

**LODI PLANNING COMMISSION
REGULAR COMMISSION MEETING
CARNEGIE FORUM, 305 WEST PINE STREET
WEDNESDAY, JUNE 24, 2015**

1. CALL TO ORDER / ROLL CALL

The Regular Planning Commission meeting of June 24, 2015 was called to order by Chair Kiser at 7:00 p.m.

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

Absent: Planning Commissioners – Heinitz and Olson

Also Present: Senior Planner Craig Hoffman, Deputy City Attorney John Fukasawa, Deputy Public Works Director Charlie Swimley, Captain David Griffin and Administrative Secretary Kari Chadwick

2. MINUTES

None

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 of the Planning Commission for approval of a Tentative Subdivision Map to divide one parcel into six lots at 360 North Loma Drive. (Applicant: Lenzi Lantz Development; File 2015-13 S; CEQA Determination: Categorical Exemption Pursuant to CEQA Guidelines Section 15315)

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

Chair Kiser stated his concern over possible fire access. Mr. Hoffman stated that Fire Staff has reviewed this project and because of the requirement of fire sprinkler installation in all new residential dwellings they were not concerned with access. He added that the trucks are able to maneuver into the court and will be able to get hoses back to the dwelling on lot three.

Commissioner Slater stated that he has issues with flag lots and disclosed that he spoke with Mr. Hoffman regarding his concerns. He asked if the most used drive area could be required to be six inches verses the normal four. Deputy Public Works Director Swimley stated that having a six inch slab at the high traffic area would be a good idea. Mr. Slater would also like to see a buffer for tree planting to ensure that the slab isn't compromised by roots. He also added that he doesn't feel that the cul-de-sac will offer enough off-site parking to accommodate all of the dwellings being proposed for the site. The resolution is also silent on fencing and he would like to see a condition added for metal posts or at the very least pressure treated lumber to be used.

Hearing Opened to the Public

- Josh Elson, with Baumbach and Piazza representative for the applicant, came forward to answer questions. Mr. Elson stated that the encroachment on the west side was dedicated to the city for this purpose.
- Chair Kiser asked if Mr. Elson has the authority to make decisions for this project. Mr. Elson stated that he does. Mr. Kiser asked if adding a requirement to use metal posts for the fencing would be acceptable. Mr. Elson asked if it would be just along the driveway. Mr. Kiser stated that he would like to see it used for the entire project.

- Commissioner Hennecke asked if there will be no parking marked along the access easement. Mr. Elson stated that it would be a good idea. Mr. Hoffman stated that the access easement requirement can be modified to add the additional language for some sort of marking to identify the area as a no parking zone. Mr. Elson stated that there will also be formal language put in to the titles for both properties identifying the area as shared access easement. Mr. Hennecke asked if this is the time to add the language for fencing or would that be reviewed at the time of building permit submittal. Mr. Hoffman stated that now would be the time to put the condition on the entire development.
- Commissioner Slater asked for confirmation that it would be okay to add a condition to off-set vegetation and large trees from the access area and walkways as well as the additional language for no parking in the access easement. Mr. Elson stated that the applicant will be okay with the offset of vegetation, the steel posts being used for the fencing, and the language for the access easement is a standard item in these types of situations.
- Darlene Reich, resident on Howard Street, came forward to express her concerns. She is concerned that an environmental impact report was not done. There will be an additional twelve vehicles using this street. She does not like the number of homes that are a part of this project. She also added that during the demolition of the existing structures the crews were starting before seven in the morning and she would like to have them start a little later to cut down on the noise before seven in the morning. Mr. Hoffman stated that the Zoning and General Plan designations fit this project which makes this project exempt from CEQA which is the need or lack of need for an environmental impact report. Ms. Reich is not happy with this project.
- Commissioner Hennecke stated that the master plan for this area called for dwelling units and it is better to have infill rather than urban sprawl.
- Commissioner Slater asked who will be responsible for lot six. Mr. Hoffman stated that ultimately lot six will be conveyed over to lot thirty three. It is not a buildable lot. Mr. Slater asked how close the new roadway will come to the existing garage on lot thirty three. Mr. Hoffman stated that the easement has been there since 1969 and the garage will have a twenty foot set back from that easement.

