

ITEM 5.4

CITY MANAGER'S REPORT OCTOBER 9, 2023 CITY COUNCIL REGULAR MEETING

ITEM: PUBLIC HEARING (PUBLISHED NOTICE) TO CONSIDER ADOPTING AN ORDINANCE AMENDING THE LATHROP MUNICIPAL CODE TITLE 12 "STREETS, SIDEWALKS AND PUBLIC PLACES", CHAPTER 12.12 "IMPROVEMENTS AND DEDICATIONS", SECTION 12.12.060 "IMPROVEMENTS TO EXISTING BUILDINGS"

RECOMMENDATION: City Council to Consider the Following Items:

- 1. Hold a Public Hearing; and**
- 2. First Reading and Introduction of an Ordinance Amending Title 12 "Streets, Sidewalks and Public Places", Chapter 12.12 "Improvements and Dedications", Section 12.12.060 "Improvements to Existing Buildings" to Modify the Language to Require Frontage Improvements Upon Addition of Improvements to Existing Sites**

SUMMARY:

The proposed Municipal Code Text Amendment is a staff-initiated proposal to modify Section 12.12.060 of the Lathrop Municipal Code (LMC) to include additional types of development which may be required to construct public improvements listed in Section 12.12.060 if a certain threshold is met. Developer-built public improvements mitigate impacts that the development has on the City. Staff is requesting City Council approval of the proposed Municipal Code Text Amendment to improve clarity and promote development of public infrastructure.

BACKGROUND:

In 2009, the City adopted an Economic Development Strategic Plan to guide the City Council in making decisions regarding economic growth for the City. In 2011, the City Council indicated a desire to accelerate economic and business development efforts by creating an Economic Development Program.

On February 8, 2020, Council approved staff requests to update various sections of the LMC to streamline procedures, clarifications of code, and imported updated policies. The update included two additional sentences to Section 12.12.060 regarding undergrounding overhead utilities.

The intent of the proposed amendment is to provide concise and clear requirements for residents, developers and staff.

ANALYSIS:

The proposed Municipal Code Text Amendment will modify the following Chapter and Section of the LMC:

CHAPTER 12.12 IMPROVEMENTS AND DEDICATIONS

12.12.060 Improvements to existing sites buildings.

Except as may be otherwise provided in this chapter or by any other applicable law, the improvement of any existing building or construction of any new building which does not increase the total floor area of such building on the site to an extent of twenty-five percent (25%) or more within any five-year period shall be excepted from application of the provisions of this chapter. However, any person constructing, adding to, or arranging for the construction of, or addition to any off-street parking facilities, or any building, or any improvements (hereinafter collectively referred to as “Improvements”) resulting in an increase of twenty-five percent (25%) or more in area or value of Improvements ~~area increase thereto of twenty five percent (25%) or more, or increase in value of any building in excess of twenty five percent (25%) thereof,~~ within the five-year period, shall also provide for the construction of curbs, gutters, sidewalks, storm drain facilities, street lights, underground utilities, and street paving to the sound structural section of the existing street pavement, unless such improvements constructed in accordance with the standards already exist. Underground utilities shall include the undergrounding of existing and new electrical distribution (34.5 kVA and under), cable, phone and any other overhead line for both sides of the street within the frontage of the project. The project shall be responsible for fifty percent (50%) of the cost of the undergrounding of the utilities. For purposes of this section, the value of a building shall be deemed to be the current appraised market value thereof as determined by the county assessor in determining the assessed value for tax purposes.

Public Notice

A Notice of Public Hearing was advertised in the Manteca Bulletin newspaper on September 28, 2023.

REASON FOR RECOMMENDATION:

The proposed amendment clarifies the existing LMC language to ensure that all development over a certain size and value would be required to provide public improvements to align with the original intent of the LMC.

OCTOBER 9, 2023 CITY COUNCIL REGULAR MEETING

PUBLIC HEARING TO CONSIDER ADOPTING AN ORDINANCE AMENDING THE LATHROP MUNICIPAL CODE TITLE 12 "STREETS, SIDEWALKS AND PUBLIC PLACES", CHAPTER 12.12 "IMPROVEMENTS AND DEDICATIONS", SECTION 12.12.060 "IMPROVEMENTS TO EXISTING BUILDINGS"

FISCAL IMPACT:

There is no fiscal impact at this time. Staff will incorporate activities related to this item into current council adopted operating budgets.

ATTACHMENTS:

- A. Ordinance Amending Title 12 "Street, Sidewalks and Public Places", Chapter 12.12 "Improvements and Dedications", Section 12.12.060 "Improvements to Existing Buildings" to Modify Language to Require Frontage Improvements Upon Addition of Improvements to Existing Sites

CITY MANAGER'S REPORT
OCTOBER 9, 2023 CITY COUNCIL REGULAR MEETING
PUBLIC HEARING TO CONSIDER ADOPTING AN ORDINANCE AMENDING THE
LATHROP MUNICIPAL CODE TITLE 12 "STREETS, SIDEWALKS AND PUBLIC
PLACES", CHAPTER 12.12 "IMPROVEMENTS AND DEDICATIONS", SECTION
12.12.060 "IMPROVEMENTS TO EXISTING BUILDINGS"

APPROVALS:



Bellal Nabizadah
Assistant Engineer

9/29/23


Date



Brad Taylor
City Engineer

9/25/2023


Date

 FOR C)

