

**LODI PLANNING COMMISSION
REGULAR COMMISSION MEETING
CARNEGIE FORUM, 305 WEST PINE STREET
WEDNESDAY, FEBRUARY 10, 2010**

1. CALL TO ORDER / ROLL CALL

The Regular Planning Commission meeting of February 10, 2010, was called to order by Chair Cummins at 7:00 p.m.

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

Absent: Planning Commissioners – Mattheis

Also Present: Community Development Director Konradt Bartlam, Deputy City Attorney Janice Magdich, Assistant Planner Immanuel Bereket, Public Works Director Wally Sandelin and Administrative Secretary Kari Chadwick

2. MINUTES

“January 27, 2010”

MOTION / VOTE:

The Planning Commission, on motion of Commissioner Kirsten, Kiser second, approved the Minutes of January 27, 2010 as written. (Commissioner Olson and Chair Cummins abstained because they were not in attendance of the subject 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, Chair Cummins called for the public hearing to consider the request to certify the proposed Mitigated Negative Declaration 08-ND-03 as adequate environmental documentation for the proposed project; request for a Tentative Parcel Map to divide one parcel in to two lots and approve the site plan and architecture of the proposed development including affordable housing development standard concessions at 2245 Tienda Drive. (Applicant: Eden Housing. File Number 09-MND-03, 09-P-01 and 09-SP-04)

Director Konradt Bartlam gave a brief PowerPoint presentation based on the staff report. There is one concession that is being asked for and that is for the number of parking spaces. There currently is not a separate parking requirement for senior housing. The closest requirement is for multi-family housing which is two spaces per unit. The applicant is asking for three-quarters of a space per unit. Staff has reviewed this and compared it to comparable projects and believes it is a reasonable standard for the project proposed. Staff is recommending approval of the project as presented.

Commissioner Heinitz stated his concerns regarding the lack of parking and the nature of Tienda Drive as a thoroughfare to the Target Shopping Center. There is also the school directly across the street. Tienda Drive is somewhat of an upscale neighborhood entering into Sunwest. He also added that if he were to bring a project before staff for an apartment building two covered parking spaces would be required per unit. The parking that is being recommended isn't even covered. The units on Wimbledon which closely resembles this project seems to have more parking spaces and with all the empty hard spaces that are on the plan he feels that there could be more parking provided. Director Bartlam stated that there are examples in town, like the Arbor project and the Vintage, that supply less than two parking spaces per unit and they are straight senior projects with no income restriction. The project located in Manteca which Mr. Bartlam visited a couple of times has the same situation as this project and has less than one space per unit and not all of the spaces are being utilized. The average age of the tenants is close to 80 and the income is in the very low range. Heinitz stated that there are transportation and other amenities that are being supplied to those other projects that are not being offered with this project.

Commissioner Olson stated her concerns regarding the parking also and would like to know which demographic sector is being targeted. Mr. Bartlam stated that the demographics here will be the same as the demographics in Manteca, income earnings will be \$10,000-\$15,000 per year in most cases. Rents will be gauged to be no more than thirty percent of their income. The target group that is in need and the one that staff and Eden Housing feels will be reached is the single female in their seventies. Olson asked what kind of stock Lodi currently has. Bartlam stated that there are only a couple of projects just for seniors, the Arbors and the LOEL Center has sixteen units mostly within walking distance of the center. The downtown hotel is also an example that would be at the same income level and it has no parking. Olson asked if overflow parking would be on the street. Mr. Bartlam stated that it would, but overflow parking is not anticipated.

