleys, and easements in the Project Area as needed for proper circulation. The Agency and the City will work with Caltrans to make improvements on state highways in the Project Area.

The public rights-of-way shall be used for vehicular, bicycle and pedestrian traffic as well as for public improvements, public and private utilities, and activities typically found in public rights-of-way. In addition, all necessary easements for public uses, public facilities, and public utilities may be retained and created.

2. (§242) OPEN SPACE, PUBLIC AND QUASI-PUBLIC USES, AND FACILITIES

In any portion of the Project Area, the Agency is authorized to permit the establishment or enlargement of public, semi-public, institutional, or nonprofit uses. All such uses shall conform, so far as possible, with the provisions of this Plan applicable to the uses in the specific area involved, and shall conform to the General Plan.

F. (§250) GENERAL DEVELOPMENT REQUIREMENTS

1. (§251) OPEN SPACE AND STREET LAYOUT TO BE PROVIDED

Open space and street layout is shown in the Community Improvement Map included herewith in Appendix A and described in Section 241 of this Plan. Addi-

tional open space will be provided through application of City standards for building setbacks.

2. (\$252) LIMITATIONS ON TYPE, SIZE, HEIGHT, NUMBER, AND PROPOSED USE OF BUILDINGS

The type, size, height, number, and proposed use of buildings shall be limited by the applicable federal, state, and local statutes, ordinances, regulations, General Plan, Zoning Ordinance, and any requirements that may be adopted pursuant to this Plan. Permitted land uses are indicated on the Community Improvement Map in Appendix A.

3. (\$253) THE APPROXIMATE NUMBER OF DWELLING UNITS

Under the General Plan, approximately 4,500 dwelling units (including existing dwellings) would be permitted in the Project Area at the expiration of this Plan. These uses are limited as indicated on the Community Improvement Map in Appendix A and must conform with the General Plan and Zoning Ordinance.

4. (\$254) THE PROPERTY TO BE DEVOTED TO PUBLIC PURPOSES AND THE NATURE OF SUCH PURPOSES

The locations of public uses are shown in the Community Improvement Map in Appendix A. Other public uses are described in Section 251 of this Plan and specific public improvements/facilities are listed in Section 344. These improvements are generally expected to be provided in the public right-of-way or on land specifically acquired by the City or Agency for such purposes. Additional public facilities may be developed by the County, by special districts, by school districts, and by other public agencies operating within the Project Area.

5. (\$255) CONFORMANCE WITH THIS PLAN

All Real Property in the Project Area is hereby made subject to the controls and requirements of this Plan. No Real Property shall be developed, rehabilitated, or otherwise changed after the date of the adoption of this Plan unless it is in conformance with the provisions of the General Plan, of the Zoning Ordinance,

and of this Plan and all applicable provisions of State law.

6. (§256) REHABILITATION AND RETENTION OF PROPERTIES

To the greatest extent permitted by law, any existing structure within the Project Area specifically may be repaired, altered, reconstructed, or rehabilitated to ensure that such structure will be safe and sound in all physical respects and not detrimental to the surrounding uses. Such repair, alteration, reconstruction or rehabilitation shall be conducted according to City procedures and guidelines.

7. (§257) SUBDIVISION OR CONSOLIDATION OF PARCELS

No parcels in the Project Area, including any parcels retained by a participant, shall be subdivided or consolidated without approval of the City.

G. (§260) DEVELOPMENT PROCEDURES

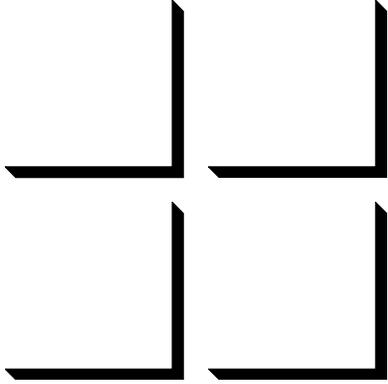
Applications for development and building permits and the review thereof shall follow City procedures.

1. (§261) REVIEW OF APPLICATIONS FOR BUILDING PERMITS

Applications for building permits and the review thereof shall follow City procedures.

2. (§262) EXISTING NONCONFORMING USES

Existing non-conforming uses are allowed to remain as provided in the Lodi Municipal Code.



III. REDEVELOPMENT IMPLEMENTATION

A. (§300) GENERAL

The Agency is authorized to undertake the following implementation actions, but in no event may use the power of eminent domain in any manner or purpose:

- 1) (§301) Provide for participation by owners and tenants of properties located in the Project Area by extending opportunities to remain or relocate within the Project Area;
- 2) (§302) Acquisition of Real Property, and management of property under the ownership and control of the Agency;
- 3) (§303) Relocation assistance to displaced Project occupants;
- 4) (§304) Demolition or removal of buildings and improvements;
- 5) (§305) Installation, construction, or reconstruction of streets, utilities, open spaces and other public improvements and facilities;
- 6) (§306) Rehabilitation, development, or construction of low- and moderate-income housing within the City;
- 7) (§307) Disposition of property for uses in accordance with this Plan;
- 8) (§308) Redevelopment of land by private enterprise and public agencies for uses in accordance with this Plan;
- 9) (§309) Rehabilitation of structures and improvements by present owners, their successors, or the Agency; and,
- 10) (§310) Any other redevelopment agency activity permitted by the CRL.

B. (§311) PARTICIPATION BY OWNERS AND TENANTS

1. (§312) PARTICIPATION OPPORTUNITIES FOR OWNERS

Persons who are owners of business and other types of Real Property in the Project Area shall be given an opportunity to participate in redevelopment as more particularly set forth in the Owner Participation Rules (adopted April 16, 2008, by Agency Resolution ****).

2. (§313) RE-ENTRY PREFERENCES; PREFERENCES FOR TENANTS

The Agency shall extend reasonable preferences to persons who are engaged in business in the Project Area to re-enter in business within the Project Area, if they otherwise meet the requirements prescribed in this Plan. Business, institutional and semi-public tenants may, if they so desire, purchase and develop Real Property in the Project Area if they otherwise meet the requirements prescribed in this Plan, all as more particularly set forth in the Owner Participation Rules.

3. (§314) PARTICIPATION AGREEMENTS

At the Agency's option, each participant who chooses to participate in the development of property pursuant to adopted Owner Participation Rules, may be required to enter into a binding agreement with the Agency by which the participant agrees to develop, rehabilitate, or use the Participant's and/or other Property in conformance with this Plan and be subject to the provisions in the participation agreement. In such agreements, participants who retain Property shall be required to join in the recordation of such documents as are necessary to make the provisions of the agreement applicable to their properties.

Whether or not a participant enters into a participation agreement with the Agency, the provisions of this Plan are applicable to all public and private property in the Project Area.

C. (§320) PROPERTY ACQUISITION AND MANAGEMENT

1. (§321) ACQUISITION OF REAL PROPERTY

The Agency may but is not required to, acquire any Real Property and/or Personal Property, any interest in Real Property and/or Personal Property, any improvements on Real Property by gifts, grant, bequest, devise, exchange, purchase or any other means authorized by law, but expressly excluding the use by the Agency of eminent domain. This Plan and the Agency's program for the acquisition of Property (to the extent said program is required by law) does not provide for the Agency to have the power of eminent domain.

The Agency shall not acquire any property or interest in property from any of its members or officers. The Agency shall not acquire property of a public agency without its consent.

2. (§322) PROPERTY MANAGEMENT

During such time as property, if any, in the Project Area is owned by the Agency, such property shall be under the management and control of the Agency. Such property may be maintained, managed, operated, repaired, cleaned, rented, or leased to an individual, family, business, or other appropriate entity by the Agency pending its disposition for redevelopment. The Agency may insure or provide for the insurance of any real Property of the Agency and provide for the insurance of any operations of the Agency against risk of hazards. All such acts shall be pursuant to such policies as the Agency may adopt.

The Agency shall maintain all Agency-owned property that is not to be demolished in a reasonably safe and sanitary condition. Furthermore, the Agency may insure against risks or hazards any of the real or personal property which it owns.

The Agency is authorized to own and operate rental property acquired and rehabilitated in prospects of resale to the greatest extent permitted by law.

D. (§330) RELOCATION OF PERSONS, FAMILIES AND BUSINESSES

Provisions relative to the relocation of persons, families and businesses are required by the CRL. The Agency prepared and adopted a feasible method for relocation, as required by law. The relocation method, called “Method of Relocation for the Lodi Community Improvement Project”, outlines the responsibilities of the Agency regarding relocation as a result of the implementation of this Plan.

