

**LODI PLANNING COMMISSION
REGULAR COMMISSION MEETING
CARNEGIE FORUM, 305 WEST PINE STREET
WEDNESDAY, NOVEMBER 11, 2015**

1. CALL TO ORDER / ROLL CALL

The Regular Planning Commission meeting of November 11, 2015 was called to order by Chair Heinitz at 7:00 p.m.

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

Absent: Planning Commissioners – Hennecke and Olson

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

2. MINUTES

“October 28, 2015”

MOTION / VOTE:

The Planning Commission, on motion of Commissioner Kiser, Cummins second, approved the minutes of October 28, 2015 as written.

3. PUBLIC HEARINGS

Chair Heinitz and Commissioner Kirsten stated that they need to be recused from item 3a due to having financial interest within the sphere of influence of the project.

Senior Planner Craig Hoffman stated that because this would be the second time to have to continue this item due to the lack of a quorum of Commissioners one of the Commissioners will be allowed to hear and vote on the item after a flip of a coin. Commissioner Kiser flipped the coin, Chair Heinitz chose heads, and the coin showed tails. Commissioner Kirsten will vote on the item.

Chair Heinitz left the podium and with the absence of Vice Chair Hennecke former Chair Commissioner Kiser took the Acting Chair position.

- a) Continued from October 28, 2015: Notice thereof having been published according to law, an affidavit of which publication is on file in the Community Development Department, acting 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-42 license for a wine and craft beer tasting room for Brix and Wort at 14A S School Street. (Applicant: Jeffrey Daniel; File 2015-34 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.

Hearing Opened to the Public

- Jeffrey Daniel, applicant, came forward to answer questions.
- Commissioner Slater asked which wineries will be a part of the project. Mr. Daniel stated currently he will have Prie Winery, Victor, McCay, Oak Farm, and possibly Turner Rd. Mr. Slater asked if there will be a charge for the tastings. Mr. Daniel stated that they will pour all of the wines, but will have the individual wineries featured on occasion. Mr. Slater asked if wine will be sold for taking off the premises. Mr. Daniel stated that it will. Mr.

Slater asked if Mr. Daniel is going to have weekly meetings with his staff regarding the monitoring of alcohol consumption. Mr. Daniel stated that there will be regular meetings regarding the regulation of alcohol. He added that they are highlighting the tasting aspect of the operation. This will not be a spot for people to come in to get drunk. Mr. Slater asked if they will be serving breadsticks or some other types of snacks. Mr. Daniel stated that there will not be any food preparation at this location, but pre prepared food will be brought in for customers.

- Commissioner Kirsten asked if Mr. Daniel was aware that condition number eleven is a real sticking point for the Commission. Mr. Daniel stated that he will ensure that the area stays neat and clean. Mr. Kirsten asked if the bathrooms on the floor plan currently exist in the space. Mr. Daniel stated that they will be adding the bathrooms with the tenant improvement.
- Acting Chair Kiser asked if Mr. Daniel will be okay with the having the item back before the Commission in three months and asked if the beers will be locally brewed. Mr. Daniel stated that the beer will not be from Lodi since most of the local breweries sell their own brew, but will be coming from Twelve Rounds out of South Sacramento area, Device, New Glory, Track 7 and Delta Sierra. The distributor also deals with some craft beers and they will try to feature some of those. Mr. Daniel added that they are trying to stay as local as possible with the choices.
- Commissioner Slater asked about the alcohol percentage of the craft beers. Mr. Daniel stated that the percentages will vary. What will vary are the pours, the higher the alcohol percentage the smaller the pour.
- Randal Heinitz, business owner in the downtown, came forward to object to the idea of the retail loss in the downtown. There are retail shops that are closing their doors on a regular basis. This project will be taking the location of the Perfect Pear. Mr. Heinitz stated that there should be a limit to the number of alcohol versus retail establishments allowed in the downtown. There is currently an unhealthy balance for the area. Mr. Kiser stated that Davis just passed an item that there will be a limit to the number and size of alcohol businesses in there downtown.