Hearing Opened to the Public

- Faye Blackman, Eden Housing representative, came forward to answer questions. Ms. Blackman gave a brief presentation of the company's assets and introduced the rest of the team that accompanied her here tonight. The target tenant is the single female in her seventies.
- Chair Cummins asked if the target age is over 70 years of age. Ms. Blackman stated that that is correct.
- Commissioner Heinitz asked about the other developments managed by Eden and what types of amenities are offered in and around the property. Ms Blackman stated that other projects are in and around public transport. Eden also creates relationships with local senior centers and has reached out to the LOEL Center and the Senior Center located at Hutchins Street Square and is looking forward to working with them. Heinitz asked about transportation for grocery shopping, doctor's appointments, etc. Ms Blackman stated that there is a bus stop about a quarter mile away that services four lines and for the seniors that don't use the bus , or the City's Dial-a-Ride system Eden feels there will be other support groups to assist them.
- Vice Chair Hennecke asked if there will be more demand for the 55 to 70 in the near future. Ms Blackman stated that she does not foresee any demand issues in this category. Hennecke asked if any one bedroom units have couples living in them. Ms Blackman stated that there are few couples living in the one bedroom units. Eden allows up to three people living in the one bedroom units, a couple with their care provider, but this is not very common. Hennecke asked if in the case where there are two or more people living in the residence does only one of them have to be 55 or older. Ms Blackman stated that only one needs to be 55 years of age.
- Commissioner Kiser stated his concerns with the lack of parking, his concern over a senior having to walk a quarter mile to catch a bus, and his concern over three people sharing a one bedroom apartment. Ms Blackman stated that three people in a one bedroom apartment is very rare and isn't expected, but is allowed. Kiser asked if there will be a bus service to take the residents to the LOEL Center for dinner since this project does not provide dinners. Ms Blackman stated that Eden is working with the LOEL Center to provide this type of service. Kiser stated that he will have a problem approving the project if those amenities are not in place.
- Commissioner Olson stated that she is hearing a great deal of support by City staff and is confident that staff will make sure that the transportation is provided. Olson pointed out the potential PV System and asked why it is just a potential system. Ms. Blackman stated that the PV system is very expensive and Eden is trying to identify a funding source. Mr. Bartlam stated that Staff has been working with the Electric Utilities Department to help find a funding source.
- Commissioner Heinitz stated his concern with three people living in a one bedroom unit and whether or not that is legal under the Uniform Housing Codes, and if there are three people one would probably be a support staff that will have need of a vehicle. Peter Waller, architect for the project, came forward to address the concerns with the lack of parking

spaces. There is a strong push for an open space concept with this project and adding additional parking contradicts that goal. One of the reasons is for on site storm water management. This allows for less impact on the City wide storm drainage system. If this was a regular multi-family complex then two parking spaces per unit would be provided, but it isn't and Eden is just asking for the project to be pictured as what it is. Mr. Waller explained some of the items that will be used to make this project as green as possible. Heinitz stated that he is in total support of this project, but has an issue with the lack of parking because of the overflow being on Tienda Drive. Mr. Waller stated that there has not with all of the other projects done by Eden been parking issue. It would not be beneficial for Eden to not supply enough parking for their tenants, or supply too much parking.

