

**LODI PLANNING COMMISSION
REGULAR COMMISSION MEETING
CARNEGIE FORUM, 305 WEST PINE STREET
WEDNESDAY, OCTOBER 12, 2011**

1. CALL TO ORDER / ROLL CALL

The Regular Planning Commission meeting of October 12, 2011, was called to order by Chair Olson at 7:00 p.m.

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

Absent: Planning Commissioners – Heinitz and Kirsten

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

2. MINUTES

“May 11, 2011”

No Motion made because there was not a quorum of Commissioners in attendance to make the motion. Item continued to the next meeting.

“July 13, 2011”

MOTION / VOTE:

The Planning Commission, on motion of Commissioner Kiser, Jones second, approved the Minutes of July 13, 2011 as written. (Commissioners Cummins abstained because he was not in attendance of the subject meeting)

“September 14, 2011”

No Motion made because there was not a quorum of Commissioners in attendance to make the motion. Item continued to the next 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, Vice Chair Kirsten called for the public hearing to consider the request for a Use Permit to allow Type 47 Alcoholic Beverage Control license at 10 West Oak Street. (Applicant: Ruben Darro Larrazolo Perez; File Number: 11-U-18)

Associate Planner Bereket gave a brief PowerPoint presentation based on the staff report. Staff recommends approval of the project.

Hearing Opened to the Public

- Ruben Larrazolo, applicant, came forward to answer questions.

Public Portion of Hearing Closed

MOTION / VOTE:

The Planning Commission, on motion of Commissioner Hennecke, Heinitz second, approved the request of the Planning Commission for a Use Permit to allow Type 2, 14, and 19 and Alcoholic Beverage Control licenses at 27 East Locust Street subject to the conditions in the resolution. The motion carried by the following vote:

Ayes: Commissioners – Cummins, Hennecke, Jones, Kiser and Chair Olson
Noes: Commissioners – None
Absent: Commissioners – Heinitz and Kirsten

4. PLANNING MATTERS/FOLLOW-UP ITEMS

- a. San Joaquin Council Of Governments Regional Smart Growth-Transit Oriented Development Plan Public Outreach Workshop

Director Bartlam introduced Sam Kaur with the San Joaquin Council of Governments (SJCOG). Ms. Kaur gave an introduction of the item and David Early, principal of DC&E & The Planning Center, to give a PowerPoint presentation based on the memo provided in the packet.

Mr. Early stated that In-fill Development is referencing the vacant or underutilized lots that fall within the existing community footprint and that Transit Orientated Development is in reference to the parcels that fall in and around the transit facilities. SJCOG isn't trying to dictate the way a parcel is developed, nor are they purposely omitting certain parcels. A model is being created to evaluate the benefits of a these sites. This will help evaluate if a particular type of development is right for a particular site and what if any impacts it would have if that same development were to be developed on a Green Field outside of the City limits. The thought behind this is that people that live further away from public transit will be driving further and more often to get to where they want to go. The model will be able to determine how much driving will be occurring for a particular type of development and that will give SJGOG an idea of how much greenhouse gases will or won't be produce by the development.

The project consists of seven components: Policy Review, Demographic and Market Analysis, Infill Site Inventory, a Scorecard which will help in the future to determine how a project may score for competitive funding purposes, Vehicle Miles Traveled and Greenhouse Gas Inventory, Regional Smart Growth/TOD Plan. Sixty-five million dollars has been set aside for Smart Growth Funds. Several methods were used to find the sites within the jurisdiction that are being underutilized. Location, minimum size of a half acre or larger, surrounded by existing development and no active development in the process for the parcels are items of consideration in determining if a site fell within the guidelines to be utilized for this program. One hundred fifty-five sites within the County were chosen with thirty-two of those are in Lodi. Fifty sites were chosen to participate in the test model with five of those in Lodi. Mr. Early pointed out the sites with the use of the maps on the PowerPoint slide being focused on in the Lodi area.

