

**LODI PLANNING COMMISSION
REGULAR COMMISSION MEETING
CARNEGIE FORUM, 305 WEST PINE STREET
WEDNESDAY, MAY 13, 2015**

1. CALL TO ORDER / ROLL CALL

The Regular Planning Commission meeting of May 13, 2015 was called to order by Chair Kiser at 7:00 p.m.

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

Absent: Planning Commissioners – Kirsten

Also Present: Senior Planner Craig Hoffman, Deputy City Attorney John Fukasawa and Administrative Secretary Kari Chadwick

2. MINUTES

“March 11, 2015”

MOTION / VOTE:

The Planning Commission, on motion of Commissioner Cummins, Kiser second, approved the minutes of March 11, 2015 as written. (Commissioner Heinitz abstained because he was not in attendance of the subject meeting)

“April 8, 2015”

MOTION / VOTE:

The Planning Commission, on motion of Commissioner Cummins, Kiser second, approved the minutes of April 8, 2015 as written. (Commissioners Olson and Slater abstained because they were not in attendance of the subject meeting)

3. PUBLIC HEARINGS

Vice Chair Heinitz recused himself from the following hearing because he has a business in the sphere of influence of the project.

- 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 of the Planning Commission for approval of a Use Permit to allow a live entertainment-lounge use for Blend at 115 S. School Street. (Applicant: Michael Thorpe - Blend; File 2015-10 U; CEQA Determination: Exempt per Section 15321)

Senior Planner Craig Hoffman gave a brief PowerPoint presentation based on the staff report. Staff is recommending approval of the project as conditioned.

Commissioner Olson asked if condition number sixteen is going to be a seasonal or an event driven item. Mr. Hoffman stated that there has been some discuss of recent activities that have been taking place in the downtown and the City’s obligation in policing nuisance activities. If the decision is made to require all of the Use Permits in the downtown to participate in a program that pays for extra security staff will have to bring back the existing permits to add this language. This will be a year round item.

Commission Hennecke asked if the language for funding is a little too vague. Mr. Hoffman stated that it is set up to be a proportional share based on the type of Use Permit the business is operating under. Ms. Olson asked if it would be based on square footage. Mr. Hoffman stated that is one option. Mr. Hennecke asked if it would be based on gross receipts. Mr. Hoffman stated that it could be done in various manners. Both of these item could be a factor.

Commissioner Slater asked if it was going to be added to Use Permits across the board or just the new permits. Mr. Hoffman stated that the existing permits would need to be pulled back to the Commission to make the revision. Mr. Slater asked if the noise is regulated or is it on an on-call basis. Mr. Hoffman stated that the applicant will call staff out to measure the noise prior to the event, so they will know what level is acceptable. Mr. Kiser asked if the sound proofing has already been installed. Mr. Hoffman stated that he will defer that question to the applicant.

Hearing Opened to the Public

- Michael Thorpe, applicant, came forward to answer questions. Mr. Thorpe stated that he is in agreement with all of the conditions in the resolution and will ensure that the noise levels do not get out of hand.
- Commissioner Slater asked what type of music would be played and if there will be anything along the north wall that will muffle the noise on the glass. Mr. Thorpe stated that the music will be more of lounge style music and other than the speakers that are located outside the music should not be heard outside unless the doors are open.
- Chair Kiser asked if all the employees will be participating in the ABC training. Mr. Thorpe stated that they will. Mr. Kiser asked if Mr. Thorpe had experience with working in a bar. Mr. Thorpe stated that this will be his first experience in owning his own business, but has worked in all aspects of the bar scenario. Mr. Kiser asked what his plans for security will be and if he is agreeable with the condition regarding the shared expense for additional security in the downtown. Mr. Thorpe stated that he will have three security guards of his own and appreciates the thought that has gone into the conditions to keep the downtown safe for everyone.
- Commissioner Cummins asked if staff knew how many police calls had taken place between Elm Street and this project location. Mr. Hoffman stated that he does not have that information. Commission Slater asked if he could bring it back to the Commission. Mr. Hoffman stated that he will bring it back.

Public Portion of Hearing Closed

MOTION / VOTE:

The Planning Commission, on motion of Commissioner Kiser, Hennecke second, finds that the project is exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15321, and adopts a Resolution approving the Use Permit to allow a live entertainment-lounge use for Blend at 115 S. School Street subject to conditions of approval contained in the draft resolution provided. The motion carried by the following vote:

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

- 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 of the Planning Commission for approval of a Use to allow an electronic readerboard sign for First Baptist Church at 267 North Mills Ave. (Applicant: Gary Markle – Gary’s Signs; File 2015-11 U; CEQA Determination: Exempt per Section 15301)

Senior Planner Craig Hoffman gave a brief PowerPoint presentation based on the staff report. Staff is recommending approval of the project as conditioned.

