

<p>CARNEGIE FORUM 305 WEST PINE STREET LODI, CALIFORNIA</p>	<p>AGENDA LODI PLANNING COMMISSION</p>	<p>REGULAR SESSION WEDNESDAY, APRIL 22, 2009 @ 7:00 PM</p>
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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 – “March 25, 2009”
3. PUBLIC HEARINGS
 - a. Request for a Use Permit to allow conversion of five existing triplexes into residential condominiums; and Tentative Parcel Map to divide five triplexes into residential condominiums. (Applicant: Robin Regla. File # 08-U-12 and 08-P-05, respectively).

NOTE: The above item is a quasi-judicial hearing and requires disclosure of ex parte communications as set forth in Resolution No. 2006-31

4. PLANNING MATTERS/FOLLOW-UP ITEMS
5. ANNOUNCEMENTS AND CORRESPONDENCE
6. ACTIONS OF THE CITY COUNCIL
 - a. Summary Memo Attached
7. GENERAL PLAN UPDATE/DEVELOPMENT CODE UPDATE
8. ACTIONS OF THE SITE PLAN AND ARCHITECTURAL REVIEW COMMITTEE
9. ART IN PUBLIC PLACES
10. COMMENTS BY THE PUBLIC
11. COMMENTS BY THE PLANNING COMMISSIONERS & STAFF
12. 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, MARCH 25, 2009**

1. CALL TO ORDER / ROLL CALL

The Regular Planning Commission meeting of March 25, 2009, was called to order by Chair Kiser at 7:00 p.m.

Present: Planning Commissioners – Cummins, Heinitz, Hennecke, Kirsten, Olson, and Chair Kiser

Absent: Planning Commissioners – Mattheis

Also Present: Community Development Director Konradt Bartlam, Deputy City Attorney Janice Magdich, Assistant Planner Immanuel Bereket, and Administrative Secretary Kari Chadwick

2. MINUTES

January 28, 2009 & February 11, 2009 (City Council Special Joint Meeting Minutes)

MOTION / VOTE:

The Planning Commission, on motion of Commissioner Kirsten, Hennecke second, unanimously approved the Minutes as written.

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 Kiser called for the public hearing to consider the request for a Use Permit to allow a Type-41 On-Sale Beer and Wine Alcoholic Beverage Control License at located at 550 South Cherokee Lane Suite C. (Applicant: Cindy Chan. File Number: 09-U-01).

Assistant Planner Bereket gave a brief PowerPoint presentation based on the staff report.

Commissioner Kirsten disclosed that he met with the applicant regarding the project.

Hearing Opened to the Public

- Cindy Chan, applicant, came forward to answer questions.
- Commissioner Heinitz asked if Ms. Chan has gone through the ABC training or if any of her staff has gone through the training. Ms. Chan stated Ms. Chan stated that they had not been through the required training. Mr. Bartlam stated that it is part of the conditions in the resolution and staff will be available to explain everything to her.
- Commissioner Kirsten asked if Ms. Chan has received any objections to her proposed project and how long she has been in business at this location. Ms. Chan stated that the restaurant has been open one month.
- Chair Kiser asked for clarification on how long the business has been open. Ms. Chan stated that the business has been open for one month.

Public Portion of Hearing Closed

MOTION / VOTE:

The Planning Commission, on motion of Commissioner Kirsten, Cummins second, approved the request of the Planning Commission for a Use Permit to allow a Type-41 On-Sale Beer and Wine Alcoholic Beverage Control License at located at 550 South Cherokee Lane Suite C subject to the conditions in the resolution. The motion carried by the following vote

Continued

Ayes: Commissioners – Cummins, Heinitz, Hennecke, Kirsten, Olson, and Chair Kiser
Noes: Commissioners – None
Abstain: Commissioners – Mattheis

b) Notice thereof having been published according to law, an affidavit of which publication is on file in the Community Development Department, Chair Kiser called for the public hearing to consider the request for a Use Permit to allow a Type 48 On-Sale General ABC license at 39 South Sacramento Street. (Applicant: Maureen Williams. File Number: 8-U-14) – **Withdrawn by Applicant**

4. PLANNING MATTERS/FOLLOW-UP ITEMS

None

5. ANNOUNCEMENTS AND CORRESPONDENCE

Director Bartlam reminded the Commission about the 700 Forms, Statement of Economic Interest. The next meeting will be held at Hutchins Street Square and will begin at 6:00 pm.

6. ACTIONS OF THE CITY COUNCIL

Director Bartlam stated that he is available to answer questions regarding any of the items outlined on the summary memo.

7. GENERAL PLAN UPDATE/DEVELOPMENT CODE UPDATE

Director Bartlam stated that the update is moving forward and the preferred plan is set and is being used for the environmental document. Some time in May staff should have some draft policies for the Commissions review.

Chair Kiser asked about the LEED building portion of the document. Mr. Bartlam stated that the policies will be coming in chapter order and when the conservation chapter is brought forward that will be a good time to discuss LEED issues.

