

**LODI PLANNING COMMISSION  
REGULAR COMMISSION MEETING  
CARNEGIE FORUM, 305 WEST PINE STREET  
WEDNESDAY, SEPTEMBER 23, 2015**

1. CALL TO ORDER / ROLL CALL

The Regular Planning Commission meeting of September 23, 2015 was called to order by Chair Heinitz at 7:00 p.m.

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

Absent: Planning Commissioners – Kirsten

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

2. MINUTES

“August 26, 2015”

MOTION / VOTE:

The Planning Commission, on motion of Commissioner Cummins, Kiser second, approved the minutes of August 26, 2015 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 Heinitz called for the public hearing to consider the request of the Planning Commission for a Use Permit to allow an electronic readerboard sign for Zion Lutheran Church at 105 South Ham Lane. (Applicant: David Ford - Fairmont Sign Company; File 2015-26 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. Mr. Hoffman stated that staff did receive two letters that have been supplied to the Commission tonight expressing concerns regarding the electronic sign.

Commissioner Slater asked how bright the existing light standard is that is on the current sign. Mr. Hoffman stated that he would defer that question to the applicant, but the spot lights may be going away with this new sign.

Commissioner Kiser asked if the sign at the Walgreens is approximately the same size. Mr. Hoffman stated that it is.

Chair Heinitz asked if this is the same type of sign that was approved at the church on Mills Avenue. Mr. Hoffman stated that it is the same type and size as that sign. Mr. Hoffman added that there have been no complaints to date regarding the sign on Mills Avenue.

Hearing Opened to the Public

- Mathew Duerr, applicant, came forward to answer questions. Mr. Duerr stated that the existing lights are 300 watts and put off a bright white light. He stated that the parking lot gets used by many groups to hold various types of events and the church staff and congregation would like to move away from using the banner signs to advertise these events. Mr. Duerr added that this will be more consistent with the esthetics of the

existing building. The current process of hanging banners between two metal poles is an eyesore.

- Chair Heinitz asked if the auxiliary lighting will be staying. Mr. Duerr stated that the auxiliary spot lights will be going away.
- Commissioner Olson asked how the electronic sign will be more esthetic than the banners. Mr. Duerr stated the banners are currently hung between temporary metal pipe framing and does not look very nice.
- Commissioner Hennecke asked if the new sign will be brighter than the current spot lights. Mr. Duerr stated that it should be dimmer.

Public Portion of Hearing Closed

MOTION / VOTE:

The Planning Commission, on motion of Commissioner Cummins, Kiser second, finds that the approval of the project is exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15301, and adopts a Resolution approving the Use Permit to allow an electronic readerboard sign for Zion Lutheran Church at 105 South Ham Lane subject to conditions of approval contained in the draft resolution provided. The motion carried by the following vote:

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

- b) Notice thereof having been published according to law, an affidavit of which publication is on file in the Community Development Department, Chair Heinitz called for the public hearing to consider the request of the Planning Commission for approval of a Use Permit to allow a personal fitness training studio within an existing commercial building in the downtown area, located at 115 South School Street. (Applicant: Ian and Trina Maeser; File 2015-27 U; CEQA Determination: Categorical Exemption Pursuant to CEQA Guidelines Section 15332 In-Fill Development Projects)

Chair Heinitz stated that this item has been withdrawn by the applicant.

- c) Notice thereof having been published according to law, an affidavit of which publication is on file in the Community Development Department, Chair Heinitz called for the public hearing to consider the request of the Planning Commission to include a procedure in the zoning code to allow a reasonable accommodation request for persons with disabilities seeking equal access to housing under the Federal Fair Housing Act and the California Fair Employment and Housing Act (the Acts) in the application of zoning laws and other land use regulations, policies and procedures in all zones and make recommendation to the City Council. (Applicant: City of Lodi; File 2015-28 Z; 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 Zoning Code Procedure as presented. Staff also recommends that a recommendation be made to the City Council for adoption of the Ordinance implementing this procedure.