Chair Kiser asked if the sign will be similar to the sign at Walgreens. Mr. Hoffman stated that it is.

Commissioner Hennecke asked where else in the City electronic boards are operating. Mr. Hoffman stated that other than the Walgreens location there are signs at some of the school locations. Mr. Hoffman added that some of the gas stations in town have gone to the electronic pricing boards. Mr. Slater stated that Lodi High, Tokay, and Beckman schools all have the electronic boards. He added that regulating the brightness at night has been the most troublesome with residential neighbors.

Hearing Opened to the Public

- Gary Markle, applicant, came forward to answer questions.
- Commissioner Hennecke asked if staff members will be changing the messages. Mr. Markle stated that staff members will be operating the messages. Mr. Hennecke asked for clarification that the staff members will be trained on how to operate the sign. Mr. Markle stated that staff will be trained and there are online help sites for operating the sign as well.
- Commissioner Slater expressed his concerns over the brightness of the board at night. Mr. Markle stated that he will be working with staff at different hours to monitor the brightness and make sure that it is fine tuned.
- Commissioner Hennecke asked if it will be on 24 hours or will it shut down at a certain time. Mr. Markle stated that it will shut down from 11:00 pm to 6:00 am per condition number thirteen.
- Commissioner Slater asked what types of messages will be posted on the sign. Mr. Markle stated that he would defer that question to the pastor, but he would guess that it would be church times and activities.
- Mr. Markle asked to change the 10 seconds per message to a faster turn-around time. The 10 second mark was established by Caltrans and it is intended for cars traveling from a greater visual distance. Mr. Hoffman stated that staff is fine with making that every five seconds. Mr. Slater asked if there is a problem with the five seconds can that be altered without bringing them back to the Planning Commission. Mr. Hoffman stated that staff can work with the applicant to fine tune all those items or it can be brought back to the Commission. It will depend on what the problem is and how the Commission feels about how the problem is handled.
- Roy Collins, resident, came forward to express some concerns. There have been several occasions when vehicles have ended up in the front yard of the corner residences. The brightness is a concern since the sign faces directly down Lockeford Street. He would like to make sure that there will not be any flashing bright lights coming from the sign.

Public Portion of Hearing Closed

- Commissioner Cummins stated this support for the project.

MOTION / VOTE:

The Planning Commission, on motion of Commissioner Cummins, Kiser second, finds that the project is exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15301, and adopt a Resolution approving the Use Permit Use to allow an electronic readerboard sign for First Baptist Church at 267 North Mills Ave Street subject to conditions of approval contained in the draft resolution with the amendment to condition number 11 changing the seconds for message holding to 5. The motion carried by the following vote:

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

Vice Chair Heinitz rejoined the Commission.

4. PLANNING MATTERS/FOLLOW-UP ITEMS

a. Downtown Vision and Direction

Mr. Hoffman gave a brief report of the events that have occurred in the downtown area in the past month. The downtown is a destination and should meet the needs of a diverse community. Deputy City Attorney Fukasawa added that the discussion should stay general and not directly targeted at any one type of business.

Chair Kiser stated that he would like to continue to see the special events and the artwork in the downtown.

Vice Chair Heinitz stated his displeasure over the downtown being sold for special events and the businesses suffer from the closures. He would like to see the City of Lodi work with the downtown merchants to create a cohesive situation for all.

Commissioner Hennecke stated that he understands the vision for the downtown, but wonders if the Planning Commission has the right to steer business to or from the downtown. He feels the market will create its own attrition.

Commission Slater stated that he would like to really focus on what group is creating the problems in the downtown. He would like to have that group identified. He would like to see the City maintain the downtown infrastructure on a timely manner. Mr. Heinitz stated that there are security cameras on the outside of the building of his business and the tapes are turned over to the police on a regular basis. The vandalism occurs between 12:00 am and 2:00 am and it is difficult to identify the people doing it because the tapes aren't very clear. Mr. Slater stated that he would like to have the Commission take a proactive approach in getting the added security to the existing Use Permits.

Chair Kiser stated that he likes to go downtown and it concerns him that people are afraid to go downtown after dark because of a few unsavory people.

Commissioner Slater asked what avenue is taken for getting information from the Police Department to the Planning Division when there are excessive calls in the downtown area. Mr. Hoffman stated that recent meetings have taken place in regard to the flow of information and steps are being taken to ensure that the information will be timely. He added that he is asking that the Vintage Use Permit be pulled back to the Commission for review because of excessive Police calls.

Commissioner Olson stated that she would like to separate the nuisance items from the special event downtown closures. She feels that the downtown is an attractive destination and would not like to see that change. Mr. Heinitz stated that he isn't against the special events, but they don't always have to always take place in the downtown.

Commissioner Hennecke stated that he feels that the majority of the problems are coming from the Type 48 licenses. He would like to see a report from staff on a regular basis regarding the police calls that are occurring at Use Permit locations.