8. ACTIONS OF THE SITE PLAN AND ARCHITECTURAL REVIEW COMMITTEE

None

9. ART IN PUBLIC PLACES

Commissioner Kirsten gave a brief report regarding the March 25, 2009 meeting.

10. COMMENTS BY THE PUBLIC

None

11. COMMENTS BY STAFF AND COMMISSIONERS

Commissioner Heinitz asked about the California League of Cities Planners Institute. Director Bartlam stated that he would get the information for the Commission.

12. ADJOURNMENT

There being no further business to come before the Planning Commission, the meeting was adjourned at 7:20 p.m.

ATTEST:

Konradt Bartlam
Community Development Director

Use Permit & TPM for Condo Conversion at 802 - 826 Mills Ave.

Item 3a.

**LODI
PLANNING COMMISSION
Staff Report**

MEETING DATE: April 22, 2009

APPLICATION NO: Tentative Parcel Map 08-P-05 and Use Permit 08-U-12

REQUEST: Request for a Use Permit to allow conversion of five existing triplexes into residential condominiums; and a Tentative Parcel Map to divide five triplexes into residential condominiums. (Applicant: Robin Regla. File # 08-U-12 and 08-P-05, respectively).

LOCATION: 802 North Mills Avenue (APN: 035-020-26)
808 North Mills Avenue (APN: 035-020-27)
814 North Mills Avenue (APN: 035-020-28)
820 North Mills Avenue (APN: 035-020-29)
826 North Mills Avenue (APN: 035-020-30)

APPLICANT: Regla, Robin
14536 North Alpine Road
Lodi CA, 95240-9433

PROPERTY OWNER: The same as above.

RECOMMENDATION

Staff recommends that the Planning Commission approve the request of Mr. Robin Regla for a Use Permit to allow conversion of existing multifamily residential units into individual condominiums and for a Tentative Parcel Map to divide five triplexes into individual residential units, subject to the conditions in the attached resolution.

PROJECT/AREA DESCRIPTION

General Plan Designation: MDR, Medium Density Residence

Zoning Designation: R-MD, Residential Medium Density.

Property Size: Approximately 48,707 sq. ft.

The adjacent zoning and land use are as follows:

North: R-2, Single Family Residence. Further north is the Union Pacific Railroad (UP) line.

South: R-2, Single Family Residence.

West: M-2, Heavy Industrial, where the General Mills warehouse/factory is located.

East: R-2, Single Family Residence.

SUMMARY

The project proponent is requesting a Use Permit to allow the conversion of triplexes into condominiums and a Tentative Parcel Map to create residential condominiums. A Conditional Use Permit is required in order to convert an existing multi-family residence into condominiums. The Use Permit process allows the City to evaluate the impact of such conversions on the rental housing market, to assure that the units meet minimum housing standards, and provide for procedures for the notification of existing tenants who may need to relocate.

Approval of a Tentative Parcel Map would allow for the creation of individual residential units. The proposed Tentative Parcel Map would not result in any substantial physical changes to the parcels or the buildings. The condominium conversion process would enable the project proponent to sell each or operate each parcel or units individually. Staff believes the proposed condominium conversion is appropriate for the neighborhood and that the application meets the City's requirements for a condominium conversion.

BACKGROUND

The neighborhood surrounding the project site is primarily developed with single-family dwellings to the east, north and south and a Industrial use to the west (General Mills). The project site is the only area zoned for multi-family units in this immediate area. Building permits for the subject multi-family units were issued in 1975. The most recent use of the subject properties were as residential rental units. The project proponent indicates the condominiums will not be for sale and that he intends to lease the units. There are no Municipal or Building Code violations pending against the subject buildings or parcels. No changes to the structures, infrastructure, or the common areas are proposed.

ANALYSIS

Use Permit

In order to convert existing structures into condominiums, the structure to be made a condominium must be found to conform with all applicable laws, ordinances, and regulations including, but not limited to, those pertaining to building, fire, housing, subdivision, and zoning. A Conditional Use Permit is also required and must accompany all condominium conversion applications. The City of Lodi established Lodi Municipal Code §15.32.010 to create criteria for conversion to reduce the impact of such conversions on residents in rental housing who may be required to relocate during or after the conversion of rental units to condominiums. For this reason, the City requires that no residential conversion be permitted unless and until a conditional use permit has been applied for and issued pursuant to and in accordance with the provisions of Lodi Municipal Code and the State Subdivision Map Act. Pursuant to the City's Subdivision Ordinance for condominium conversions, the applicant submitted a Use Permit application to permit the creation of residential condominiums.

With respect to conversions and tenant protections a number of other statutes govern these topics. The statutes include California Housing Law, the State Subdivision Map Act, Government-Health and Safety Codes, and the City's local planning laws. These laws establish the rights and responsibilities of landlords and tenants in most types of rental situations. The City's Zoning Ordinance has provisions to protect rental housing, rental housing tenants, proper notification requirements, first right to purchase, etc. In the past, the City has allowed similar types of conversions.