Public Portion of Hearing Closed

- Commissioner Cummins stated that he would like to make a motion but would like to hear Mr. Hoffman state the additional language to the conditions.
- Mr. Hoffman stated that #31 fencing would use steel posts or pressure treated wood; #32 landscaping for lots #4 and #2 will have a ten foot setback from the access easement; #33 the driveway access for lots #3 and #4 will be built with 6" concrete with rebar/steel reinforcement; #34 the access easement agreement will have a no parking condition; #35 constructions will not start before 7:30 am.

MOTION / VOTE:

The Planning Commission, on motion of Commissioner Cummins, Slater second, finds that the project is exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15315, and adopts a Resolution approving a Tentative Subdivision Map to divide one parcel into six lots at 360 North Loma Drive subject to conditions of approval contained in the Blue Sheet draft resolution provided with the following added conditions:

#31 – Fencing will be required to use steel posts or pressure treated lumber.

#32 – There will be a 10 foot setback on lots #2 and #4 for landscaping.

#33 – The driveway access for lots #3 and #4 will be built with six inch concrete with rebar/steel reinforcement.

#34 – The access easement agreement will have a no parking condition.

#35 – Any construction at the site will not start before 7:30 am.

The motion carried by the following vote:

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

Commissioner Kirsten stated that he needed to be recused from the next item because of property interest in the sphere of influence of the project.

- 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 Permit to allow a Type-2 wine tasting room for Scotto Family Cellars at 14 S School Street. (Applicant: Scotto Family Cellars; File 2015-19 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.

Chair Kiser asked if there is a condition for the review process. Mr. Hoffman stated that is a standard condition. Chair Kiser stated that he would like to have it automatically brought back at six month.

Commissioner Slater would also like to have the item brought back at the six month time frame.

Commissioner Hennecke asked if the Commission has the power to direct staff to bring any Use Permit item back for review. Mr. Hoffman stated that to be correct.

Commissioner Cummins asked if there is a standard closing time for the wine bars in the downtown. Mr. Hoffman stated that it varies from establishment to establishment. Mr. Cummins asked if they can serve food. Mr. Hoffman stated that the space does not have a kitchen and the Type 2 license does not require food services, but I believe the applicant is planning to have food brought in or at the very least serve finger food to enhance the wine tasting experience.

Hearing Opened to the Public

- Devine Home and Garden business owner came forward to ask about the patio. Chair Kiser stated that he will have to hear from the applicant before being able to answer. Mr. Hoffman stated that the applicant expressed interest in replacing the patio fencing that was taken away after the previous tenant left.
- Anthony Scotto, applicant, came forward to answer questions. Mr. Scotto stated that the patio fencing will be brought back and placed in the same location.
- Commissioner Slater asked what type of entertainment would be happen at this location. Mr. Scotto stated that it would lean toward rock, country and blues. He also added that they would like to have an open mic night for a variety of entertainment.

Public Portion of Hearing Closed

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 15321, and adopts a Resolution approving the Use Permit to allow a Type-2 wine tasting room for Scotto Family Cellars at 14 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, Kirsten, Slater and Chair Kiser
Noes: Commissioners – None

Absent: Commissioners - Heinitz and Olson

- c) 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 for the review of Use Permit 11-U-21 for compliance with conditions of approval at 117 N. Sacramento Street. (Applicant: Rodney Paiste – Vintage Sports Grill; File 2015-16 U; CEQA Determination: Exempt per Section 15321)

Chair Kiser disclosed that he had a conversation with the applicant and his partner regarding this item.

Senior Planner Craig Hoffman gave a brief PowerPoint presentation based on the staff report. Staff is recommending that the Planning Commission adopt the updated resolution as amended.

Commissioner Hennecke asked if the owner was at the last Planning Commission Meeting. Mr. Hoffman stated that he was in attendance at the last meeting. Mr. Hennecke asked if there has been a decrease in Police required activity since that meeting. Mr. Hoffman stated that he would defer that question to Captain Griffin.