E. (§340) DEMOLITION, CLEARANCE, SITE PREPARATION, PROJECT IMPROVEMENTS AND PUBLIC IMPROVEMENTS

The following provisions relative to demolition, clearance and site preparation are required by the CRL.

1. (§341) DEMOLITION AND CLEARANCE

Subject to and in conformance with law, the Agency is authorized to demolish and clear or move, or cause to be demolished and cleared or moved, buildings, structures, and other improvements from any Real Property in the Project Area as necessary to carry out the purposes of this Plan.

2. (§342) BUILDING SITE PREPARATION

Subject to and in conformance with law, the Agency is authorized to prepare, or cause to be prepared as building sites, any Real Property in the Project Area.

3. (§343) PROJECT IMPROVEMENTS

Pursuant to the CRL, the Agency is authorized to install and construct, or to cause to be installed and constructed, Project improvements and public utilities necessary to carry out this Plan. Such improvements include, but are not limited to, streets, curbs, gutters, street lights, sewers, storm drains, flood control improvements, traffic signals, electrical distribution systems, transportation facilities, natural gas distribution systems, water distribution systems, or overpasses, underpasses, bridges, and landscaped areas.

4. (§344) PUBLIC IMPROVEMENTS AND IMPLEMENTATION PROGRAMS

As provided under CRL Section 33445 and as may be otherwise permitted by law, the Agency may, with the consent and cooperation of the City Council and adoption of certain findings specified in CRL Section 33445, pay all or part of the value of the land for, and the cost of the installation and construction of, any buildings, facilities, structures or other improvements which are publicly owned, including school facilities, either outside or inside the Project Area.

Without limiting its general authority, the Agency is specifically authorized to provide or participate in providing the improvements described in Section 343, as well as the public improvements, facilities, and programs listed below:

Commercial Corridor Improvement Program

The Agency intends to fund improvements designed to strengthen the major commercial corridors in the Project Area. Improvements will focus on the following major commercial corridors:

- Lodi Avenue
- Cherokee Lane
- Kettleman Lane
- Lockeford Street
- Pine Street
- Victor Road
- Central Avenue
- Main Street

Improvements that are needed along these major commercial corridors include:

- Water, sewer and storm drains
- Undergrounding of utilities
- Pedestrian improvements
- Streetscape improvements
- The reconstruction of streets
- Billboard removal
- Improved signage
- Graffiti abatement programs/funding
- Capital facilities that help reduce crime
- Streetscape improvements along the major corridors of the Project Area, including the installation of

street trees, landscaped medians, entry way signs, new signage and the removal of billboards.

Also as a part of the Commercial Corridor Improvement Program, the Agency intends to implement a commercial rehabilitation program. This program would focus on providing loans and grants for the rehabilitation of existing commercial and industrial buildings. The Agency also intends to promote and encourage sustainable development and reduce energy consumption in its programs and projects.

Neighborhood Improvement Program

The Agency intends to fund improvements designed to upgrade and strengthen the residential areas of the Project Area. Improvements to include:

- Water, sewer and storm drains
- Installation of water meters
- Undergrounding of utilities
- Pedestrian improvements
- Soundwalls
- Alley improvements
- Sidewalk, curb and gutters
- ADA accessibility improvements
- Promotion and encouragement of sustainable development and reduction of energy consumption

Economic Development Programs

The Agency intends to encourage new commercial and industrial development in the Project Area through this program. Under this program, the Agency can enter into public private partnerships by assisting with land assembly, site preparation, offsite improvements, disposition of property, hazardous waste remediation and relocation assistance to existing property owners and tenants. The Agency may also acquire property (but not through eminent domain) and resell it to developers at the reuse value of the property. Another component of this program will include assistance to existing businesses as a means to retain them in the proposed Project Area.

The Agency may also assist existing and future businesses through the payment of development impact fees, assessments and mitigations to the extent permitted by law.

This program will most likely be focused on those areas where significant deterioration and dilapidation exist. This includes the major commercial corridors of the City that were described under the Commercial Corridor Improvement Program. Priorities may also be established based upon the willingness of private parties to invest private capital.

Community Facilities and Improvement Programs

One of the major physical blighting conditions is the existence of contaminated groundwater plumes. Through this program, the Agency intends to assist in the remediation of these toxic sites.

The following types of community facilities also may be constructed in the Project Area:

- Parks, stadium and other recreation
- Libraries
- Public safety facilities, including police and fire facilities
- Animal shelter
- Green development enhancements at existing and future facilities
- Other facilities as needed

Housing Programs

The Housing Program implements one of the major goals of the CRL, which is to increase, improve, and preserve low- and moderate-income housing. The Agency intends to implement the following types of projects:

- First time homebuyers down payment assistance program
- Housing Rehab Loan Program
- Senior Housing
- Workforce Housing Development

ADDITIONAL FACILITIES OR IMPROVEMENTS

Changes in circumstances or designs may alter the location of the facilities described above, or may require

other related facilities. The financing of such related facilities shall be deemed authorized by the Agency.

The Agency will be authorized to finance the construction of additional improvements in the Project Area based on the requirements of any future project environmental impact report, or any other State, regional or local regulatory program. These items may include, but are not limited to, travel demand management strategies, storm water runoff prevention and best management practices, and Federal Emergency Management Agency regulations.

5. (§345) TEMPORARY PUBLIC IMPROVEMENTS

The Agency is authorized to install and construct, or cause to be installed and constructed, temporary public improvements and temporary public utilities necessary to carry out this Plan. Such temporary public improvements shall include, but not be limited to, streets, public facilities and utilities. Temporary utilities may be installed above ground.

F. (§350) REHABILITATION AND CONSERVATION OF STRUCTURES

1. (§351) REHABILITATION OF STRUCTURES

The Agency is authorized to rehabilitate and conserve, or to cause to be rehabilitated and conserved, any building or structure in the Project Area owned by the Agency. The Agency is also authorized and directed to advise, encourage, and financially assist in the rehabilitation and conservation of property in the Project Area not owned by the Agency.

The Agency and the City may conduct a rehabilitation program to encourage owners of property within the Project Area to upgrade and maintain their property consistent with City codes, ordinances and standards. The Agency and the City may develop a program for making low interest loans or other incentives for the rehabilitation of properties in the Project Area. Properties may be rehabilitated, provided that rehabilitation and conservation activities on a structure are carried out in an expeditious manner and in conformance with this Plan.

2. (§352) MOVING OF STRUCTURES

As is necessary in carrying out this Plan and where it is economically feasible to so do, the Agency is authorized to move, or cause to be moved, any standard structure or building, which can be rehabilitated, to a location within or outside the Project Area.

3. (§353) BUILDINGS OF HISTORICAL SIGNIFICANCE

To the maximum feasible extent, special consideration shall be given to the protection, rehabilitation, or restoration of any structure determined to be historically significant, taking into consideration applicable City guidelines. The Agency may fund a historic survey in the project area to identify structures that are historically significant and could work with the City to modify the historic resources inventory. The Agency may develop programs to assist with historic preservation of significant structures.

G. (§360) REAL PROPERTY DISPOSITION AND DEVELOPMENT

1. (§361) GENERAL REQUIREMENTS

For the purpose of this Plan, and to the extent permitted by and in the manner required by law, the Agency is authorized to sell, lease, exchange, subdivide, transfer, assign, pledge, encumber by mortgage or deed of trust, or otherwise dispose of any interest in Property.

In the manner required and to the extent permitted by law, before any interest in Property of the Agency acquired in whole or in part, directly or indirectly, with tax increment monies is sold or leased, for development pursuant to this Plan, such sale, lease, or disposition shall first be approved by the City Council after public hearing.

Purchasers or lessees of Agency-owned property in the Project Area shall be obligated to use the property for the purposes designated in this Plan, to begin and complete development of the property within a period of time which the Agency fixes as reasonable, and to comply with other conditions which the Agency deems necessary to carry out the purposes of this Plan.

To the extent permitted and in the manner required by law, the Agency is authorized to dispose of Real Property by leases or sales by negotiation without public bidding. Property may be conveyed by the Agency to the City or any other public body without charge.