- Commissioner Kiser stated that in addition to concerns with parking there is a concern with the PV System being shown that may not happen and the roofing material that is being used is not going to fit in with the surrounding area. Kiser is concerned that what is being shown to the Commission isn't going to happen. Mr. Waller stated that the roofing shingles will be a thirty or forty year shingle. Kiser stated that what is shown is not a thirty or forty year composition shingle and the PV System that is shown may not be used. Mr. Waller stated that the solar is being shown because the intention is to put them on the buildings and there may have been objections if they were not shown and added later and the roofing shingles will be a thirty or forty year asphalt shingle. Kiser would like to be shown what is going to be done not what could be.
- Commissioner Hennecke asked about the spaces next to the office being designated as visitor parking. Mr. Waller stated that they will be designated for visitors.
- Commissioner Heinitz stated his concern for the quality of the project being presented for this area and the emphasis that is being placed on expense. Mr. Waller asked if there is a specific answer that would be more satisfactory that would be satisfactory for the roof. Heinitz stated that he doesn't want a verbal promise, he wants it in writing.
- Director Bartlam stated that this is the site plan and architectural review and if the Commission wishes to require architectural changes to the project then they have discretion to do so. Mr. Bartlam pointed out that the Wine and Roses project used an asphalt shingle. This is a two phase project, so maybe the Commission could place conditions for one parking space per unit on the first phase and at the appropriate time Eden can bring back the second phase for any alterations, but conditioning it this way could cost valuable living units. If there are specific conditions the Commission wants to place on the type of roofing shingles or the PV System used, then that is your prerogative and now is the time to do it.
- Commissioner Olson stated that she is very excited about the project and that she feels the Commission's questions are valid. She also stated that the City could have made this go a little easier by showing that there would be support services going to this location, and then .75 parking spaces would be great. Mr. Bartlam stated that the City has a very accomplished Dial-A-Ride program. Staff is bringing forward a recommendation for what is believed to be a project that is in the best interest of the community based on staff's experience. Olson stated that she is all for giving the builder the benefit of the doubt, but believes that there are other support issues beyond the building that will make this a successful project. She is inclined to work with Eden through the first phase rather than not have the senior housing that is so desperately needed.
- Commissioner Kiser stated his agreement with Commissioner Olson, but would like to see a condition requiring an architectural roofing shingle.
- Katie Lamont, representative for Eden Housing, came forward to address concerns. The seniors that come to live at an Eden project stay with Eden until they can no longer live on their own. The facilities are staffed with a coordinator that is there to make sure that the amenities that are needed get supplied. This project when put to an internal test for green point scale rating rated a 127, so the commitment to green building is a very high priority. Solar isn't the first item that is looked at for a project because there are so many other items that are higher on the green scale. The parking has been determined by past experiences with all the projects that Eden has done, and would not be brought to the Commission for

approval with inadequate parking as suggested. After having many discussions with Tracy Williams with the LOEL Center there is transportation services to and from the project site to the center through the public bus transportation system and Dial-A-Ride. The LOEL Center has five vans at their disposal that Eden is in discussions with Ms. Williams for the use of one of them to help with the transportation of Eden's residents to and from the Center and home. There will also be other support areas such as family and friends that will provide transportation.

- Commissioner Kirsten asked if there is a demand for senior housing in Lodi. Ms. Lamont stated that the City sending out a RFP (Request For Proposals) for the project indicates the need. Ms Blackman stated that there is a waiting list with 150 people on it for the current senior housing units in Lodi. Kirsten stated that the market drives this type of project. Ms Blackman agreed. Kirsten stated his understanding of the cost factor for the affordability and wanted to know if the concerns that are being expressed could drive up the cost or are the items doable from an affordability aspect. Ms Blackman stated that there is a point that will put the project out of the affordability range. Eden is an owner/builder/manager company and the projects are built to a lasting standard. Kirsten stated that he is concerned about the lack of parking also, but will defer that to Eden at this time. He would not like to see the project loose units at the cost of parking. Kirsten asked about other projects having PV systems and the return they have had. Ms Blackman stated that there is one project that is currently having a PV system installed.
- Keith Land, former board member for the LOEL Center, came forward to support the project. The LOEL Center has 16 units and only 7 parking spaces are utilized because of the cost of maintaining the vehicles. The Center offers congregational meals and currently serves 53 meals per day. Through the CDBG program offered by the City of Lodi the Center has received enough money to remodel the kitchen and with the remodel the meal capacity will be 500 meals per day. The goal of the LOEL Center is to start providing Meals-On-Wheels to seniors all around the City. Mr. Land stated that he sat on the board that chose Eden Housing for this project and stated that in his opinion Eden is the cream of the crop. Mr. Land has been to the Manteca project site five times and there is always parking even during the grand opening.
- Commissioner Hennecke asked how the seniors get around town. Mr. Land stated that there is a combination of ways, family, bus, and Dial-A-Ride that get the seniors around to their various appointments.