Lodi Municipal Code §15.32.180 requires the applicant to submit evidence that tenants have been notified and have acknowledged the Applicant's Intent to File a request for conversion at least 60 days prior to the initial filing of the application for the Use Permit or Parcel Map. The Applicant provided staff with proof that the Intent to file an application was hand delivered to the tenant, or left at or near the door. The Intent to file an application was initiated on July 7, 2008. The Applicant has satisfied the 60 days noticing requirement. The said Lodi Municipal Code also requires that applicants submit a

physical elements report detailing the structural condition of all elements of the property. The applicant has submitted physical assessment report as well as pest control report. The physical assessment report prepared by National Property Inspections, dated March 3, 2009, was submitted by the applicant. The physical assessment report indicates that significant improvements are required. The applicant has indicated his desire to obtain the necessary City approvals before undertaking expensive and significant improvements. Staff concurs with the applicant's desire. Staff's recommendation is conditioned in such that the applicant will have to make the necessary improvements prior to recordation of the parcel map (Condition # 4 of Tentative Parcel Map Resolution).

The proposed conversion is consistent with the General Plan and Housing Element. The conversion of the apartments to condominiums will help to promote ownership opportunities in the City of Lodi for various economic segments of the population. The request to subdivide the buildings into individual units does not change the previous use of the properties. The floor plan configuration, the lot coverage and design of the building will not be affected. The creation of the individual units will allow the owner flexibility.

Tentative Parcel Map

The State Subdivision Map Act requires that a condominium map be approved in order to create residential condominiums. Currently, the properties are five parcels and each contains a building with three residential units. The applicant's proposal adjusts existing property lines to create four (4) parcels out of five (5) existing parcels and create each residential unit as a legal parcel. As proposed, the Tentative Map would create three parcels that would contain three residential units each and the fourth parcel would contain six (6) residential units. The common areas on the map will be maintained by a Homeowner's Association. A single Homeowner's Association is being proposed to govern all parcels and units (Condition # 6). The properties will be subject to the Covenants, Conditions and Restrictions (CC&R's) that govern the Association. These CC&R's will be recorded with the Final Map. The Applicant will be required to file a condominium map and all related documents with the California Department of Real Estate. The City of Lodi Public Works Department requires a Final Map be submitted for review and approval to ensure compliance with all Tentative Map conditions.

The Tentative Parcel Map has been reviewed by the Public Works Department and has been found to comply with the provisions of the State Subdivision Map Act and the City's Municipal Code. The Public Works conditions have been incorporated into the attached resolutions. The applicant has submitted Covenants, Conditions and Restrictions (CC&Rs). The CC&Rs provide appropriate easement rights for access and facilities serving each parcel, maintenance responsibilities, use of shared facilities, apportionment and payment of costs, insurance, architectural and construction controls, damage and destruction and management of shared private facilities, and other applicable conditions that may arise in the future. Staff has determined that the proposed residential condominium conversion is consistent with the City of Lodi General Plan and Zoning Ordinance. The floor plan configuration, the lot coverage and design of the building will not be affected. The Tentative Parcel Map has also been reviewed by the Electric Utility Department and they recommend approval subject to the conditions in the attached resolution. The Fire Department conditionally approved the proposed Tentative Parcel Map. Specifically, the Fire Department requests that no fence is constructed on the shared parking lots (Condition # 10 of Tentative Parcel Map Resolution).

In conclusion, staff believes that the proposed Tentative Parcel Map and the Use Permit request, subject to the conditions in the attached resolution, meet the requirements of the Zoning Ordinance and is consistent with good planning practice and will be compatible with the neighborhood. The Planning Commission and City staffs have approved every requested condominium project that met all applicable regulations. The applicant's request, as conditioned, is similar to previous requests that the City has approved.

ENVIRONMENTAL ASSESSMENTS:

The project is found to be Categorically Exempt according to the California Environmental Quality Act, Article 19, Guidelines §15315, Class 15, "Minor Land Divisions." This exemption is for a project that consists of the division of property in urbanized areas zoned for residential, commercial, or industrial use into four or fewer parcels when the division is in conformance with the General Plan and zoning, no variances or exceptions are required, all services and access to the proposed parcels to local standards are available, the parcel was not involved in a division of a larger parcel within the previous 2 years, and the parcel does not have an average slope greater than 20 percent. This proposal meets all these conditions and, therefore, qualifies for the Categorical Exemption.

PUBLIC HEARING NOTICE:

Legal Notice for the Parcel Map and Use Permit was published on April 9, 2009. 48 public hearing notices were sent to all property owners of record within a 300-foot radius of the subject property as required by Government Code §65091 (a) 3.