2. (§362) DISPOSITION AND DEVELOPMENT DOCUMENTS

- 1) To provide adequate safeguards ensuring that the provisions of this Plan will be carried out and to prevent the recurrence of blight, all Real Property sold, leased, or conveyed by the Agency shall be made subject to the provisions of this Plan by lease, deeds, contracts, agreements, declarations, or other lawful means. Where determined appropriate by the Agency, such documents or portions thereof shall be recorded in the Office of the Recorder of the County.
- 2) The leases, deeds, contracts, agreements, and declarations of restrictions may contain restrictions, covenants running with the land, conditions subsequent, equitable servitudes, or any other provision necessary to carry out this Plan.
- 3) In accordance with CRL Sections 33337 and 33436, all deeds, leases or contracts for the sale, lease, sublease, transfer, use occupancy, tenure or enjoyment of Real Property in the Project Area which the Agency proposes to enter into shall contain the following provisions and nondiscrimination clauses in substantially the following form:

- (a) In deeds the following language shall appear:

“The grantee herein covenants by and for himself or herself, his or her heirs, executors, administrators, and assigns, and all persons claiming under or through them, that there shall be no discrimination against or segregation of, any person or group of persons on account of any basis listed in subdivision (a) or (d) of Section 12955 of the Government Code, as those bases are defined in Sections 12926, 12926.1, subdivision (m) and paragraph (1) of subdivision (p) of Section 12955, and Section 12955.2 of the Government Code, in the sale, lease, sublease, transfer, use, occupancy, ten-

ure, or enjoyment of the premises herein conveyed, nor shall the grantee or any person claiming under or through him or her, establish or permit any such practice or practices of discrimination or segregation with reference to the selection, location, number, use or occupancy of tenants, lessees, subtenants, sublessees, or vendees in the premises herein conveyed. The foregoing covenants shall run with the land.”

- (b) In leases the following language shall appear:

“The lessee herein covenants by and for himself or herself, his or her heirs, executors, administrators, and assigns, and all persons claiming under or through him or her, and this lease is made and accepted upon and subject to the following conditions:

That there shall be no discrimination against or segregation of any person or group of persons, on account of any basis listed in subdivision (a) or (d) of Section 12955 of the Government Code, as those bases are defined in Sections 12926, 12926.1, subdivision (m) and paragraph (1) of subdivision (p) of Section 12955, and Section 12955.2 of the Government Code, in the leasing, subleasing, transferring, use, occupancy, tenure, or enjoyment of the premises herein leased nor shall the lessee himself, or any person claiming under or through him or her, establish or permit any such practice or practices of discrimination or segregation with reference to the selection, location, number, use, or occupancy, of tenants, lessees, sublessees, subtenants, or vendees in the premises herein leased.”

- (c) In contracts entered into by the agency relating to the sale, transfer, or leasing of land or any interest therein acquired by the agency within any survey area or redevelopment project the foregoing provisions in substantially the forms set forth shall be included and the contracts shall further provide that the foregoing provisions shall be binding upon and shall obligate the contracting party or parties and any subcontracting party or parties, or other transferees under the instrument.

3. (§363) DESIGN FOR DEVELOPMENT

In the case of property which is the subject of a disposition and development or participation agreement with the Agency, it shall be constructed in accordance with architectural, landscape, signage, lighting, and site plans submitted to and approved in writing by the Agency and by the City pursuant the General Plan, the Zoning Ordinance, appropriate City-adopted design guidelines, and other applicable Lodi Municipal Code requirements. One of the objectives of this Plan is to create an attractive and pleasant environment in the Project Area. Therefore, such plans shall give consideration to good design, open space, and other amenities to enhance the aesthetic quality of the Project Area in accordance with the goals and objectives of this Plan. The Agency will not approve any plans that do not comply with this Plan.

4. (§364) INDUSTRIAL AND MANUFACTURING PROPERTY

To the extent now or hereafter permitted by law, the Agency may, as part of an agreement that provides for the development or rehabilitation of property within the Project Area that will be used for industrial or manufacturing purposes, assist with the financing of facilities or capital equipment including, but not necessarily limited to, pollution control devices. Prior to entering into an agreement for a development that will be assisted pursuant to this Section, the Agency shall find, after a public hearing, that the assistance is necessary for the economic feasibility of the development and that the assistance cannot be obtained on economically feasible terms in the private market.

5. (§365) PERSONAL PROPERTY DISPOSITION

For purposes of this Plan, the Agency is authorized to sell, lease, exchange, transfer, assign, pledge, encumber, or otherwise dispose of personal property that has been acquired by the Agency.

H. (§370) OTHER AGENCY ACTIVITIES

1. (§371) HAZARDOUS WASTE REMEDIATION AND REMOVAL

The Agency may take any actions which it determines are necessary and which are consistent with other state and federal laws to remedy or remove hazardous waste on, under or from property in the Project Area in accordance with the requirements of Health and Safety Code Section 33459 - 33459.8, or any successor legislation.

2. (§372) SEISMIC RETROFITS

For any rehabilitation project, the Agency may take any action it determines necessary and consistent with local, state and federal law to provide for seismic retrofits as provided in Health and Safety Code Section 33420.1 and any successor statute.

3. (§373) GRAFFITI REMOVAL

The Agency may take such actions as it determines are necessary to remove graffiti from public and private property in the Project Area pursuant to Health and Safety Code Section 33420.2 and any successor statute.

4. (§374) COMMERCIAL REHABILITATION

The Agency may establish a program under which it lends funds to owners or tenants for the purpose of rehabilitating commercial buildings or structures within the Project Area pursuant to Health and Safety Code Section 33444.5 and any successor statute.

5. (§375) ASSISTANCE FOR INDUSTRIAL AND MANUFACTURING USES

The Agency may assist in financing of facilities or capital equipment, including, but not necessarily limited to pollution control devices, for properties being developed or rehabilitated for industrial or manufacturing uses within the Project Area pursuant to Health and Safety Code Section 33444.6 and any successor statute.

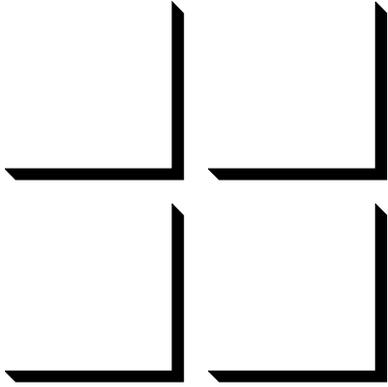
6. (§376) REHABILITATION AND MOVING OF BUILDINGS

To the extent appropriate in carrying out the Plan, the Agency is authorized to: (a) rehabilitate or cause to be rehabilitated any building or structure in the Project Area acquired by the Agency; and (b) move or cause to be moved any building or other structure to a location within or outside the Project Area.

ö ö ö

This page intentionally left blank

ö ö ö



IV. LOW- AND MODERATE-INCOME HOUSING

A. (\$400) 20% TAX INCREMENT FUNDS REQUIREMENT

Except as otherwise allowed by law, not less than twenty percent (20%) of all taxes allocated to the Agency pursuant to CRL Section 33670 shall be used by the Agency for the purposes of increasing, improving, and preserving the City's supply of housing for persons and families of low- or moderate-income.

B. (\$410) LOW- AND MODERATE-INCOME HOUSING AND REPLACEMENT

Except as otherwise allowed by law, the Agency shall provide for affordable housing in compliance with all applicable provisions of the CRL, including but not limited to CRL Sections 33334.2 et seq., 33413 and 33413.5.

As stated in Section 321 of this Plan, the Agency is not authorized to use eminent domain. However, in carrying out the activities set forth in this Plan, it may become necessary for the Agency to enter into various agreements, such as an agreement for acquisition of Property, an agreement for the disposition and development of property, or an owner participation agreement, which would lead to the destruction or removal of dwelling units from the low- and moderate-income housing market. Except as otherwise allowed by law, not less than thirty (30) days prior to the execution of such an agreement, the Agency shall adopt, by a

resolution and to the extent provided by the CRL, a Replacement Housing Plan, which shall include the general location of the replacement housing, an adequate means of financing the replacement housing, a finding that the replacement housing does not require the approval of the voters pursuant to Article XXXIV of the California Constitution or that such approval has been obtained, the number of dwelling units housing persons or families of low- or moderate-income planned for construction or rehabilitation, and a timetable for meeting the Plan's relocation or rehabilitation housing objectives, or as the CRL may otherwise provide. To the extent required by law, a dwelling unit whose replacement is required by CRL Section 33413, but for which no Replacement Housing Plan has been prepared, shall not be removed from the low- and moderate-income housing market.

For a reasonable period of time prior to adopting a Replacement Housing Plan, the Agency shall make available a draft of the proposed plan for review and comments by other public agencies and the general public.