Cari James
Finance Director

9/27/2023

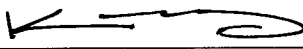
Date



Thomas Hedegard
Deputy City Manager

9/27/2023


Date



Michael King
Assistant City Manager

9-27-2023

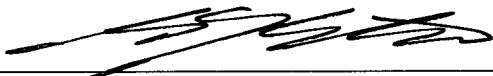
Date



Salvador Navarrete
City Attorney

9-25-2023

Date



Stephen J. Salvatore
City Manager

10.4.23

Date

ORDINANCE NO. 23-

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LATHROP AMENDING TITLE 12 "STREET, SIDEWALKS AND PUBLIC PLACES", CHAPTER 12.12 "IMPROVEMENTS AND DEDICATIONS", SECTION 12.12.060 "IMPROVEMENTS TO EXISTING BUILDINGS" TO MODIFY LANGUAGE TO REQUIRE FRONTAGE IMPROVEMENTS UPON ADDITION OF IMPROVEMENTS TO EXISTING SITES

WHEREAS, in 2009, the City adopted an Economic Development Strategic Plan to guide the City Council in making decisions regarding economic growth for the City; and

WHEREAS, in 2011, the City Council indicated a desire to accelerate economic and business development efforts by creating an Economic Development Program; and

WHEREAS, on February 8, 2020, Council approved staff requests to update various sections of the Lathrop Municipal Code (LMC) to streamline procedures, clarifications of code, and imported updated policies. The update included two additional sentences to Section 12.12.060 regarding undergrounding overhead utilities; and

WHEREAS, with the significant increase in development from both public and private agencies, staff now proposes an amendment to provide concise and clear requirements for residents, developers and staff; and

WHEREAS, a Notice of Public Hearing was advertised in the Manteca Bulletin on September 28th, 2023; and

WHEREAS, staff requests that City Council hold a public hearing, consider all information and public testimony and, if determined to be appropriate, adopt an Ordinance amending Lathrop Municipal Code Title 12 "Streets, Sidewalks and Public Places", Chapter 12.12 "Improvements and Dedications", Section 12.12.060 "Improvements to Existing Buildings"; and

WHEREAS, the proposed amendment clarifies to the existing LMC language to ensure that all development over a certain size and value would be required to provide public improvements to align with the original intent of the LMC.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Lathrop does hereby ordain as follows:

Note: New text is shown by underline. Deleted text is shown by ~~strikethrough~~

Section 1.

Title 12 of the Lathrop Municipal Code, "Street Sidewalks and Public Places" is hereby amended by amending Chapter 12.12 "Improvements and Dedications", Section 12.12.060 "Improvements to Existing Buildings", to incorporate the changes as follows:

CHAPTER 12.12 IMPROVEMENTS AND DEDICATIONS

12.12.060 Improvements to existing sites buildings.

Except as may be otherwise provided in this chapter or by any other applicable law, the improvement of any existing building or construction of any new building which does not increase the total floor area of such building on the site to an extent of twenty-five percent (25%) or more within any five-year period shall be excepted from application of the provisions of this chapter. However, any person constructing, adding to, or arranging for the construction of, or addition to any off-street parking facilities, or any building, or any improvements (hereinafter collectively referred to as "Improvements") resulting in an increase of twenty-five percent (25%) or more in area or value of Improvements ~~area increase thereto of twenty five percent (25%) or more, or increase in value of any building in excess of twenty five percent (25%) thereof,~~ within the five-year period, shall also provide for the construction of curbs, gutters, sidewalks, storm drain facilities, street lights, underground utilities, and street paving to the sound structural section of the existing street pavement, unless such improvements constructed in accordance with the standards already exist. Underground utilities shall include the undergrounding of existing and new electrical distribution (34.5 kVA and under), cable, phone and any other overhead line for both sides of the street within the frontage of the project. The project shall be responsible for fifty percent (50%) of the cost of the undergrounding of the utilities. For purposes of this section, the value of a building shall be deemed to be the current appraised market value thereof as determined by the county assessor in determining the assessed value for tax purposes.

Section 2.

This Ordinance is not intended to and shall not be construed or given effect in a manner that imposes upon the City or any officer or employee thereof a mandatory duty of care toward persons and property within or without the city so as to provide a basis of civil liability for damages, except as otherwise imposed by law.

Section 3. Severability.

If any section, subsequent subdivision, paragraph, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional or otherwise invalid, such a decision shall not affect the validity of the remaining portions of this Ordinance.

The City Council hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause or phrase of this Ordinance irrespective of

the unconstitutionality or invalidity of any section, subsection, subdivision, paragraph, sentence, clause or phrase.

Section 4. Effective Date.

This Ordinance shall take legal effect 30 days from and after the date of its passage.

Section 5. Publication.

Within fifteen days of the adoption of this Ordinance, the City Clerk shall cause a copy of this Ordinance, to be published in full accordance with Section 36933 of the Government Code.

THIS ORDINANCE was introduced at a meeting of the City Council of the City of Lathrop on the 9th day of October, 2023, and was **PASSED AND ADOPTED** at a regular meeting of the City Council of the City of Lathrop on the ____ day of _____ 2023, by the following vote, to wit:

AYES:

NOES:

ABSENT:


ABSTAIN:

Sonny Dhaliwal, Mayor

ATTEST:

APPROVED AS TO FORM:

Teresa Vargas, City Clerk



Salvador Navarrete, City Attorney