Hearing Opened to the Public

- Pete Wolfe came forward to ask what underutilized means, once the property is placed in this document with the tax base be changed with the County, will the property have to be voluntarily given up or will eminent domain play a part, who will own the property that is being developed. Mr. Early gave the technical definition of underutilized as the value of the improvement on the property is less than the value of the land itself, but clarified that the properties that were looked at for this project were primarily vacant land parcels. Taxes will not change until the property is developed. SJCOG doesn't have the legal authority to use eminent domain, so it will not be used as a part of this program. The owner of the property will remain the same. The idea is for the document to be used as a way for developers to identify underutilized property and

they then can contact the owner of that particular property and determine if they are interested in developing it. The later part will strictly be between the owner and developer. SJCOG will not be doing the development. Chair Olson stated that the survey style seems to parallel a Redevelopment Plan and asked Mr. Wolfe if he felt his questions were sufficiently answered. Mr. Wolfe acknowledged that they were.

- Kim Parigoris came forward to ask if the owners have been notified, if the parcels can be placed under the Brown Field Revitalization Act, will people be forced to move into these developments because in the COG Blue Print 2050 they show the reduction of rural residential units as a goal and there is a clause that states they will identify institutional barriers. Mr. Early stated that none of the owners have been approached due the fact that this is just a log of properties. The Brown Field Act is not being used within this project. The COG Blue Print 2050 clause deals with parcels that are designated rural residential. It does not have anything to do with the parcels that already have dwellings on them. The clause that states that they would like to decrease the institutional barriers such as loan practices is geared toward making it easier for those that would like to develop on the infill parcels not make it more difficult for those that do not. The blue print is not intended to make it harder for people to get loans, but easier for those that would like to participate in this program.
- Chair Olson asked Mr. Early if he received his information regarding the parcel site off of maps that are available to the public or online. Mr. Early confirmed that to be true.
- Ed Miller came forward to object to the program. He feels that there isn't enough transparency to the public, but will be a big hit to the public purse.
- Cherene Sandidge came forward on behalf of the Hertz Family who owns property along Sacramento Street they asked her to come and let COG know that the Hertz Family would like to be kept in the loop on future meetings regarding this project.
- Jane Loffler came forward to state that the verbiage used is disconcerting. She also asked if Lodi was a part of ICLEI. The audience advised her that the City is not a part of that program.
- Greg Goehring came forward to ask what the purpose is of this Blue Print. Why is SJCOG getting involved in identifying these sights? The Government shouldn't be concerned with how far the public wishes to drive to get to a destination. The rural areas offer lot sizes that the city lots can't offer. Chair Olson stated that having incentives for businesses to grow can't be a bad thing. Mr. Early stated that a developer has been sitting on the board to help produce this program and they have been appreciative of the idea of having a list available for them. Ms. Kaur stated that there will not be any type of development designated to any of the parcels. The use of the Blue Print is to help get funding for developers of these properties. The funds can only be used for transportation infrastructure. The City of Lodi received fifty percent of the funds available from the first call for projects under the Smart Growth funds for the Lodi Avenue improvements because of the plan that is already in place for that area.
- Joy Smart stated that the cover does not state anything about the document being a tool it says that it is the Transit Oriented Development Program. If you recondition these properties how do you propose to get people to rent or buy these properties? Ms. Kaur stated that SJCOG is going to be there to help provide funding for transit needs. Mr. Early added that one of the developments could be housing, but retail and industries types are also welcome.
- Jack Polenske came forward to ask how the funds are created. Ms. Kaur stated that the funds will come from the Federal and State Transportation Funds as well as the Measure K sales tax. Mr. Polenske stated that if the money stayed here in the first place the community could use it however they see fit, right? Mr. Bartlam stated that the voters voted to extend the Measure K funds by a half cent and that is where the money is coming from and it is set in the ordinance that was approved by voters. Mr. Bartlam stated that SJCOG is the body in charge of the program. It isn't a question of

whether we're looking to get the money back it is a matter of doing a project that the money was designated for based on the voter approved ordinance. Mr. Polenske stated that COG is trying to tell us what kind of development can be placed on these parcels then. Mr. Bartlam stated that there are guidelines that will have to be followed to compete for the funds, it was the voters in this County that set those guidelines not COG.