Public Portion of Hearing Closed

MOTION / VOTE:

The Planning Commission, on motion of Commissioner Cummins, Kirsten second, finds that the project is exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15321, and approves a Use Permit to allow a Type-42 license for a wine and craft beer tasting room for Brix and Wort at 14A S School Street subject to conditions of approval contained in the draft resolution provided. The motion carried by the following vote:

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

Chair Heinitz rejoined the Commission as Chair.

- b) Continues from October 28, 2015: 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 industrial building located at 1125 E. Pine Street. (Applicant: Jeff Hunt; File 2015-33 U; CEQA Determination: Categorical Exemption Pursuant to CEQA Guidelines Section 15332 In-Fill Development Projects)

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 a letter that has been provided to the Commission tonight expressing concerns regarding the project.

Chair Heinitz stated that he drove around the property and noted that there are several ingress and egress points for the Kludt business. Mr. Hoffman confirmed that to be correct.

Commissioner Kirsten asked if there is parking along the north side of Pine Street. Mr. Hoffman stated that there is parking along the north side of the street. Mr. Kirsten asked if the residence is located on the east side of Cluff Ave. It was pointed out that the residence is located on the northwest corner of Cluff and Pine.

Hearing Opened to the Public

- Jeff Hunt, applicant, came forward to answer questions. Mr. Hunt stated that there shouldn't be any noise coming from the business. He added that there will be music playing inside, but not at a level that it should reach the surrounding neighbors even when the doors are open.
- Commissioner Kirsten asked how many vehicles could be there at any given time. Mr. Hunt stated that there could be anywhere from 8 to 12. Mr. Kirsten stated that it would be a good idea to have the employees park in an area away from the parking lot to give clients more spaces to park on site. Mr. Kirsten stated that it is important to keep communication open with the neighbors.
- Commissioner Cummins asked how many trainers will be there. Mr. Hunt stated two.
- Commissioner Kiser asked if there will be mats on the walls. Mr. Hunt stated that there will areas that will have plywood and matting on the walls to accommodate the different types of exercises. Kiser asked what the hours of operation will be for the business. Mr. Hunt stated that the classes are from 5 am to 10 am and then from 4 pm to 8 pm.
- Commissioner Slater encouraged Mr. Hunt to keep communications open with the neighbors should this item get approved.
- Kathleen Quigley, local resident, came forward to express her concerns over the noise in the early morning and late evening. She lives directly to the east of this project and she is concerned that the noise will be disruptive especially in the evening hours. Ms. Quigley stated that her concerns have been addressed, but if the hours of operation change she may become concerned again.
- Commissioner Kirsten thanked Ms. Quigley for being willing to cooperate with the applicant and encourages open communication between her and the local business.
- Madeline Reese, local resident, came forward to express concerns for the project. Ms. Reese is concerned with the traffic. She would not like to be sitting in her backyard and have to listen to the music coming from this business, so would really like to make sure the doors remain closed. Ms. Reese would really like it if she and Mr. Hunt could exchange phone numbers.

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 15332, and approves a Use Permit to allow a personal fitness training studio within an existing industrial building located at 1125 E. Pine Street subject to conditions of approval contained in the draft resolution provided. The motion carried by the following vote:

Ayes: Commissioners – Cummins, Kirsten, Kiser, Slater and Chair Heinitz
Noes: Commissioners – None
Absent: Commissioners - Hennecke 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 Heinitz called for the public hearing to consider the request of the Planning Commission for approval of a commercial Tentative Parcel Map to divide one parcel into three lots at 515 South Lower Sacramento Road. (Applicant: Kristmont West, LLC; File 2015-30 P; CEQA Determination: Categorical Exemption Pursuant to CEQA Guidelines Section 15315)

Senior Planner Craig Hoffman stated that the applicant has requested that the item be withdrawn from the agenda until they can get clarification from staff regarding some of the conditions.

- d) 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 Tentative Parcel Map to divide one parcel into five lots at 809 S. School Street. (Applicant: Tokay Development, Inc.; File 2015-32 P; 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. Mr. Hoffman stated that staff did receive a few letters expressing concerns regarding the project. The letters are both a part of the packet and on blue sheet.