ALTERNATIVE PLANNING COMMISSION ACTIONS:

- Approve the Request with Alternate Conditions
- Deny the Request
- Continue the Request

Respectfully Submitted,

Concur,

Immanuel Bereket
Assistant Planner

Konradt Bartlam
Community Development Director

ATTACHMENTS:

1. Vicinity Map
2. Existing Parcel Map
3. Tentative Parcel Map
4. Draft Resolutions



Not Scaled

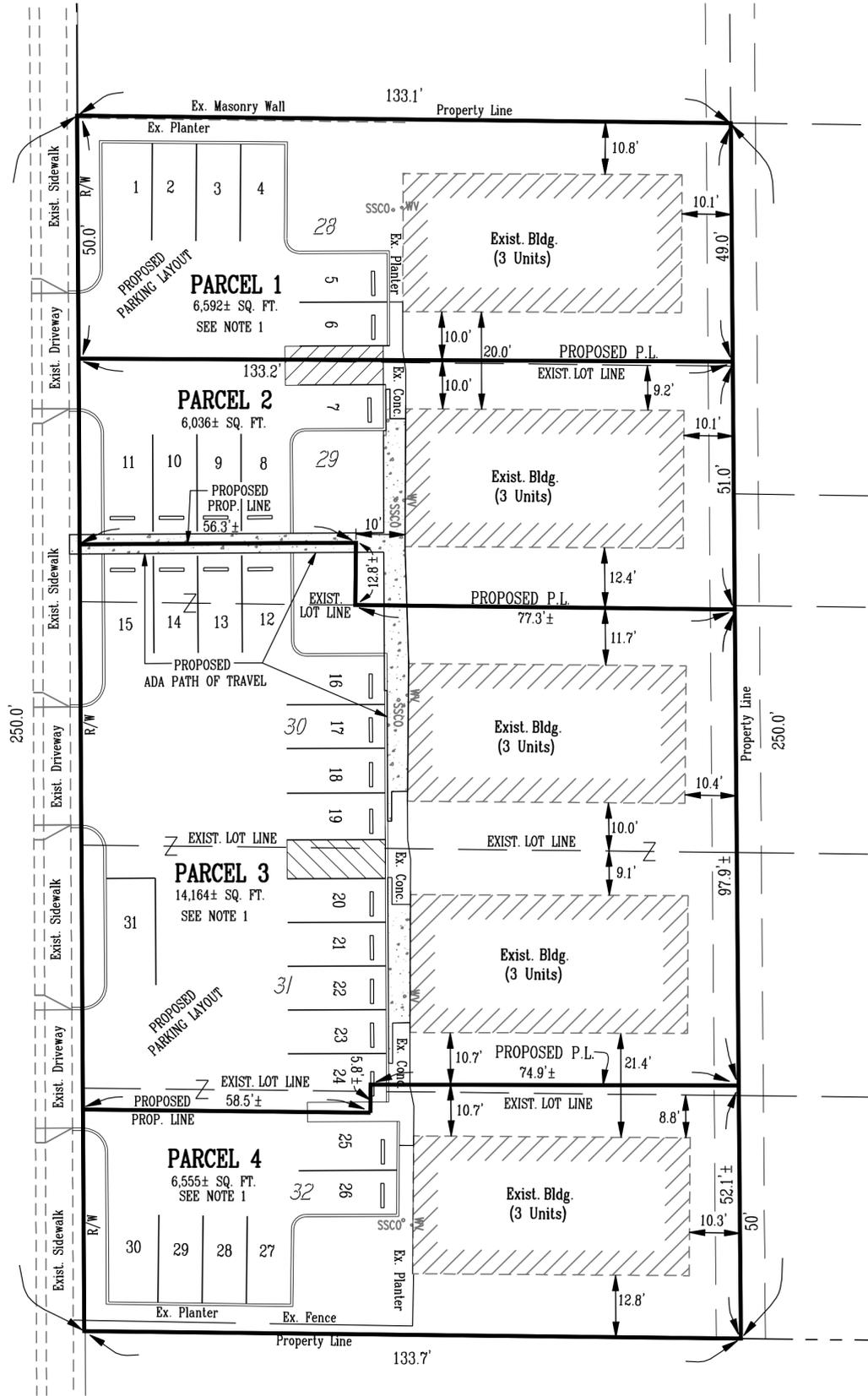
Vicinity Map

Legend

 Project Area

SCALE: 1"=20'

AVENUE
MILLS
60'



NOTES:
1. RECIPROCAL EASEMENTS FOR ACCESS AND MAINTENANCE WILL BE CREATED BETWEEN PARCELS.

**REVISED
TENTATIVE PARCEL MAP**
FOR THE PURPOSE OF SUBDIVING
FIFTEEN (15) EXISTING RENTAL UNITS
INTO CONDOMINIUMS AND COMMON AREA
LOTS 28, 29, 30, 31 & 32
OF "LAKESIDE PARK"
CITY LODI, SAN JOAQUIN COUNTY, CALIFORNIA
REVISED NOVEMBER, 2008 SCALE: 1"=20'

OWNER:
ROBIN REGLA, TRUSTEE OF THE REGLA REVOCABLE TRUST
P.O. BOX 0640
LODI, CALIFORNIA 95240
(209) 603-8273

I AM THE OWNER OF RECORD AND CONSENT TO THE FILING OF THIS TENTATIVE MAP.