To the extent required by CRL Section 33413, whenever dwelling units housing persons and families of low- or moderate-income are destroyed or removed from the low- and moderate-income housing market as part of a redevelopment project which is subject to a written agreement with the Agency or where financial assistance has been provided by the Agency, the Agency shall, within four years of such destruction or removal, rehabilitate, develop, price restrict, or construct, or cause to be rehabilitated, developed, price restricted, or constructed for rental or sale to persons and families of low- or moderate-income, an equal number of replacement dwelling units which have an equal or greater number of bedrooms as those destroyed or removed units at affordable housing costs within the territorial jurisdiction of the Agency. All of the replacement dwelling units shall be available at affordable housing costs to persons in the same or a lower income category (low, very low, or moderate) as the persons displaced from those destroyed or removed units.

C. (§420) PROVISION OF LOW- AND MODERATE-INCOME HOUSING

The Agency may, to the extent permitted by law and land use designations, inside or outside the Project Area, acquire

land, sell or lease land, donate land, improve sites, price restrict units, construct or rehabilitate structures, or use any other method authorized by the CRL in order to provide housing for persons and families of low or moderate income. The Agency may also provide subsidies to, or for the benefit of, such persons and families or households to assist them in obtaining housing within the City.

**D. (§430) NEW OR REHABILITATED DWELLING
UNITS DEVELOPED WITHIN THE PROJECT AREA**

To the extent required by CRL Section 33413, at least thirty percent (30%) of all new and substantially rehabilitated dwelling units developed within the Project Area by the Agency shall be for persons and families of low- and moderate-income; and of such thirty percent (30%), not less than fifty percent (50%) thereof shall be for very low-income households.

To the extent required by the CRL, at least fifteen percent (15%) of all new and substantially rehabilitated units developed within the Project Area by public or private entities or persons other than the Agency shall be for persons and families of low- and moderate-income; and of such fifteen percent (15%), not less than forty percent (40%) thereof shall be for very low-income households. To satisfy this provision, in whole or in part, the Agency may cause by regulation or agreement, to be available, at affordable housing costs, to persons and families of low or moderate-income or to very low-income households, as applicable, two units outside the Project Area for each unit that otherwise would have had to be available inside the Project Area. Also, in order to satisfy this provision, the Agency may aggregate new or substantially rehabilitated dwelling units in one or more redevelopment project areas, or may purchase long-term affordability covenants in existing housing whether or not in the Project Area. The Agency may also satisfy this provision by any other means permitted by law.

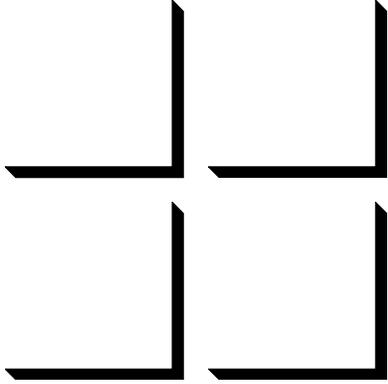
The percentage requirements set forth in this Section shall apply in the aggregate to housing in the Project Area and not to each individual case of rehabilitation, development, price restriction, or construction of dwelling units.

The Agency shall require, by contract or other appropriate means, that whenever any low- and moderate-income housing units are developed within the Project Area, such units

shall be made available on a priority basis for rent or purchase, whichever the case may be, first to persons and families of low- and moderate-income displaced by the Project, and, second, to persons and families of low- and moderate-income who have been resident in the Project Area for at least 30 days prior to such units being made available; provided, however, that failure to give such priority shall not affect the validity of title to the Real Property upon which such housing units have been developed.

E. (§440) LAST RESORT HOUSING

If sufficient suitable housing units are not available for use by persons and families of low- and moderate-income displaced by the Project, the Agency may, to the extent of that deficiency, direct or cause the development or rehabilitation of low- and moderate-income housing units within the City, both inside and outside of the Project Area.



V. PROJECT FINANCING

A. (\$500) GENERAL DESCRIPTION OF THE PROPOSED FINANCING METHOD

Upon adoption of this Plan by the City Council, the Agency is authorized to finance implementation of the Project with property tax increments, interest income, Agency bonds, loans from private institutions, proceeds from the sale or lease of property, financial assistance, including grants and loans, from the City, County, state of California, Federal Government, or any other public agency, or any other legally available source. The City may, in accordance with the law, make advances and expend money as necessary to assist the Agency in carrying out this Project. Such assistance shall be on terms established by any agreement between the City and the Agency.

The Agency is authorized to issue bonds from time to time if appropriate and feasible in an amount sufficient to finance implementation of all or any part of the Project. Neither the members of the Agency nor any persons executing the bonds are liable personally on the bonds or other obligations by reason of their issuance. The bonds and other obligations of the Agency are not a debt of the City, nor the State, nor are any of its political subdivisions liable for them, nor in any event shall the bonds or obligations be payable out of any funds or properties other than those of the Agency; such bonds and other obligations shall so state on their face. The bonds and other obligations do not constitute indebtedness within the meaning of any constitutional or statutory debt limitation or restriction.

The Agency is authorized to obtain advances, borrow funds and create indebtedness in carrying out this Plan. The

principal and interest on such advances, funds, and indebtedness maybe paid from tax increments or any other funds available to the Agency.

B. (§510) TAX INCREMENTS

For the period specified in §540 below, all taxes levied upon taxable property within the Project Area each year by or for the benefit of the State of California, County of San Joaquin, City of Lodi, any district, or other public corporation (hereinafter sometimes called “taxing agencies”) after the effective date of the ordinance approving this Plan, or any amendment thereto, shall be divided as follows:

- 1) That portion of the taxes which would be produced by the rate upon which the tax is levied each year by or for each of said taxing agencies upon the total sum of the assessed value of the taxable property in the Project Area as shown upon the assessment roll used in connection with the taxation of such property by such taxing agency, last equalized prior to the effective date of such ordinance, shall be allocated to and when collected shall be paid into the funds for the respective taxing agencies as taxes by or for said taxing agencies on all other property are paid (for the purpose of allocating taxes levied by or for any taxing agency or agencies which did not include the territory of the Project Area on the effective date of such ordinance but to which such territory is annexed or otherwise included after such effective date, the assessment roll of the County of San Joaquin last equalized on the effective date of said ordinance shall be used in determining the assessed valuation of the taxable property in the Project Area on said effective date); and,
- 2) Except as provided in paragraphs (3) and (4) below, that portion of the levied taxes each year in excess of such amount shall be allocated to and when collected shall be paid into a special fund of the Agency to pay the principal of and interest on loans, moneys advanced to, or indebtedness (whether funded, refunded, assumed or otherwise) incurred by the Agency to finance or refinance, in whole or in part, this Project. Unless and until the total assessed value of the taxable property in the Project Area exceeds the total assessed value of the taxable property in the Project Area, as shown by the last equalized assessment roll referred to in paragraph (1) above, all of the taxes levied and collected upon the taxable property in the Project Area shall be paid to the respec-

tive taxing agencies. When said loans, advances and indebtedness, if any, and interest thereon, have been paid, all moneys thereafter received from taxes upon the taxable property in the Project Area shall be paid into the funds of the respective taxing agencies as taxes on all other property are paid; and,

- 3) That portion of the taxes identified in paragraph (1) above, which are attributable to a tax rate levied by any of said taxing agencies for the purpose of providing revenues in an amount sufficient to make annual repayments of the principal of, and the interest on, any bonded indebtedness for the acquisition or improvement of Real Property shall be allocated to, and when collected shall be paid into, the fund of that taxing agency. This paragraph (3) shall only apply to taxes levied to repay bonded indebtedness approved by the voters of said taxing agency or agencies on or after January 1, 1989.
- 4) That portion of tax revenues allocated to the Agency pursuant to paragraph (2) above which is attributable to increases in the rate of tax imposed for the benefit of any affected taxing agency whose levy occurs after the tax year in which the ordinance adopting this Plan becomes effective, shall be allocated to such affected taxing agency to the extent the affected taxing agency has elected in the manner required by law to receive such allocation.

The Agency is authorized to make such pledges as to specific advances, loans and indebtedness as appropriate in carrying out the Project. Taxes shall be allocated and paid to the Agency consistent with the provisions of this Plan only to pay the principal of and interest on loans, moneys advanced to, or indebtedness (whether funded, refunded, assumed or otherwise) incurred by the Agency to finance or refinance, in whole or in part, the Project.