David Griffin, Captain with the Lodi Police Department, came forward to answer questions. He stated that the calls have come down, but the majority of the calls are still for this location. There have been 49 calls for Vintage since January 1st. Mr. Hennecke asked if he had the number to call for just the last month. Captain Griffin stated that he did not run those numbers. He added that the calls have dropped in part to the fact that officers have chosen to sit outside in the alley to maintain a presence. Captain Griffin read a few of the calls that occurred in the downtown since January 1st as a comparison: Rainbow Club had four; Stogies had six; Stogies had 32; Gary's Lounge had 26; Whiskey Barrel had four; Vintage had 49; Ollie's had 30. He added that these are calls for service and the address given on the report may not be directly related to that establishment and could have happened at any time during the day. Mr. Slater asked to have that report broken down to be directly related to an issue with that establishment. Captain Griffin read a few of the calls that make up the list.

Commissioner Hennecke stated his concern with the establishments that have the highest call rates and would like to see a review of their Use Permits. Captain Griffin stated that the Vintage has been working very closely with Police to rectify the problems that they have been having.

Commissioner Slater would like to see a change to condition #36 with the applicant back at the Commission in three months and the same three months added to condition #37 and have them close at midnight.

Commissioner Kirsten would like to hear from the applicant and representatives before adding or altering any conditions.

Commissioner Cummins asked how many patrolling vehicles are typically out on a Friday night. Captain Griffin stated that the police force is not fully staffed, so not as many as they would like.

Hearing Opened to the Public

- Rodney Paiste, applicant, came forward to answer questions.
- Commissioner Hennecke asked if Mr. Paiste understood why the Commission is so concerned with the number of calls for his establishment. Mr. Paiste stated that he does understand and has taken steps to rectify the situation.
- Commissioner Slater asked what steps have been made to rectify the problems. Mr. Paiste stated that once a patron leaves they are not allowed back in to the establishment, there is a new door person who is a better fit for the vision of the

establishment, water is being offered to those patrons that need to take a little time before leaving and security presences inside the establishment.

- Commissioner Cummins asked what the occupancy is of the establishment. Mr. Paiste stated 148. Mr. Cummins asked how often a bar tender stops serving drinks to people that may have had their limit. Mr. Paiste stated that there are a lot of people cut off from drinking and they are then offered water on the patio. If they protest and get out of line they are escorted out of the establishment.
- Chair Kiser asked if the establishment has gone over capacity in the past. Mr. Paiste stated that they have.
- Commissioner Kirsten asked if there is anything in place for picking up trash after closing. Mr. Paiste stated that the security guards sweep up outside, but most of the trash is coming from the establishment next door.
- Chair Kiser asked what Mr. Paiste thought about some of the changes to the conditions already mentioned. Mr. Paiste stated that the closing at midnight would be a huge hardship for his business. He stated that he was fine with the three month review.
- Commissioner Hennecke stated that he would not like to see the establishment close at midnight because it may skew the calls that are because of the closure time verses the owner cleaning up his business. Mr. Kiser supported that thought process.
- Commissioner Cummins asked for clarification on the statement that the most business is between midnight and 1:00 am. Mr. Paiste stated that the bar has the largest number of people in the establishment at that time, so there are a larger number of drinks being sold during that time.
- Commissioner Slater stated that he does agree with his fellow Commissioners that it may be a bit too soon to require the establishment to close at midnight, so will withdraw that suggestion. He added that he would still like to have a 3 month review.
- Jerry Wolfe, Whiskey Barrel Saloon owner, came forward to state that since the last meeting he doesn't believe there has been a fight at Mr. Paiste's establishment. He stated that he believes that there may be a problem with the occupancy. That establishment has a smaller square footage and a larger occupancy; he will have to look into his occupancy number. Mr. Wolfe passed out a letter to all the Commissioners.
- Randy Thomas, Attorney for Vintage, came forward to state that the call numbers have dropped since February and he would like to refute the statement that all of the 49 calls are directly related to the Vintage. He added that Mr. Paiste is dedicated to cleaning up the establishment and working with City staff to help make that happen.