NAME _____ DATE _____

APPLICANT:
ROBIN REGLA
P.O. BOX 0640
LODI, CALIFORNIA 95240
14536 N. ALPINE RD.
LODI, CALIFORNIA 95240
(209) 603-8273

MAP PREPARED BY:
BAUMBACH AND PIAZZA, INC.
323 WEST ELM STREET
LODI, CALIFORNIA
(209) 368-6618

PROJECT DESCRIPTION:
CREATE A PARCEL MAP FOR THE PURPOSE OF CONVERTING FIFTEEN (15) EXISTING RENTAL UNITS INTO FIFTEEN (15) CONDOMINIUMS AND COMMON AREA.

UTILITIES AND FACILITIES:
WATER-CITY OF LODI; SEWAGE-CITY OF LODI; STORM DRAINAGE-CITY OF LODI;
ELECTRIC-CITY OF LODI; GAS-PG&E; TELEPHONE-AT&T

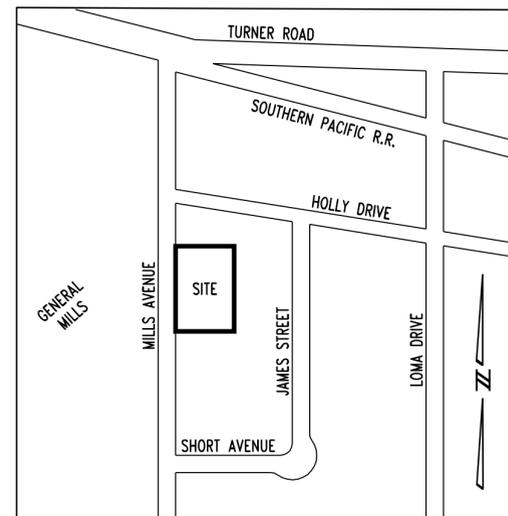
FLOOD INFORMATION:
NOT SUBJECT TO 100 YEAR FLOOD.

ASSESSOR PARCEL NUMBER:
035-020-26, 27, 28, 29, 30

SITUS ADDRESS:
802-830 MILLS AVENUE
LODI, CALIFORNIA 95242

ZONING:
MEDIUM RESIDENTIAL R-MD

GENERAL PLAN DESIGNATION:
MEDIUM DENSITY RESIDENTIAL



VICINITY MAP
NOT TO SCALE

SHEET 1 OF 1
JOB NO. 07022-1
FILE NO.

**REVISED
TENTATIVE PARCEL MAP**

PREPARED IN THE OFFICE OF:
BAUMBACH & PIAZZA, INC.
CIVIL ENGINEERS • SURVEYORS
www.bpengineers.net
209.368.6618
Lodi, CA 95240

DESIGN JCE, SEP DRAWN BY: WEG, SEP

APPROVED BY: _____

RCE: _____ EXP. DATE: _____

S:\Projects\2007\07022.dwg (07022_REV 3_TL_11-20-08.dwg 04/09/09 11:55am-SPPCHIN-XREFS: 07022_Lopo.dwg 10/28/08_BP.dwg 07022_ITC.dwg)

RESOLUTION NO. P.C. 09-

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LODI APPROVING THE REQUEST OF ROBIN REGLA FOR A USE PERMIT TO ALLOW THE CONVERSION OF DWELLING UNITS INTO RESIDENTIAL CONDOMINIUM UNITS.

WHEREAS, the Planning Commission of the City of Lodi has held a duly noticed public hearing, as required by law, on the requested Tentative Parcel Map pursuant to the Lodi Municipal Code Chapter 16.08 and the Subdivision Map Act; and

WHEREAS, the properties are located at 802 North Mills Avenue (APN: 035-020-26), 808 North Mills Avenue (APN: 035-020-27), 814 North Mills Avenue (APN: 035-020-28) 820 North Mills Avenue (APN: 035-020-29) and 826 North Mills Avenue (APN: 035-020-30); and

WHEREAS, the project proponent is Robin Regla 14536 North Alpine Road., Lodi, CA, 95240-9433; and

WHEREAS, the properties are owned by Robin Regla 14536 North Alpine Road., Lodi, CA, 95240; and

WHEREAS, the properties are zoned R-MD, Residential Medium Density and carry a General Plan Designation of MDR, Medium Density Residence; and

WHEREAS, all legal prerequisites to the approval of this request have occurred; and

Based upon the evidence in the staff report and project file, the Planning Commission makes the following findings:

1. The project is found to be Categorically Exempt according to the California Environmental Quality Act, Article 19, Guidelines §15315, Class 15, "Minor land division." No significant impacts are anticipated and no mitigation measures have been required.
2. The applicant is requesting approval of a Use Permit to allow the conversion of existing apartment complexes into condominium units.
3. The granting of the Use Permit to allow the conversion of the apartment complex into condominium units will not adversely affect the Lodi General Plan, since the proposed use does not conflict with the site's land use designation of MDR, Medium Density Residential.
4. The Use Permit complies with the requirements of Chapter 15.32 of the Lodi Municipal Code regulating Housing Conversions.
5. That the site for the proposed Use Permit is adequate in size and is so shaped as to accommodate the said use, as well as, all yards, spaces, walls, fences, parking, landscaping, and any other features necessary to adjust the said use with the land and uses in the neighborhood and make it compatible thereto.
6. The proposed use is expected to be compatible with the surrounding neighborhood.
7. The size, shape and topography of the site are physically suitable for the proposed conversion in that the site is generally flat with no unusual or extraordinary topographic features.
8. No variance from the Lodi Municipal Code is approved by this action.