Chair Heinitz asked if the dwellings are going to be conducive to the neighborhood. Mr. Hoffman stated that he believes so, but would like to let the applicant give the Commission a better idea of what they plan to build.

Commissioner Slater expressed his concerns over the shared easements and would like to know if the easements went away and each parcel had its own driveway would the parcels meet minimum code. Mr. Hoffman stated that the parcels would still meet minimum code if they were flag lots instead of driveway easements. Mr. Hoffman also added that the easements will be commercial grade slabs and trees will not be allowed to be planted near them.

Chair Heinitz asked if there will be a shared maintenance agreement for the easements. Mr. Hoffman stated that there will be an agreement with all of the lots concerned.

Commissioner Kirsten pointed out the concerns raised by Ms. Stratton and asked if there is a problem in this area with the water pressure. Mr. Chang stated that the water source will not be the same as Ms. Stratton's. The water line that will be used is the six inch line in the street not the two inch line in the back.

Chair Heinitz asked if the water meters will be installed at time of development regardless of the installation of the water meters in the surrounding area. Mr. Chang stated that the water meters will be required to be installed at time of development.

Hearing Opened to the Public

- Crystal Kirst, applicant, came forward to answer questions. Ms. Kirst went through a list of housing projects that Tokay Development has done and had positive effects on the surrounding area. She added that she and Mr. Jeffery Kirst went around to the local neighbors to introduce themselves and give them their contact information and have done that with most of their projects. Ms. Kirst had staff put up a rendering of what the potential dwelling layout.
- Chair Heinitz stated his pleasure and appreciation for the project and past projects done by Tokay Development, but added that he would like to see the dwellings look different from each other and match the surrounding neighborhood.

- Commissioner Kiser stated that he had the same concerns with the visual esthetics of the neighborhood and would like to see a variety of building styles that blend with the neighborhood.
- Commissioner Slater asked for confirmation that these will be single family dwellings. Ms. Kirst stated that the homes are single-family dwellings and it is their intention for the homes to be owner occupied. Mr. Slater asked if all of the perimeter fencing will be replaced. Ms. Kirst stated that they will be replacing the chain link fencing with a six foot high cedar fence and then will be evaluating the rest of the fencing when they get to that point. She added they will be using at the very least pressure treated posts for the fence.
- Blane Farrer, local resident, came forward to express concerns with the project. He stated that when they were purchasing the property next door to this project they were told that there would only be three homes built on the property. Mr. Farrer would also like to see a solid block wall separating the two proposed properties from their property. He would like to know just how close the dwellings will be to his property. He added parking will be an issue especially around holidays or special occasions. Mr. Farrer asked if an investor purchases the home would they be able to turn it into section eight housing. Chair Heinritz stated that if an investor purchases the property they can turn it into section eight housing. Mr. Hoffman stated that the setback minimums will be maintained per the code which is five feet from the side yards, fifteen feet from the front and ten feet from the rear.
- Chair Heinritz asked staff to clarify what the setbacks will be for the dwellings. Mr. Hoffman stated that the setbacks will be the five feet on the sides
- Danielle Tibon, church street resident, came forward to express her concerns. Ms. Tibon stated that the surrounding area has all long narrow lots and this map does not fit into the area. She asked if a traffic study was done. Mr. Hoffman stated that there was not a traffic study done for this project. The street is narrow and parking is an issue. There was not enough neighborhood outreach done. Mr. Hoffman stated that there will be a ten foot setback for the dwellings from the subject parcel. He added that there wasn't enough traffic increase to warrant a traffic study.
- Crystal Kirst stated that the roadway opens up at this portion of the street and isn't as narrow as other portions.

Public Portion of Hearing Closed

- Commissioner Slater asked if the City has any plans to widen the roadway. Mr. Chang stated that all of the new developments are being planned in this fashion in an effort to get the cars to slow down.
- Commissioner Kiser stated that he has concerns with the street width also.
- Chair Heinritz stated that there will only be three additional dwellings built on this property.