C. (§520) ISSUANCE OF BONDS AND NOTES

The Agency may issue bonds or notes when a determination has been made that such financing is required and feasible.

D. (§530) LOANS AND GRANTS

The Agency is authorized to obtain advances, borrow funds, and create indebtedness in carrying out this Plan. The principal and interest on such advance funds and indebted-

ness may be paid from tax increments or any other funds available to the Agency.

E. (§540) FINANCING LIMITATIONS

Consistent with CRL Sections 33333.2 and 33334.1, the following financing limitations are imposed on this Plan:

- 1.) From time to time as may be appropriate, the Agency may issue bonds and/or notes for any of its corporate purposes. The Agency may issue such types of bonds on which the principal and interest are payable in whole or in part from tax increments collected pursuant to CRL Section 33670. The total outstanding principal of any bonds so issued and repayable from said tax increment from the Project Area shall not exceed Four Hundred Million Dollars (\$400,000,000) at any one time, except by further amendment of this Plan.
- 2.) No loans, advances, or indebtedness to finance, in whole or in part, this Project and to be repaid from the allocation of taxes described in the aforementioned Section 33670 shall be established or incurred by the Agency beyond twenty (20) years from the adoption date of the ordinance approving this Plan. This time limit shall not prevent the Agency from incurring debt or as permitted by CRL Section 33333.2, Section 33333.8 or any other provisions of law.
- 3.) The limits set forth above shall not prevent the Agency from refinancing, refunding or restructuring indebtedness after the time limit if the indebtedness is not increased and the time during which the indebtedness is to be repaid is not extended beyond the time to repay indebtedness as set forth in subsection (7) below, or as otherwise permitted by law
- 4.) Unless otherwise permitted by law, the time limitation established 2)above may be extended only by amendment of this Plan after the Agency finds, based on substantial evidence, that (i) significant blight remains within the Project Area, and (ii) this blight cannot be eliminated without the establishment of additional debt. However, unless otherwise permitted by law, this amended time limitation may not exceed 30 years from the effective date of the ordinance approving and adopt-

ing this Plan except as necessary to comply with subsection (a) of CCRL Section 3333.8.

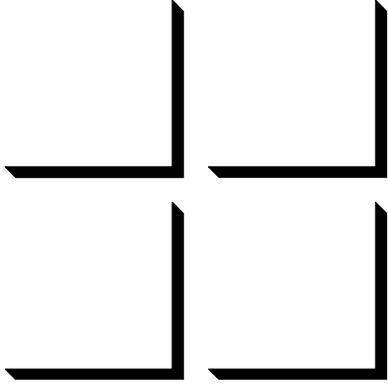
- 5.) The Agency shall not pay indebtedness or receive property taxes pursuant to CRL Section 33670 and Section §510 of this Plan beyond forty-five (45) years from the date of adoption of the ordinance approving this Plan or such longer period as permitted by CRL Section 33333.2 or any other provision of law.

F. (\$550) LOW- AND MODERATE-INCOME HOUSING FUND

Taxes which are allocated by the Agency to low- and moderate-income housing pursuant to Part IV of this Plan shall be held in a separate low-and moderate-income housing fund to the extent provided under CRL Sections 33334.2 and 33334.3.

G. (\$560) PAYMENTS TO TAXING AGENCIES

The Agency shall make payments to affected taxing agencies with territory located within the Project Area to the extent required by CRL Section 33607.5 and may make other payments to affected taxing agencies if and to the extent authorized by the CRL at the discretion of the Agency.



VI. ADMINISTRATION

A. (§600) ADMINISTRATION AND ENFORCEMENT OF THIS PLAN

The administration, implementation, and enforcement of this Plan, including the preparation and execution of any documents implementing this Plan, shall be performed by the Agency and/or the City in accordance with all applicable provisions of the CRL as well as with any applicable state or local law, ordinance, policy or plan.

The provisions of this Plan, or other documents entered into pursuant to this Plan, may also be enforced by court litigation instituted by either the Agency or the City. Such remedies may include, but are not limited to, specific performance, damages, re-entry, injunctions, or any other available legal or equitable remedies.

All provisions of the CRL as may be required to be included in a redevelopment plan are hereby incorporated as if fully set forth herein.

B. (§610) DURATION OF THIS PLAN'S DEVELOPMENT CONTROLS

Pursuant to CRL Section 33333.2, the effectiveness of this Plan shall terminate at a date which shall not exceed thirty (30) years from the date of adoption of the ordinance approving this Plan. After the time limit on the effectiveness of this Plan, the Agency shall have no authority to act pursuant to this Plan, except to pay previously incurred indebtedness, to enforce existing covenants or contracts, in-

cluding nondiscrimination and nonsegregation provisions, which shall run in perpetuity, to complete its housing obligations in accordance with CRL Sections 33333.2 and 33333.8, and to take any other action permitted by law.

C. (§620) PROCEDURE FOR PLAN AMENDMENT

This Plan may be amended by means of the procedure established in CRL Sections 33450 through 33458, or by any other procedure established by law. Necessarily, some of the statements in this Plan are general and tentative in nature; formal amendment of this Plan is not required for subsequent implementation and administrative interpretation consistent with this Plan.

D. (§630) AGENCY/CITY COOPERATION

Subject to any limitation in law, the City will aid and cooperate with the Agency in carrying out this Plan and may take any further action necessary to ensure the continued fulfillment of the purposes of this Plan and to prevent the recurrence or spread of blight, or those conditions which caused the blight in the Project Area; provided that any City participation will require approval from time to time by the City Council as the governing body for the City. Actions by the City may include, but are not necessarily limited to, the following:

- 1) Review of building or rehabilitation proposals for consistency with all requirements and standards promulgated by the City including, but not limited to conformance to the Municipal Code, development code and applicable ordinances, and, for projects that are found to conform to standards and requirements, issue building permits for said projects.
- 2) Institution and completion of proceedings for opening, closing, vacating, widening, or changing the grades of streets, alleys, and other public rights-of-way, and for other necessary modifications of the streets, the street layout, and other public rights-of-way in the Project Area. Such action by the City may include the abandonment and relocation of public utilities in the public rights-of-way as necessary to carry out this Plan.

- 3) Institution and completion of proceedings necessary for changes and improvements in publicly owned public utilities within or affecting the Project Area.
- 4) Imposition wherever necessary of appropriate design controls within the limits of this Plan upon parcels in the Project Area to ensure their proper development and use.
- 5) Provision for administration/enforcement of this Plan by the City after development.
- 6) Performance of the above and of all other functions and services relating to public health, safety, and physical development normally rendered in accordance with a schedule that will permit the redevelopment of the Project Area to be commenced and carried to completion without unnecessary delays.
- 7) The initiation and completion of any other proceedings necessary to carry out the Project.

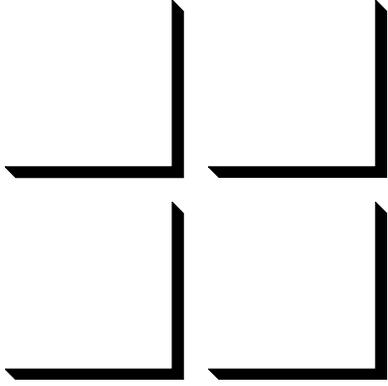
The Agency is authorized, but not obligated, to provide and expend funds to ensure the completion of the Project as a whole in accordance with this Plan. The obligation of the Agency to perform the actions indicated in this Section shall be contingent upon the continued availability of funding for this Project, primarily from tax increment revenues as defined in Section 510 hereof. However, the Agency may utilize any legally available sources of revenue for funding projects in accordance with this Plan.

E. (§640) COOPERATION WITH OTHER PUBLIC JURISDICTIONS

Certain public bodies are authorized by state law to aid and cooperate, with or without consideration, in the planning, construction, or operation of the Project. The Agency shall seek the aid and cooperation of such public bodies and shall attempt to coordinate this Plan with the activities of such public bodies in order to accomplish the purposes of redevelopment and the highest public good.

The Agency, by law, may acquire property already devoted to a public use, but is not authorized to acquire Real Property owned by public bodies without the consent of such public bodies. However, the Agency will seek the cooperation of all public bodies that own or intend to acquire property in the Project Area. Any public body that owns or leases property in the Project Area will be afforded all the privi-

leges of owner and tenant participation if such public body is willing to enter into a participation agreement with the Agency on terms determined pursuant to this Plan and the Agency's Owner Participation Rules.