NOW, THEREFORE, BE IT DETERMINED AND RESOLVED by the Planning Commission of the City of Lodi that Use Permit 08-U-12 is hereby approved, subject to the following conditions:

1. The project proponent owner will defend, indemnify, and hold the City, its agents, officers, and employees harmless of any claim, action, or proceeding to attack, set aside, void, or annul this Use Permit, so long as the City promptly notifies the developer of any claim, action, or proceedings, and the City cooperates fully in defense of the action or proceedings.
2. The Use Permit shall not be effective for any purpose until the owner of the property involved (or his duly authorized representative) has filed at the office of the Community Development Department their affidavit stating they are aware of, and agrees to all conditions of this Conditional Use Permit as set forth below. Additionally, no permits shall be issued until the owner of the property involved (or a duly authorized representative) pays all costs associated with the processing of this application pursuant to City policies.

3. The costs and expenses of any enforcement activities, including, but not limited to attorney's fees, caused by the applicant's violation of any condition imposed by this approval or any provision of the City of Lodi Municipal Code shall be paid by the applicant.
4. A property report prepared by National Property Inspections, dated March 3, 2009, was submitted by the applicant. The applicant, and/or his successors and assigns, shall make the necessary repairs and improvements recommended on the said report prior to final map recordation. All building improvements plans shall be based on the City of Lodi Building Regulations and currently adopted 2007 California Building Code.
5. This Use Permit shall comply with Tentative Parcel Map reviewed and approved by the Planning Commission as part of this project.
6. This Use Permit shall comply with the development standards of RMD, Residential Medium Density and all applicable provisions of the City of Lodi Municipal Code.
7. Any proposed change to the approved Tentative Parcel Map shall be reviewed by the Planning, Public Works and Fire Departments, and a written authorization of the Community Development Director shall be obtained prior to implementation.
8. A declaration of Covenants, Conditions, and Restrictions (CC&R's) shall be prepared by the developer/property owner and submitted to the Community Development Director and the City Attorney. The CC&R's shall be signed and acknowledged by all parties having any record title interest in the property to be developed, and shall make the City a party thereto, and shall be enforceable by the City. The CC&R's shall be reviewed and approved by the City and recorded prior to the recordation of the final tract map. Written proof of recordation with the San Joaquin County Recorder/Registrars Office shall be provided to the Community Development Department.
9. The project proponent shall form a single homeowner's association to address the use and maintenance responsibilities for the shared on-site storm water collection system, parking, driveways, landscaping and other common facilities. The said homeowner's association shall be responsible for all common areas.
10. Prior to Map recordation, the applicant shall draft a Prospective Homebuyer's Awareness Package (PHAP), and submit it to the Community Development Department for review and approval. The said package shall include:
 - A. A standardized cover sheet as approved by the Community Development Department.
 - B. Zoning and General Plan information.
 - C. School information.
 - D. Special assessment district information.
 - E. A copy of the Covenants, Conditions and Restrictions (CC & R's) applicable to the tract.
 - F. Any additional information deemed necessary by the Planning Department or the Planning Commission for the full disclosure of pertinent information.

Dated: April 22, 2009.

I hereby certify that Resolution No. 09- was passed and adopted by the Planning Commission of the City of Lodi at a regular meeting held on April 22, 2009, by the following vote:

AYES: Commissioners:

NOES: Commissioners:

ATTEST: _____
Secretary, Planning Commission

RESOLUTION NO. P.C. 09-

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LODI APPROVING THE REQUEST OF ROBIN REGLA FOR A TENTATIVE PARCEL MAP TO ALLOW THE CONVERSION OF DWELLING UNITS INTO RESIDENTIAL CONDOMINIUM UNITS.

WHEREAS, the Planning Commission of the City of Lodi has held a duly noticed public hearing, as required by law, on the requested Tentative Parcel Map pursuant to the Lodi Municipal Code Chapter 16.08 and the Subdivision Map Act; and

WHEREAS, the properties are located at 802 North Mills Avenue (APN: 035-020-26), 808 North Mills Avenue (APN: 035-020-27), 814 North Mills Avenue (APN: 035-020-28) 820 North Mills Avenue (APN: 035-020-29) and 826 North Mills Avenue (APN: 035-020-30); and

WHEREAS, the project proponent is Robin Regla 14536 North Alpine Road., Lodi, CA, 95240-9433; and

WHEREAS, the properties are owned by Robin Regla 14536 North Alpine Road., Lodi, CA, 95240; and