Chair Heinitz stated that after speaking with Mr. Hoffman about this item it is his understanding that this will still require people to get the proper approvals for the building of any structures, but the zoning portion will be handled administratively. Mr. Hoffman added that this adds

reasonable accommodation items to the administrative deviation process for zoning purposes only, building, fire and any other requirements will still need to be met.

Hearing Opened to the Public

- None

Public Portion of Hearing Closed

MOTION / VOTE:

The Planning Commission, on motion of Commissioner Kiser, Slater second, finds that the project is exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15321, and adopts a Resolution approving a procedure in the zoning code to allow a reasonable accommodation request for persons with disabilities seeking equal access to housing under the Federal Fair Housing Act and the California Fair Employment and Housing Act (the Acts) in the application of zoning laws and other land use regulations, policies and procedures in all zones and make recommendation to the City Council subject to conditions of approval contained in the draft resolution provided. The motion carried by the following vote:

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

4. PLANNING MATTERS/FOLLOW-UP ITEMS

a) Downtown Vision and Direction.

- Mr. Hoffman stated that Captain Griffin was planning on being here to assist with this discussion and suggested that the Commission wait to discuss this a bit further once he is able to attend.

b) Vintage Sports Grill Use Permit Three Month Review (2015-16U).

- Mr. Hoffman stated that due to the lack of calls staff did not feel it was necessary to bring this item back as a full blown public hearing. It has been provided as an informational/discussion item. Staff and the applicant are available to answer questions.
- Commissioner Slater stated that the reports have been favorable, but what is the sustainability of these positive changes. Mr. Hoffman stated that if things change staff will be bringing it back to the Commission.
- Chair Heinitz asked if there are more reviews on the calendar. Mr. Hoffman stated that the Commission asked for three, six and nine month reviews, so the Commission will see this again in three months.
- Rodney Paiste, Vintage Owner, came forward to answer questions. Mr. Paiste stated that the changes that have been made will be staying in place. Additional security staff has been added and they are staying outside after closing to help with crowds at El Grullense.
- Commissioner Hennecke stated his appreciation with the positive reports. He asked what change has made the biggest difference. Mr. Paiste stated that holding staff more

accountable and keeping the security onsite past closing time are the items that have made the biggest difference.

- Commissioner Kiser asked if the closing time will remain in place. Mr. Paiste stated that the closing time of 1:30 a.m. will remain the same.
- Commissioner Cummins asked what the current hours of operation are. Mr. Paiste stated that Thursday, Friday, and Saturday the hours are 8:00 p.m. to 1:30 a.m. and Sunday they open up for football at 9:30 a.m. until 8:00 p.m., but will close at 5:00 p.m. if no one is there for the night game.
- Chair Heinitz asked if the security guards carry guns. Mr. Paiste stated that they do not.

c) Alcohol Beverage Control Discussion with Paul A. Fuentes, Supervising Agent in Charge

- Chair Heinitz invited Mr. Paul Fuentes to the podium to help answer question and concern by the Commission.
- Commissioner Cummins asked if local government have any control over the operating hours of alcohol establishments. Mr. Fuentes stated that only the conditions that are placed on the establishment with the Use Permit can be enforced over and above the ABC rules. There have been times when an establishment has had additional rules or conditions placed on them due to some enforcement actions.
- Chair Heinitz asked what the process is to address the establishments that do not have Use Permits in place. Mr. Fuentes stated that the only time that additional conditions can be requested by the Local Police staff is when the business changes hands and the request will have to come from the Police Department. Mr. Heinitz stated that the bars that are grandfathered are setting up bar stools outside of the establishment and the patrons are smoking and drinking outside without an established gated area. Mr. Fuentes stated that is against the rules and he would be happy to look into it.
- Commissioner Hennecke asked if the current conditions for certain establishments can be shared with the Commission. Mr. Fuentes stated that he would be happy to send those to staff to share with the Commission. Mr. Hennecke asked what tools can be used to keep establishments in line. Mr. Fuentes stated using Police reports is the best way to keep establishments in line. Mr. Hennecke would like to encourage Planning staff to remind Police Staff to keep sending the reports to Mr. Fuentes' office.
- Commissioner Slater asked for clarification on whether or not ABC can assist on regulating the hours of operation of specific establishments. Mr. Fuentes stated that ABC cannot regulate an area, but can with enough reports regulate a specific establishment.
- Commissioner Kiser stated that the Commission has seen a callout list that has a great deal of calls for specific establishments. Mr. Fuentes stated that the number and types of calls is important as well.
- Commissioner Olson asked how the employees of these establishments are trained to spot someone that has had too much to drink. Mr. Fuentes stated that the training covers checking ID, how to spot a fake ID, and how to determine if someone has been over-served. He added that the person that is serving the intoxicated person does not observe any oblivious signs of intoxication during the sale of alcohol then they cannot be held accountable. Ms. Olson does not want to see a bar penalized for calling on a patron that is getting out of line.