MOTION / VOTE:

The Planning Commission, on motion of Commissioner Kirsten, Kiser second, finds that the approval of the project is exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15315, and approves a Tentative Parcel Map to divide one parcel into five lots at 809 S. School Street subject to conditions of approval contained in the draft resolution as amended on the provided Blue Sheet. The motion carried by the following vote:

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

- e) 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 Type-47 On-Sale Beer, Wine and Spirits for Fe-nix at 117 West Elm Street. (Applicant: Raised Well Venture, LLC; File 2015-36 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 Heinitz asked if Scooters had an ABC license. Mr. Hoffman stated that they did have a Type 41 license.

Commissioner Kiser asked if food will be served until closing time of 11:00 pm. Mr. Hoffman stated that food will be served during operation hours. The applicant has no desire to turn this into a nightclub operation.

Hearing Opened to the Public

- Richard Hyman, applicant, came forward to answer questions.
- Chair Heinitz asked what Mr. Hyman's vision is for the space. Mr. Hyman stated that this will be a high-end, fine dining restaurant experience.
- Commissioner Kiser asked what type of food will be served. Mr. Hyman stated that it will be Contemporary American.
- Commissioner Kirsten stated that Mr. Hyman was the chef at the old Arch Brewing Company.
- Commissioner Slater asked when the establishment will be opening. Mr. Hyman stated that they are looking at mid-January. Mr. Slater asked if there will be training for signs of over intoxication. Mr. Hyman stated that is an item that he takes very seriously and will go above and beyond to ensure his staff is trained above the requirements that even ABC enforces. Mr. Slater asked if there are any plans for live music. Mr. Hyman stated that there are not any plans for live music.

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 approves a Use Permit Use Permit to allow the sale of beer and wine Alcoholic Beverage Control (ABC) Type 47 license at 117 West Elm Street subject to conditions of approval contained in the draft resolution provided. The motion carried by the following vote:

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

- f) 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 Type-21 Off-Site Beer, Wine and Spirits sales at a convenience store at 225 South Cherokee Lane (Applicant: Mr. Ahmad Alruosan; File 2015-37 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 Kiser asked if there is an overconcentration in the area. Mr. Hoffman stated that there is not.

Hearing Opened to the Public

- Ahmad Alruosan, applicant, came forward to answer questions.
- Commissioner Kiser asked what the status is of the fuel station. Mr. Alruosan stated that he is working on the financing.
- Commissioner Kirsten stated his appreciation with the way that Mr. Alruosan maintains his property. Commissioner Slater concurred.

Public Portion of Hearing Closed

MOTION / VOTE:

The Planning Commission, on motion of Commissioner Kiser, Heinitz second, finds that the project is exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15321, and approves a Use Permit to allow a Type-21 Off-Site Beer, Wine and Spirits sales at a convenience store at 225 South Cherokee Lane subject to conditions of approval contained in the draft resolution provided. The motion carried by the following vote:

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

- g) 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 Type-47 On-Sale Beer, Wine and Spirits for Friend's Indian Restaurant at 1040 West Kettleman Lane. (Applicant: Alka Grewal; File 2015-38 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.

Hearing Opened to the Public

- Alka Grewal, applicant, came forward to answer questions.
- Sunil Yadav, Lodi resident, came forward with the applicant to assist with language. Mr. Yadav stated that Mr. Grewal is purchasing the license to give the males in the Indian community a drink that they will like. The men drink distilled spirits not beer or wine and the women don't drink at all.
- Chair Heinitz asked if Mr. Grewal was aware of the conditions of approval for this license. Mr. Yadav stated that he is aware and is willing to take the ABC classes and will have any and all workers take them also.
- James Burke, local resident, came forward to express concerns. Mr. Burke is concerned over the fact that the business looks like a failing business and wonders how they can afford this type of license. He doesn't understand how this license could make the difference for a failing business. He is concerned over the effect that this will have on his

property value. He stated his disappointment that the meeting was held on a national Holiday.