WHEREAS, the properties are zoned R-MD, Residential Medium Density and carry a General Plan Designation of MDR, Medium Density Residence; and

WHEREAS, consistent with the City of Lodi Municipal Code Chapter 15.32 a Use Permit request has been submitted, reviewed and approved to allow the conversion of the apartment complexes into residential condominiums; and

WHEREAS, all legal prerequisites to the approval of this request have occurred; and

Based upon the evidence in the staff report and project file, the Planning Commission makes the following findings:

1. The project is found to be Categorically Exempt according to the California Environmental Quality Act, Article 19, Guidelines §15315, Class 15, "Minor land division." No significant impacts are anticipated and no mitigation measures have been required.
2. The proposed Tentative Parcel Map is consistent with the City's General Plan and Zoning Ordinance and is conditioned to conform to the standards and improvements mandated by the City of Lodi's Public Works Department Standards and Specifications.
3. The establishment, maintenance and operation of the use, building, or structure applied for will not under the circumstances of this particular case be detrimental to the health, safety, peace, morals, comfort, or general welfare of persons residing or working in the neighborhood of such proposed use or be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the City.
4. The size, shape and topography of the site are physically suitable for the proposed conversion in that the site is generally flat with no unusual or extraordinary topographic features.
5. The proposed Tentative Parcel Map does not conflict with easements, acquired by the public at large, for access through or use of property within the proposed map.
6. The proposed Tentative Parcel Map can be served by all public utilities.
7. The Tentative Parcel Map complies with the requirements of Chapter 16.08 of the Lodi Municipal Code regulating Tentative Maps.
8. Each tenant was sent, via certified mail, a written notification of the intention to convert the property wherein they reside into a condominium project.
9. None of the mandatory findings for tentative map denial within the State Subdivision Map Act, § 66474 apply to this proposal.

NOW, THEREFORE, BE IT DETERMINED AND RESOLVED by the Planning Commission of the City of Lodi that Tentative Parcel Map 08-P-05 is hereby approved, subject to the following conditions:

Community Development Department, Planning:

1. The project proponent owner will defend, indemnify, and hold the City, its agents, officers, and employees harmless of any claim, action, or proceeding to attack, set aside, void, or annul this Parcel Map, so long as the City promptly notifies the developer of any claim, action, or proceedings, and the City cooperates fully in defense of the action or proceedings.
2. The Tentative Parcel Map shall expire within 24 months of Planning Commission approval or a time extension must be granted by the Planning Commission. Failure to file a Final Map within these time limits shall nullify the previous approval or conditional approval of the Parcel Map.
3. A preliminary subdivision guarantee shall be submitted to the Community Development Department for review in conjunction with the processing of the final map.
4. Prior to recording the tract map, the project proponent shall submit a map drawn in substantial conformance with the approved tentative map and in compliance with all conditions set forth herein. The map shall be submitted for review and approval by the City in accordance with the Subdivision Map Act and the City's Subdivision Ordinance.
5. All existing and proposed utility, pipeline, open space, or other easements shall be shown on the final/parcel map. If there are building or other restrictions related to the easements, they shall be noted on the final/parcel map. The applicant shall show all access restrictions on the final/parcel map.
6. The project proponent shall form a single Homeowners Association and record CC&Rs prior to or concurrently with the Final Map. CC&Rs shall include, but not be limited to: the conveyance of units; the assignment of parking and storage areas; and an agreement for common area maintenance, together with an estimate of any initial assessment fees anticipated for such maintenance, and an indication of appropriate responsibilities for the maintenance of all utility lines and services for each unit. The CCR's shall be approved as to form by the Community Development Director and recorded in the office of the County Recorder.
7. The Final Map shall be in substantial conformance to the approved Tentative Parcel Map, as conditioned, and that any future development shall be consistent with applicable sections of the Municipal Code.
8. Any building improvements, additions, or exterior remodeling shall be subject to setback, lot coverage, parking and all other zoning code requirements as required by the Lodi Municipal Code.
9. To the extent feasible, the architecture and façade change in the future shall be consistent with the architecture and color pattern of the surrounding neighborhood and shall be reviewed by staff as part of the building permit.
10. Prior to placement of any fencing, a fencing plan shall be submitted for review and approval by the Planning Department. No fence shall be permitted to be constructed the shares parking lots, driveways or any location that would hinder fire department access.

Community Development Department, Building:

11. Prior to filing for Final Map, the project proponent shall submit complete plans showing a sound rated and 1 hour rated fire wall, extending from foundation to the roof sheathing separating each unit.
12. A building permit is required for any plumbing work and the appropriate submittal documents prepared by a registered engineer or licensed architect shall be submitted to the Community Development Department for complete review and approval.