Commissioner Cummins agreed with Commissioner Olson's comments and would also like to see regular reports showing police call-outs. He also believes that the homeless are a factor in the nuisance problems in the downtown. He would like to see the downtown be a vibrant, attractive destination.

Chair Kiser would also like to see a regular report on the Use Permits, the number of Police calls that occur that are directly related to an establishment and calls in the downtown in general.

Commissioner Slater would like to make sure this will not be an arduous task for staff. Mr. Hoffman stated that the report can be done.

Commissioner Hennecke stated that the Planning Commission does not have any say over the events that come downtown. He asked for clarification on businesses downtown not

having a Use Permits. Mr. Hoffman stated that there are establishments downtown that predate the Use Permit process. Mr. Hennecke asked to have a column added to the list of ABC License list to show which establishments have Use Permits. He would like to see the problems stopped before they get out of hand. Mr. Hennecke asked for the steps that have occurred to require staff to bring the Vintage back to the Commission. Mr. Hoffman stated that he would encourage the Commission to not prejudge the fact that staff will be bringing the Vintage Use Permit back for review. He would like to see the applicant have a chance to address the concerns, but added that there have been many steps taken to reach this point. Mr. Fukasawa stated that staff did have a meeting with business owners and are taking steps in a positive direction. He added that the Commission has the power to bring any of the Use Permits back for added conditions.

Commissioner Olson stated for clarification purposes that staff is going to be providing a regular report on the Police calls in the downtown and the added information on the ABC License report stating which establishments actually hold a Use Permit. The Commission and staff concurred. Ms. Olson asked how the Police Department is handling this problem. Mr. Hoffman stated that the Police and City Manager are under a great deal of pressure to get this problem taken care of as soon as possible. Ms. Olson added that the nuisance problem that is occurring in the downtown carries over into the rest of the City at around 2:10 am and it needs to be address for the safety of the citizens of this city.

Vice Chair Heinritz stated that it is the Planning Commission's responsibility to ensure that the permits that are approved here are maintained in a standard that is set in the conditions and Commissioners need to encourage staff to follow-up with complaints.

Commissioner Cummins asked to have the address added to the ABC License report as well.

Discussion Opened to the Public

- Joe Tusera, representative for Vintage, came forward to express the interest of the business to work with staff and the Commission to help get things cleaned up. Mr. Tusera stated that he has been taking steps since he was hired in October to cure the problem that has been plaguing the establishment. There used to be Police calls every night and now there have only been seven calls since January. Mr. Hennecke asked what is being done differently that has caused the reduction in calls. Mr. Tusera stated that the biggest change is the dress code. The thug look is no longer allowed. If patrons look or sound like they are going to be a problem they are not allowed into the establishment.
- Jerry Wolfe, Whiskey Barrel Salon owner, came forward to state that he has taken steps to get help to monitor the downtown and that will run through July. He has partnered with the group called Guardian Angles for extra security in the downtown and if the other bar owners would like to help out that time can be extended. He disagrees with Mr. Tusera on the number of calls that have occurred in the last six months. Mr. Wolfe would like to move his establishment from Sacramento Street to School Street and he realizes that will be an uphill battle. Commissioner Slater asked what the impact would be to Mr. Wolfe's business if the Commission limited the hours of operation for his establishment to closing at 8:00 pm. Mr. Wolfe stated that he would have to shut his doors. Ms. Olson asked what Mr. Wolfe is doing to limit the Police calls to his establishments. Mr. Wolfe stated that the crowd that he draws to his establishment is a more mature crowd and are usually headed home by 12:30. Commissioner Hennecke asked what kind of problems Mr. Wolfe sees around his establishment. Mr. Wolfe stated that he sees fistfights quite often.

b) Senior Planner Hoffman stated that the Tentative Looking Ahead Project List has been provided and staff is available to answer any questions.

5. ANNOUNCEMENTS AND CORRESPONDENCE

None

6. ACTIONS OF THE CITY COUNCIL

Senior Planner Hoffman gave a brief report regarding the change in the code section being used for the chicken hen item that was heard at the Planning Commission in April.

7. ACTIONS OF THE SITE PLAN AND ARCHITECTURAL REVIEW COMMITTEE

None

8. ART IN PUBLIC PLACES

None

9. COMMENTS BY THE PUBLIC (NON-AGENDA ITEMS)

None

10. COMMENTS BY STAFF AND COMMISSIONERS (NON-AGENDA ITEMS)

Vice Chair Heinitz asked what the distance is when a Commissioner is required to recuse from an item. Mr. Fukasawa stated that it is 500 feet. Mr. Heinitz stated that he took the time during his absence tonight to measure and he measured out 641 feet and would appreciate it in the future that staff pull a Commissioner aside before the meeting and inform them that they will be expected to recuse themselves from an item.

11. ADJOURNMENT

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

ATTEST:


Kari Chadwick
Planning Commission Secretary