- Commissioner Hennecke stated that the Lodi Police had a booth at the Grape Festival where people could check their blood alcohol and was amazed at how few drinks it took to put someone over the legal limit. Mr. Fuentes stated that there are a lot of factors like height, weight and age that are taken into consideration for estimating a “legal alcohol limit” and that is a bit much to put on a bar tender or server. They are trained to notice signs of intoxication.
- Ken Pratt, owner of Stooges, came forward at the encouragement of the Chair Heinitz. Chair Heinitz asked how bar tenders can make the determination if someone has been over-served. Mr. Pratt stated that bar tenders rely on their best judgment and past experiences. The first stop is the security at the front door and they are the people that will get the best look at the individuals since they are looking at ID’s and interacting with them. Vice Chair Hennecke asked if he came in and within the first hour ordered four shots of whiskey would Mr. Pratt serve him another. Mr. Pratt stated that he would encourage him to wait a while before getting another drink or he may have trouble getting the bar tender’s attention in a way to avoid having to tell him no.
- Commissioner Kiser asked if someone has ordered four or five shots will they get served any more. Mr. Pratt stated that he will encourage the patron to wait a while before ordering another shot. He added that they understand that alcohol takes a while to hit the system and that person may be fine right now, but in about 20 minutes they will be feeling those shots. The bar tenders will offer water and try not to shove them out on to the street.
- Vice Chair Hennecke asked what is being done to try and alleviate the number of calls. Mr. Pratt stated that fights have not been a problem for Stooges in a long time, but noise is a problem. He added that he can stand in front of his establishment and hear three separate establishments music over his, but since his establishment is the closest to the living quarters the Police are called out to his bar. Once they arrive they can also hear the other establishments, so there hasn’t been an issue there. A new door has been ordered to give the entrance a double door entry, that way there will always be a door closed to the outside. The park bench is being removed from in front of the bar and is being replaced with a bike rack. There haven’t been any noise complaints in a few weeks.
- Commissioner Olson stated that when she was putting the list together she observed that issues are occurring when one group of people meet up with another group of people in front of an establishment and the wrong words are said and a scuffle breaks out and it is at no fault of the establishment that may have called for Police assistance. Mr. Pratt stated that there are establishments that will not call because of the scrutiny that is occurring, but Stooges is not one of those.

5. ANNOUNCEMENTS AND CORRESPONDENCE

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

6. ACTIONS OF THE CITY COUNCIL

Mr. Hoffman stated that the Growth Allocations will be going to the City Council for approval on October 21<sup>st</sup>.

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)

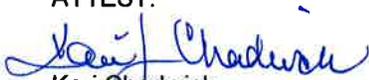
Commissioners thanked Commissioner Olson for putting together the spreadsheet.

Commissioner Slater would like to see the music noise taken out of the report. Ms. Olson stated that it may not be that easy because it doesn't always come across as music noise.

11. ADJOURNMENT

There being no further business to come before the Planning Commission, the meeting was adjourned at 8:06 p.m.

ATTEST:

  
Kari Chadwick  
Planning Commission Secretary