Public Works Department, Engineering:

The following conditions of approval are required for the subject project per City codes and standards, all to be accomplished prior to, or concurrent with, final parcel map filing unless noted otherwise:

13. All existing public utility easements need to be shown on the map. Our records indicate that there are existing 5-foot public utility easements along the existing north property line of APN 035-020-29 (820-824 N. Mills Avenue), the south property line of APN 035-020-26 (802-806 N. Mills Avenue), and the east property lines of all the proposed parcels.
14. Dedication of public utility easements as required by the various utility companies and the City of Lodi. The City of Lodi Electric Utility Department will require an 11.5-foot overhead public utility easement along the west 11.5 feet of the east 16.5 feet of all the proposed parcels. Structures within the overhead easement must not exceed 23 feet in height.
15. Our field review indicates that there are two unmetered 1-inch water services, and two 4-inch wastewater services serving the existing structures on Parcel 3. The existing structures on Parcels 1, 2 and 4 are each served by an unmetered 1-inch water service and 4-inch wastewater service. All water services shall be upgraded to include a meter box and 1/2-inch meter. This work shall be performed by City crews at the owner's expense. In addition, the owner's contractor shall install a reduced pressure backflow device assembly conforming to Standard Plan 413 on each water service serving Parcel 3. This work shall require a plumbing permit issued by the City of Lodi Building Division.
16. The water services may be sub-metered by the developer to the individual units. The City will bill the homeowner's association for the water usage based on the readings from the main water meters.
17. In order to assist the City of Lodi in providing an adequate water supply, the Owner/Developer on behalf of itself, its successors and assigns, shall enter into an agreement with the City that the City of Lodi be appointed as its agent for the exercise of any and all overlying water rights appurtenant to the parcels, and that the City may charge fees for the delivery of such water in accordance with City rate policies. In addition, the agreement shall assign all appropriate or prescriptive rights to the City. The agreement will establish conditions and covenants running with the land for all parcels within the boundaries of the parcel map and provide deed provisions to be included in each conveyance.
18. The project proponent shall submit final parcel map per City and County requirements including the following:
 - a. Preliminary title report.
 - b. Standard note regarding requirements to be met at subsequent date.
 - c. Parcel map guarantee.
19. The applicant shall make the following payment:
 - a. Filing and processing fees and charges for services performed by City forces per the Public Works Fee and Service Charge Schedule.
NOTE: The above fees are subject to periodic adjustment as provided by the implementing ordinance/resolution. The fee charged will be that in effect at the time of collection indicated above.

Electric Utilities Department:

20. The project proponent shall prepare easement documents and shall provide a copy to the Electric Engineering Division of the Lodi Electric Utility Department.
21. A P.U.E. is required for all on-site existing and/or future primary facilities. The applicant shall contact the Electric Utility Department for required P.U.E. locations and Electric Service requirements.
22. The project proponent shall pay for Electric Utility Department charges in accordance with the Electric Department's Rules and Regulations.

Dated: April 22, 2009

I hereby certify that Resolution No. 09- was passed and adopted by the Planning Commission of the City of Lodi at a regular meeting held on April 22, 2009., by the following vote:

AYES: Commissioners:

NOES: Commissioners:

ATTEST: _____
Secretary, Planning Commission

Item 6a.



MEMORANDUM, City of Lodi, Community Development Department

To: City of Lodi Planning Commissioners
From: Rad Bartlam, Community Development Director
Date: Planning Commission Meeting of 4/22/09
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/city-council/AgendaPage.html> to view Staff Reports and Minutes from the corresponding meeting date.

Date	Meeting	Title
March 24, 2009	SHIRTSLEEVE	Review of Community Development Block Grant Funding Requests in the 2009-10 Action Plan (CD)
		Update on Affordable Senior Housing Project (CD)
April 1, 2009	REGULAR	Public Hearing to Consider Resolution Approving Draft 2009-14 Consolidated Plan & 2009-10 Action Plan and Reallocation of available funds from previous program years for the Community Development Block Grant Program (CD)
		Public Hearing to Consider Introducing Ordinance Amending Chapter 13.20, "Electrical Service," by Adding a New Section 13.20.315 Titled, "Schedule EDR – Economic Development Rates" (EUD)
		Authorize the City Manager to Enter into Negotiations with Eden Housing, Inc., in Regard to Affordable Senior Housing Development Located at 2246 Tienda Drive (CD)
		Consider Introducing Ordinance Repealing and Reenacting Lodi Municipal Code Title 5 – (Introduce) Permits and Regulations – Chapter 5.12, "Cardrooms," Increasing the Number of Legal Cardroom Games, Expanding Cardroom Hours, and Increasing the Number of Tables (CA)
April 15, 2009	REGULAR	Prospective Lease of City Property (10± Acres Adjacent to White Slough Water Pollution Control Facility, Located at 12745 N. Thornton Road, Lodi, CA); the Negotiating Parties are Don Dame on behalf of the Northern California Power Agency and City Manager Blair King for the City of Lodi; Price and Terms of the Lease are under Negotiation; Government Code §54956.8
		Approve Plans and Specifications and Authorize Advertisement for Bids for Building Demolition at 17 East Elm Street (PW)
		Adopt Uncodified Urgency Interim Ordinance to Establish a Moratorium on the Establishment and Operation of Medical Marijuana Dispensaries (CA)