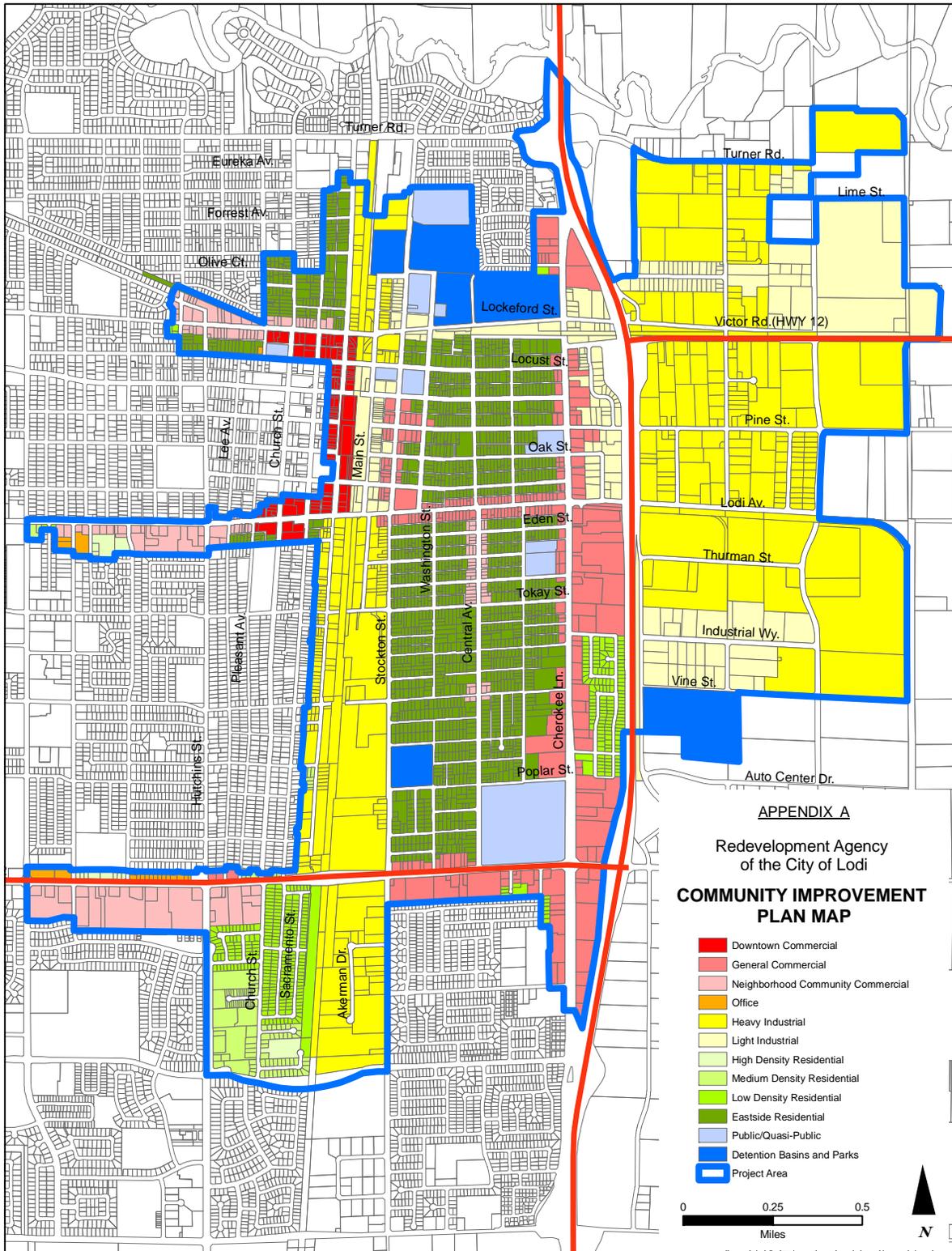
APPENDIX A

Community Improvement Map

ö ö ö

This page intentionally left blank

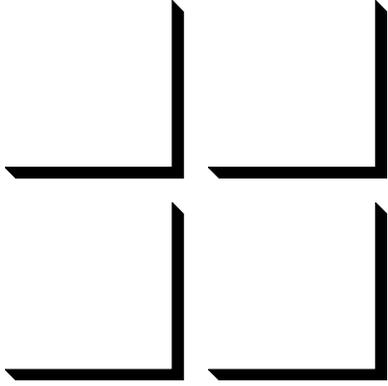
ö ö ö



ö ö ö

This page intentionally left blank

ö ö ö



APPENDIX B

Project Area Legal Description

Final legal description will be provided after final plan adoption.

ö ö ö

This page intentionally left blank

ö ö ö

Item 6a.



MEMORANDUM, City of Lodi, Community Development Department

To: City of Lodi Planning Commissioners
From: Peter Pirnejad, Planning Manager
Date: Planning Commission Meeting of 4/23/08
Subject: Past meetings of the City Council and other meetings pertinent to the Planning Commission

In an effort to inform the Planning Commissioners of past meetings of the Council and other pertinent items staff has prepared the following list of titles.

If you have any questions, please feel free to contact the Planning Department or visit the City of Lodi website at: http://www.lodi.gov/clerk/council_agendas.htm to view Staff Reports and Minutes from the corresponding meeting date.

Date	Meeting	Title
April 1, 2008	SHIRTSLEEVE	Update of 2005 Americans with Disabilities Act Transition Plan.(PW)
April 2, 2008	REGULAR MEETING	Presentation of Resolution of Appreciation to Retiring Public Works Director, Richard Prima.
		Adopt Resolution Approving the City of Lodi Arts & Cultural 2007-08 Grant Funding, as Approved by the Lodi Arts Commission, and Appropriating Funds (\$50,000)(COM)
April 8, 2008	SHIRTSLEEVE	Lodi Avenue Design Guidelines Update (PW)
		Transit Orientated Development Update (CD)
April 15, 2008	SHIRTSLEEVE	Presentation of Electric Utility Third Quarter (Fiscal Year 2007-08) Financial Reports (EUD)
		Presentation of Water and Wastewater Utility Third Quarter (Fiscal Year 2007-08) Financial Reports (CM)
April 16, 2008	REGULAR MEETING	Adopt Resolution of the City of Lodi and Lodi Redevelopment Agency to Set Public Hearing for May 28, 2008, or Alternative Dates as may be necessary, to consider the Lodi Community Improvement Project Redevelopment Plan (CM)
		Adopt Resolution Approving State Mandated Rules for Owner Participation, Re-Entry, and Relocation Methods for the Lodi Community Improvement Project (CM)

See other side for April 22, 2008 Shirtsleeve Session.

April 22, 2008	SHIRTSLEEVE	Budget – Capital Improvement Projects (DCM)
----------------	-------------	--

Item 7a.

**CITY OF LODI
PLANNING COMMISSION
Staff Report**

MEETING DATE: April 23, 2008

REQUEST: The Community Development staff is requesting direction from the Planning Commission on how to proceed on a variety of regulations that could be considered for inclusion in the new Development Code.

APPLICANT: City of Lodi
Community Development Department
221 West Pine Street
Lodi, CA 95241-1910

RECOMMENDATION:

Staff recommends that the Planning Commission review the partial list of possible regulatory topics that could be added to the new Development Code and determine which of these topics they would like City staff to pursue in greater detail and to give staff some direction on how to prioritize.

SUMMARY

Over the past several years the Planning Commission has discussed a number of planning related issues and ideas and has expressed interest in having some of these topics included in the new Development Code. These are generally topics that were not included in the original draft of the Development Code but could be included in the final document or added to the current zoning ordinance. Staff has developed a summary of each of these topics for the Planning Commission's review and consideration. This is only a partial list, and additional topics will be presented for consideration in the near future. Based on the preference of the Planning Commission, staff will either include the topics as part of the proposed development code or if the P.C. prefers, prepare the topics for adoption in advance of the adoption of the complete development code.

BACKGROUND

Back in 1999, the City entered into a contract with the firm of Crawford Multari & Clark Associates for a major revision of the City's Zoning Ordinance. One of the basic issues that triggered the need for a new Development Code is the age of the existing Zoning Ordinance that was adopted in the mid-1950s. Because of the age of the document, some of the concepts and standards were out of date. The Zoning Ordinance also had certain inconsistencies with the General Plan which was updated in 1991.