- Kathy Polenske came forward to ask if the Smart Growth Committee, the Advisory Committee, and the Stakeholders are all apart of this committee and if they are is there a way to get there information so she can contact them. She expressed her confusion over what the purpose of this meeting is. Ms. Kaur stated that the Smart Growth Working Committee/Advisory is formed of City Staff, Sierra Club, Downtown Alliance Groups, and Campaign for Common Ground. The Stakeholders Group is formed of several people from various industries such as Environmental, Business, and Development Industries. Ms. Kaur stated that the information is available on the SJCOG Website (SJCOG.org). Mr. Early stated that the purpose of this meeting is to inform and receive feedback from the public about the program.
- Angela Nicolini came forward to make a few comments. The City has the right and duty to provide services like planning for future growth. She likes that plans are being made to utilize vacant infill property. Identifying underutilized property is a service that is needed. She is in favor of the program.
- Mannuel Martin stated that he has a problem with property being labeled as underutilized because it leaves the door open for eminent domain. Stealing someone's land is never okay. Chair Olson stated that this is not about redevelopment. Mr. Martin feels that SJCOG is being disingenuous. He encouraged the Commission to do their research on the project and the entities involved.
- Chair Olson reminded everyone that the topic is Smart Growth and Transit Orientated Development.
- Chris Strong stated that the public sector only has taxes from the private sector to utilize as resources. Greenhouse Gases have been refuted and managing transit is geared around this program.
- Jane Loffler asked if the map is available for the public. Mr. Bartlam stated that staff will provide that on the Community Development web page.
- Commissioner Cummins thanked SJCOG staff and representatives for the presentation.
- Commissioner Hennecke asked if comments are expected by the Commissioners and if so maps that are easier to read would have been nice to have had in front of the Commissioners. Mr. Early stated that comments will be accepted through the middle of November. Hennecke added that the voters voted for the funds to be made available with these guidelines, but it will be up to us to say whether or not we want to use those funds and follow those guidelines.
- Chair Olson stated that there are probably some land owners that will be very happy to have some support. She asked staff if a survey like this is something that an Economic Development group that the County has would be engaged in to look at vacant properties to make them available. Mr. Bartlam stated that they would be more focused on job creation.

5. ANNOUNCEMENTS AND CORRESPONDENCE

None

6. ACTIONS OF THE CITY COUNCIL

Continued

Director Bartlam stated that a memo has been provided and staff would be happy to answer any questions.

7. GENERAL PLAN UPDATE/DEVELOPMENT CODE UPDATE

Director Bartlam stated that the Housing Element has been set for a public hearing at the Council Meeting next week.

8. ACTIONS OF THE SITE PLAN AND ARCHITECTURAL REVIEW COMMITTEE

Commissioner Kiser gave a brief report regarding the item presented at the last meeting.

9. ART IN PUBLIC PLACES

None

10. COMMENTS BY THE PUBLIC

Alex Aliferis came forward to comment on the lack of knowledge that the Commission had regarding the Smart Growth Item. He encouraged the Commission to do some research regarding items that are coming before them. Lodi is an empty city. Jobs are leaving California, developments are not a reality.

Ed Miller came forward to state that the folks that came and spoke have put in a lot of time doing their research. People are afraid of the strings that are attached to these types of government programs.

11. COMMENTS BY STAFF AND COMMISSIONERS

Commissioner Hennecke stated that the Commission does do their research. The presentation that was provided tonight was for information not only for you the public but for the Commission. Commissioner Kiser concurred.

12. ADJOURNMENT

There being no further business to come before the Planning Commission, the meeting was adjourned at 8:35 p.m.

ATTEST:

Konradt Bartlam
Planning Commission Secretary