Public Portion of Hearing Closed

- Commissioner Cummins would like to see the occupancy of all the establishments looked at by staff. This is a serious problem and would like to see tighter controls put in place.
- Commissioner Kirsten stated his concern with the closure at midnight, but would not have a problem with the closure at 1:00 am.
- Chair Kiser asked the applicant to re-approach to address the possible 1 am closure. Mr. Paiste stated that from one to two people are cooling off and dancing. Mr. Paiste stated that he would lose business if he had to close at 1:00 am.
- Commissioner Cummins asked what time the establishment opened. Mr. Paiste stated 8:00 pm. Commissioner Hennecke stated that he would not support altering the time at this point. He would like to see them make it or break it in the three month probationary period. Chair Kiser stated that he concurs with Commissioner Hennecke.
- Commissioner Cummins stated that he would rather have the establishment stay open until 3pm, but stop serving alcohol at 1:00 am.

- Commissioner Slater was in complete support of causing the Vintage to close at midnight, but after hearing that so many of the other establishments downtown are having the same problem he is willing to let the 1:30 am closure stand for the three months. He added that after that time if there has been no improvement he would be willing to set the closure time at 11:00 pm.
- Commissioner Kirsten would like to see steps made tonight to nip this in the bud. He supports the idea that Commissioner Cummins presented.
- Commissioner Hennecke stated that he would like to see what types of calls are occurring and will support the already self-imposed closure time of 1:30 am. He would like to see a better breakdown of the Police calls.
- Mr. Hoffman stated that the other establishments that are on the high side of the calls are all non-Use Permit establishments. These will have to have a report sent to ABC. Mr. Hennecke asked if it could carry more weight if the recommendation came from the Planning Commission.
- Commissioner Cummins asked for the occupancy to be looked into as well.
- Captain Griffin stated that when the numbers are given take into consideration of the types of calls when the detailed report is brought back to the Commission. Mr. Kirsten asked Captain Griffin if in his experience is it this establishment that has the higher rate of Police calls in the downtown. Captain Griffin stated that it is.

MOTION / VOTE:

The Planning Commission, on motion of Commissioner Kirsten, Hennecke second, finds that the project is exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15321, and adopts a Resolution amending Use Permit 11-U-21 for compliance with conditions of approval at 117 N. Sacramento Street subject to conditions of approval contained in the draft resolution provided with a change to the review period to read three months. The motion carried by the following vote:

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

4. PLANNING MATTERS/FOLLOW-UP ITEMS

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

Discussion regarding the alcohol license problems in the downtown. Commissioner Kirsten stated that it would be interesting to see all of the calls put on a Heat Map. Commissioner Cummins pointed out that the Whiskey Barrel closes at 1:00 am. Commissioner Hennecke asked if spot checks are done for occupancy. Captain Griffin stated that it is done, but it still takes up man hours. Commissioner Slater thanked Captain Griffin for all of the information that he has presented.

Chair Kiser expressed his frustration over the fact that a reporter from the newspaper isn't present with such a hot issue on the agenda. Mr. Hoffman stated that he will contact them and see if an article can be done.

5. ANNOUNCEMENTS AND CORRESPONDENCE

None

6. ACTIONS OF THE CITY COUNCIL

None

7. ACTIONS OF THE SITE PLAN AND ARCHITECTURAL REVIEW COMMITTEE

Chair Kiser gave a brief report regarding the El Pollo Loco Restaurant item approved at the meeting earlier this evening. The restaurant will be occupying the current KFC on Kettleman Lane.

8. ART IN PUBLIC PLACES

Commissioner Kirsten gave a brief report regarding the most recent meetings. The committee is looking at painting additional traffic control boxes. Mr. Kirsten went over the lack of funds being put back into the program and would still like to see the language changed back, so that AIPP oversees the art that is placed in public places. The Seward Johnson statues will be picked up some time in July.

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

None

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

Chair Kiser asked about the progress at the Lodi Shopping Center. Mr. Hoffman stated that he fully expects to see the pad buildings done before the Super WalMart building.

11. ADJOURNMENT

There being no further business to come before the Planning Commission, the meeting was adjourned at 8:54 p.m.

ATTEST:


Kari Chadwick
Planning Commission Secretary