The consultants began the process of preparing the new Development Code and worked with city staff and the Planning Commission to determine what the City wanted in a new Development Code and what issues or problems the City had with the existing Zoning Ordinance. One of the early directions they received from the city was to prepare a document that would retain some semblance with the current zoning code and one that would not be a radical departure from the current zoning practices. This was done for a number of reasons. First, the City did not want to make radical changes that would result in major portions of the City's existing uses or buildings becoming nonconforming or in major conflict with the new ordinance. Secondly, the City wanted to maintain a development pattern that would still be compatible with existing development in the

City, particularly residential development. The City hoped to update and upgrade the ordinance while still retaining development concepts that have made Lodi a special place.

The consultants worked on the Development Code for over a year, incorporating ideas and comments from the Planning Commission and City staff. Finally a preliminary draft Development code was being prepared in 2003. City staff was in the process of conducting a final review of the draft and working on a program to begin a public review and discussion process prior to the eventual adoption of the document by the Planning commission and City Council. At that point, the City decided to temporarily halt further work on the new development /Code and cancelled the contract with the consultants sometime in 2004. Work on the Development code was halted for two reasons. One was a staffing issue brought about by a hiring freeze and the departure of some key department staff which made dealing with the Development Code at that time difficult. The second issue was City budgetary constraints and the feeling that limited City resources could be spent on other projects.

In 2006, staff determined that the City should again proceed with the completion of the Development Code. In 2007 the City Council authorized staff to enter into a new contract with a sub-consultant of the original consulting firm of Crawford Multari to complete the work. Jacobson and Wack Consultants have been retained to complete the Development Code and are awaiting the City's direction on how to proceed. This firm did most of the writing of the original draft Development Code and is very familiar with the document and the City's existing Zoning Ordinance. It is expected that the new Development Code will not be ready for adoption until after the update of the General Plan is completed sometime in 2009.

City staff has outlined a number of issues that have been discussed by the Planning Commission either formally or informally over the years and summarized them into possible regulations that could be adopted as a part of the new Development Code. As an alternative, some of these items could also be adopted as a part of the City's existing Zoning Ordinance, ahead of the adoption of the new Development Code.

ANALYSIS

The following are brief summaries of some of the topics that have been identified as being of interest to the Planning Commission for possible inclusion in the City's land use regulations:

Wireless Communications

The City's Zoning Ordinance does not have any regulations specifically dealing with wireless communication facilities such as cell towers. This is because when the current zoning ordinance was adopted in the 1950s, commercial wireless facilities were much less common and were largely limited to radio or TV antennas towers. Because radio and TV towers were usually quite large, these types of structures were limited to industrially zoned properties in the City. Until recently, this set of regulations proved to be adequate. In recent years, we have witnessed the advent of the cell phone and the related need for cell phone towers. Unlike radio or TV towers that can transmit for many miles, cell towers have a much more limited range and are affected by buildings, hills or other obstructions. They are also affected by the number of people who are trying to use a particular tower for their cell calls. Because more and more people are using cell phones as their primary source of telephone calls, there has been a need for more cell towers to provide adequate coverage and capacity. As more people use their cell phones at home, having adequate coverage in residential areas becomes an issue. Some areas of the City, particularly the western part of Lodi, do not have many industrially zoned properties. Because of this, there has been increased interest in placing cell towers in locations that are not zoned industrial.

Approximately five years ago, staff put together a set of guidelines for wireless communications facilities. These guidelines were never formally adopted but have served as a guideline for regulating wireless facilities. The guidelines provided definitions, a general policy statement, a location criteria, and development and design standards. Generally, the guideline encourages cell phone transmitters to be located on existing buildings or structures or to co-locate on existing poles. In addition to allowing wireless communication facilities in industrial zones, the guidelines allow them to be located in C-S, shopping center zone with certain restrictions. These guidelines are being used by planning staff to establish standards for the location and design of cell towers.

Although the wireless communication facilities guidelines have helped in dealing with cell towers, staff feels that the guidelines can be further refined to add more clarity and uniformity to the document. Staff has prepared a draft of a revised Wireless Communication Facilities Ordinance for the Planning Commission's consideration. This guideline can be modified to add or delete language or conditions based on the desire of the Planning Commission. This document could be adopted in some form following Planning Commission input and formally made a part of the City's Development Code.

Residential Intensification

Residential intensification is commonly defined as the reconstruction, expansion or replacement of an existing home in an established neighborhood such that the addition or new home is significantly larger and far out of scale and character with the existing neighborhood. This phenomenon is sometimes referred to as "mansionization". In extreme cases it can dwarf their neighbors, impact the privacy of adjacent homes, detract from the character of an existing neighborhood and cast shadows over surrounding yards.

The current Zoning regulations do not generally differentiate between new or existing residential neighborhoods. There is no cap on the maximum size of a house or addition provided that the setback and lot coverage regulations are met. The regulations are generally applied uniformly throughout the City. Issues of mansionization are more likely to be an issue in established neighborhoods as opposed to new subdivisions. In a new subdivision, houses tend to be built using a certain pattern of size and height and are often built based on a set of model homes offered by the developer. Additionally, a new home buyer can evaluate the house or neighborhood before they purchase the property. The problem is more of an issue in older neighborhoods where the pattern of development is already established. Many older neighborhoods have larger lots with more modestly sized homes. Additionally, in many Lodi neighborhoods, most of the houses tend to be single story homes. It is in these situations that a very large two story addition or new structure can more significantly impact the neighborhood.

There are three general approaches to address the issue of mansionization. One is to establish a set of standards dealing with height; lot coverage; setbacks; or even establishing a maximum building size limit. This would be a modified extension of the approach used in the current zoning ordinance that uses a set of building standards. This approach would be the simplest to enforce since staff could apply a set of specific standards to each application. The "one size fits all" approach does not deal with the variety of individual situations that can arise in different neighborhoods and may not lead to a better building design relative to the surrounding properties.

A second approach would be to take every residential application that falls within a certain established criteria and require an additional level of design review. There are design and architectural methods that can be used to reduce the appearance of size and improve the overall design of a residence relative to neighboring houses. The City could establish a set of architectural guidelines for applicants to follow and establish a formal review process. This

approach can be effective but is also more difficult from a review standpoint. Design and architectural standards tend to be somewhat subjective and difficult to quantify. Not everyone may agree on what constitutes good design or how best to reduce the impact on neighboring houses. Still, this approach may have the most affect on reducing the impacts of residential intensification.

A third option would be to establish historic neighborhoods and prepare guidelines for each neighborhood. The City could inventory each historic district and evaluate the existing housing style and architecture prevalent each area. This could also include the general size of buildings; the number of floors; the percentage of lot coverage; whether garages are attached or detached; the architectural style etc. Based on these findings, a set of design guidelines could be developed that would provide applicants with a guide on how they should design new structures or major additions in these neighborhoods. These guidelines could also result in some overall foot print for the maximum size, height or lot coverage for a new or added-on unit. This would allow the regulations to reflect the unique characteristics of each neighborhood.

This approach could be effective in controlling oversized units if properly applied. It is, however, a very time consuming process, both to inventory each neighborhood and to evaluate each application. Also Lodi does not have many well defined neighborhoods and most neighborhoods do not have a prevailing style of architecture, making guidelines difficult to establish. It is questionable whether the City could commit sufficient staff resources to carry out this approach.

These are some ideas that the Planning Commission could consider if they decide to move forward with regulations dealing with the issue of residential intensification.

Freeway Commercial Overlay District

The Freeway Commercial Overlay District (FC-O) proposal was initiated by City staff to address a request by a potential developer to construct a motel/hotel on Cherokee Lane that would exceed the two-story height limit currently found in the commercial corridor along Cherokee Lane. The City was concerned with the economic vitality of Cherokee Lane commercial corridor and enhancing the economic strength and aesthetic appeal of the street. The City is also concerned that economic barriers may exist that limit the development of more commercial lodging opportunities within Lodi. One solution, particularly for lodging establishments, is to permit additional floors of rooms, thereby improving the economic viability of the project. The District would be an overlay zone, meaning that it would overlay the existing C-2 zone on Cherokee Lane and would not change the underlying permitted commercial uses. The overlay zone would generally cover the Cherokee Lane commercial corridor extending from Turner Road on the north to Century Blvd. on the south.

The FC-O is intended to provide additional flexibility in the development of commercial properties along the Cherokee Lane corridor adjacent to Highway 99. The land uses currently permitted in the C-2 zone would remain the same. The overlay zone would only affect limited types of developments, primarily motel/hotel projects. Projects that qualify would be allowed to build to slightly different development standards than those currently in the Zoning Ordinance if they met certain specific criteria. As an example, they could be allowed to build to a floor area ratio (F.A.R.) of 2.0 or roughly four stories in height if they were granted approval. Projects would be reviewed on a case by case basis. While the height limit is the only exception currently envisioned, other development standards could also be modified and could be included in the FC-O regulations.