- Chair Heinitz asked staff to address Mr. Burke's concerns. Mr. Hoffman stated that Mr. Burke can always come to staff to report any nuisance activities.
- Commissioner Cummins asked where Mr. Burke's home is located. Mr. Burke stated that he is the fourth house from Fairmont Ave.
- Commissioner Slater asked if the establishment has been a good neighbor. Mr. Burke stated that they have. Mr. Slater asked if the business operation has ever done anything to give you concern. Mr. Burke stated that they have not. Mr. Slater asked if there has been any problem with drunkenness or people leaving trash around the area or cars parked in front of Mr. Burke's home. Mr. Burke stated that he has not had any problems in the past. His concerns are with the future. Mr. Slater stated that the Commission has been really cracking down on the management of alcohol servicing establishments and will welcome the public's input on any problems that occur.
- Sunil Yadav, resident, came forward to state that the business does a lot of catering and the ABC license is only costing him \$13,800 through a special program.
- Commissioner Slater asked if there are any plans to have live music. Mr. Yadav stated that there will not be any live music.

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 approves a Use Permit to allow a Type-47 On-Sale Beer, Wine and Spirits for Friend's Indian Restaurant at 1040 West Kettleman Lane subject to conditions of approval contained in the draft resolution provided. The motion carried by the following vote:

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

4. PLANNING MATTERS/FOLLOW-UP ITEMS

a) Review of Downtown Police Service Calls

- Mr. Hoffman stated that the number of calls has been light as of late, but staff will welcome any discussion the Commission may want. He would like to see this item discussed at the December 9th meeting in more depth.
- Chair Heinitz stated that there are five more buildings coming empty. Mr. Hoffman stated that he would like to have a larger discussion on this subject at a future meeting. The downtown has definitely reached an alcohol saturation point.
- Commissioner Kirsten stated that if we don't allow the market to weed out the bad apples by bringing in more options then we may be doing more harm to the downtown than good.
- Deputy City Attorney John Fukasawa stated that staff can look into the other jurisdictions that Chair Heinitz and Commissioner Kiser mentioned earlier in the meeting. Chair Heinitz stated that there are a variety of rules that the various downtown destination towns are operating under. Mr. Hoffman agreed that there are a variety of rules out there.

- Commissioner Slater stated his agreement with Commissioner Kirsten, but would like to see the concerns of the Commission sent to the City Council. Commissioner Kirsten stated that he would like to see the list of concerns before they are expressed to the City Council. He also added that the downtown is changing for the positive. Lodi just received the Wine Region of the Year recognition and that is a big deal. Mr. Kirsten does not want to see any language added to the downtown conditions that will not allow an initiative or a different type of business from going into a space in the downtown. Mr. Slater agreed.

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 City Council adopted the new Habitat Fees and the Housing Element recommendation will be going to them on November 18th for approval.

7. ACTIONS OF THE SITE PLAN AND ARCHITECTURAL REVIEW COMMITTEE

Commissioner Kiser gave a brief report regarding the Scotto Winery item discussed at the meeting earlier in the evening.

8. ART IN PUBLIC PLACES

Commissioner Kirsten gave a brief report regarding the meetings that have occurred since our last meeting update. The Committee accepted an art donation of a painting from Bear Creek High School. The utility boxes are still being painted.

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

None

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

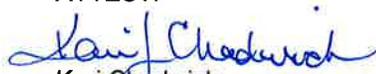
Commissioner Kirsten asked about the property on the northwest corner of North Sacramento and Lockeford Street being turned into a car lot. Mr. Hoffman stated that the zoning there is Mixed Use Corridor (MCO) and a car dealership would be allowed. The property has recently been sold. Mr. Kirsten asked for clarification regarding the item having to come before the Planning Commission if the new owner wanted it to be a car lot. Mr. Hoffman stated that it is an allowed use and would not have to receive permission from the Planning Commission.

Commissioner Kiser asked about the old Plummer property. Mr. Hoffman stated that the new owner would like to add a wine facility with a shipping warehouse, beer brewery as well as a large banquet room. Commissioner Kirsten asked who the new property owners are. Mr. Hoffman stated Xavier Santana with Northgate Brokerage.

11. ADJOURNMENT

There being no further business to come before the Planning Commission, the meeting was adjourned at 9:20 p.m.

ATTEST:



Kari Chadwick
Planning Commission Secretary