Staff has outlined some general criteria for a possible set of regulations. If the Planning Commission feels there is some merit to adopting the FC-O zone, they may consider adding other criteria or standards to the regulations.

Flag Lot Regulations

The Planning Commission has dealt with the creation of flag lots on a fairly regular basis over the years. A flag lot is by definition a lot that minimally fronts or abuts a public street and where access to the street is limited to a narrow strip of land usually containing a driveway. Often there is an existing house on the front portion of the property adjacent to the street and the applicant wishes to create a new lot to the rear. As vacant in-fill land becomes scarce and more expensive, there has been a greater interest in creating lots on properties that are under-utilized or are larger than average in size. While the creation of flag lots can have some impact on the surrounding neighborhood, it is also one solution to providing affordable housing and to better utilize already developed in-fill properties that are already served by public streets, utilities and other community facilities.

Currently the City's Zoning Ordinance does not have language that deals specifically with flag lots. Flag lots are treated the same as normal lots with a few exceptions. Staff and the Planning Commission have had to modify the requirements for things such as lot width, setbacks and driveways in order to accommodate the unique characteristics of flag lots. This requires trying to judge each proposal on a case by case basis and can lead to inconsistencies in the application of standards. For this reason, staff is recommending the adoption of development standards that specifically address flag lots. We have put together some general standards that have been compiled from the discussions of the Planning Commission and from the past practice of City staff. These standards are fairly straight forward and some type of regulations could be easily crafted once the Planning Commission has had the opportunity to review the proposal and include their thoughts and suggestions.

Compact Parking Stalls

The City often receives inquiries from architects or property owners regarding whether the City permits compact parking stalls for a portion of the required parking spaces on a project. Currently the City's parking design standards only permit full sized parking stalls. The one exception is for situations where the applicant has met their parking requirement with full sized stalls and has some other area of their property where additional parking could be accommodated but only with compact sized stalls. In those cases we have allowed a limited number of compact stalls.

Full sized parking stalls are generally 9'x20' for interior stalls and 10'x20' for end stalls (stalls adjacent to a landscape area, walk or building). Compact stalls are smaller, perhaps 8'x18' or even smaller. The advantage of allowing compact stalls are that it allows more parking spaces per given area, resulting in the more efficient use of land, less paving and more opportunities for landscaping. Compact stalls are usually combined with regular sized spaces, providing a mix of parking opportunities. Usually only a percentage of the total parking spaces are allowed to be compact stalls.

There are a number of advantages of allowing compact stalls. More parking spaces can be provided in the same size area compared to regular sized stalls. This can mean less areas of paving, lower cost to the property owner and more flexibility in the design of the property.

There are some disadvantages of allowing compact stalls. It reduces the number of stalls available to full sized vehicles; it makes getting in and out of vehicles a little more difficult; and it

makes maneuvering in and out of a parking space more difficult. It can also be a problem if people with smaller vehicles occupy regular sized stall, leaving only compact stalls for full sized vehicles. Policing what size of vehicle parks in what type of space could be a problem but it is not something the City would try to enforce on private property.

Downtown Parking Requirements

There has been some discussion regarding the requirement for off-street parking in the Downtown area of Lodi. Currently all properties are required to provide off-street parking for any development within the City. The only exception is for a limited area of properties downtown that were a part of the original downtown parking district. These properties paid into a special fund to help build the City-owned surface parking lots scattered around the downtown core and also helped fund downtown parking enforcement of parking meters and parking lots. The parking district no longer is in operation but still exist on a map. Properties in the original district are not required to provide their own on site parking. Most are in areas close to either the surface parking lots on Church Street or the newer parking structure.

For the rest of the Downtown properties, potential developers must provide their own on-site parking if they want to build a new structure or significantly expand an existing structure. They can seek a waiver but it is not automatic. City staff feels that to require downtown businesses that want to build or expand may be restricting the development of new businesses in the downtown area. Most downtown properties are relatively small and the buildings are designed to occupy much if not all of their property. Additionally, the current thinking for downtown is to reduce the number of cars in favor of a more pedestrian and transit oriented design. Requiring more parking lots encourages more people to drive and makes the downtown less pedestrian friendly and less aesthetically attractive. It also creates more paved areas and less room for landscaping, commercial buildings and other amenities that would strengthen the downtown.

Reducing or eliminating the requirement for on-site downtown parking will make it easier for properties to be developed and make downtown properties more competitive with outlying shopping centers where space is more available for parking and land cost maybe relatively less expensive. If developers can utilize more of their downtown property for building space and less for parking, it will improve the economics of building downtown.

The Planning Commission may want to look at this issue possibly in conjunction with other efforts taking place downtown such as transit oriented development (TOD), Smart Growth initiatives, and the possible creation of new shared parking facilities downtown.

Heritage Trees

In recent years, people have increasingly recognized the important role trees play in our environment. Healthy trees reduce air and noise pollution, provide energy-saving shade and cooling, furnish habitat for wildlife and provide an important aesthetic value to the landscape. Trees in urban settings are often lost to development or to simple neglect or disease. The purpose of a tree ordinance is to help preserve existing trees and in some cases to encourage the planting of additional trees. Most tree ordinances fall into one of three general categories.

Street Tree Ordinances

This type of ordinance generally covers the planting, maintenance and removal of trees in the public right-of-way. This type of ordinance usually states what type of trees can be planted in the right-of-way, who is responsible for the care and maintenance of the trees, and under what circumstances the trees can be removed. This is the most common type of tree ordinance and is the closest to the type of tree regulations Lodi is currently working with.

Heritage Tree Protection Ordinance

This type of ordinance is directed at protecting large native trees or trees with historical or cultural significance, so called heritage trees. The ordinance specifies the standards for what constitutes a heritage tree and what can or can not be done to these trees. The standard usually defines a heritage tree by the size of the tree, the age of the tree or the specific species of the tree. It could also identify trees that have a special significance because of some historic or cultural event associated with the tree. A special permit is usually required before a heritage tree can be removed or significantly altered. This type of ordinance usually covers both private and public property, with an emphasis on heritage trees that may be threatened due to construction. As part of a heritage tree ordinance, a survey is generally required to identify all heritage trees within the City. This establishes a base-line to help the City determine if trees have been removed without proper permits and what trees should be protected.

View Ordinances or Solar Access Ordinances

These types of ordinances are designed to protect the rights of property owners that result from neighboring trees that block views or sunlight. The view type of ordinance is most common in communities that have varied topography that allow distant views and where scenic vistas are considered a valuable asset. A solar access ordinance would cover situations where one property's solar access maybe affected by surrounding trees on neighboring properties. This may become more of an issue as solar energy panels become more common in both residential and commercial projects.

The most common type of tree ordinance is the street tree ordinance that covers trees planted in public right-of-ways or on publicly owned properties. Lodi does not have a comprehensive tree ordinance but does have various regulations and guidelines that control what can and cannot be done with trees and other landscaping in the public right-of-way and in public parks and other public properties. The City has also done a comprehensive survey of all trees located on City property including streets and parks that list their location, variety, size and condition.

Heritage tree ordinances are less common and are usually found in jurisdictions that have a significant number of established native trees such as oaks or redwoods. These jurisdictions are usually located in places where there are groves of native trees that have been incorporated into the urban landscape or are in danger of being removed by encroaching development. Lodi does not have a significant stand of native trees except for the area adjacent to the Mokelumne River. There are mature trees scattered throughout the City but most have been planted as landscape trees and most are not native to this area. A significant difference between a heritage tree ordinance and the more common street tree ordinance is how the ordinance is applied. Street tree ordinances are generally applied to City owned trees on public property. Heritage tree ordinances usually apply not only to public trees but also to trees on private properties. This makes heritage tree ordinances more controversial since the ordinance could restrict what a property owner can do with a tree located on private property if the tree has been designated as a heritage tree.

The Community Development Department prepared a memo on the subject of tree ordinances and presented it to the City Council at a shirt sleeve session last year. After reviewing the information, the City Council decided not to move forward with a heritage tree ordinance at this time. It was their feeling that there was not a significant problem with trees being cut-down that would warrant adoption of a heritage ordinance at this time. The Planning Commission could however, recommend some type of ordinance to the City Council for their consideration.