Public Portion of Hearing Closed

- Commissioner Hennecke asked if there is a way to incorporate a bus stop in front of this project. Director Sandelin stated that a bus route does not currently go down Tienda Drive. A route study would have to be done to determine the need, but based on the clientele being served here Mr. Sandelin feels they would much rather use Dial-A-Ride.
- Chair Cummins stated that Commissioner Mattheis and he were a part of the group that picked Eden for this project and feels that this is a benefit to the City. He does not feel that this project should be held to the same standards as a single family custom built home like the ones you will find in the adjacent development. Cummins shared that his mother lives in a similar type development in Michigan and it is very nice.
- Commissioner Heinitz stated that his main concern is the lack of parking. If the Commission were to leave the condition at .75 spaces per unit for phase one would phase two come back, so that it can be determined if that was adequate. Mr. Bartlam stated that he recommends changing the condition to reflect the one space per unit for the first phase then let Eden come back to request less if they find that one space is more than enough. Worst case scenario Eden loses a few units in the back on phase two.
- Commissioner Kirsten stated that there is an urgent need for this type of housing in our area and is comfortable with the parking assessments provided by Eden and would hesitate to increase the parking at this time. Kirsten would like the Commission to not condition the project out of the affordability range or to take away any of the green space.

- Commissioner Olson stated her agreement with Commissioner Kirsten and would support the project with the current parking so as to not lose any units and with an added condition for the architectural roofing shingles if that is something the other Commissioners felt strongly about.
- Commissioner Heinitz agreed with his fellow Commissioners other than erring on the side of caution for the first phase and requiring one parking space per unit and then going with the .5 spaces per unit on the second phase which would then equal out to be .75.
- Commissioner Hennecke stated his agreement with Commissioner Kiser regarding the architectural roof shingles and as far as the parking he is comfortable with the plan as proposed. He then asked if staff knew what the utilization of the bus transit and Dial-A-Ride system is for the other senior housing projects. Mr. Bartlam and Sandelin stated that they did not have those numbers directly in front of them, but could get them and bring them back.
- Commissioner Kiser stated appreciation to his fellow Commissioners in their support for the architectural roofing shingles. He would also like to err on the side of caution for the parking spaces and require one per unit now and let Eden come back and ask to alter it for phase two.
- Director Bartlam stated the possible added language for the altered condition #5:
 - At a minimum a thirty year architectural grade shingle will be used.
- Commissioner Kirsten added to condition #4; that there be a 1 to 1 ratio for parking for phase one.

MOTION / VOTE:

The Planning Commission, on motion of Kirsten, Kiser second, approved the request of the Planning Commission to certify the proposed Mitigated Negative Declaration 08-ND-03 as adequate environmental documentation for the proposed project at 2245 Tienda Drive subject to the conditions in the Resolution. and;

Approved the request of the Planning Commission for a Tentative Parcel Map to divide one parcel in to two lots and approve the site plan and architecture of the proposed development including affordable housing development standard concessions at 2245 Tienda Drive subject to the conditions in the Resolution with the added verbiage as stated above. The motion carried by the following vote:

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

- b) Notice thereof having been published according to law, an affidavit of which publication is on file in the Community Development Department, Chair Cummins called for the public hearing to consider the request for a Use Permit to allow the sale of alcoholic beverages and approve the SPARC application concerning the COSTCO Wholesale building. (Applicant: David Babcock, on behalf of COSTCO Wholesale. File Number: 09-U-15 and 09-SP-15)

Director Konradt Bartlam gave a brief PowerPoint presentation based on the staff report. Mr. Bartlam provided a look at what is proposed for the balance of the center that was submitted after the packet delivery.

Commissioner Kiser asked what the time line is for the reconstruction build out for Harney Lane. Director Sandelin stated that the widening of Harney Lane west of Stockton Street running easterly to a point east of the second Costco driveway should be completed prior to the store opening. There are some additional interchange improvements that will be complete prior to the store opening. Kiser asked when the store is projected to be open. Mr. Bartlam stated no later than late summer. Kiser asked if the Haney Lane improvements would be complete in time. Mr. Sandelin stated they would.

Commissioner Heinitz asked about the Highway interchange improvements making the traffic more difficult. Director Sandelin stated that one of the original mitigation measures was to make improvements to the two wrap intersections, one on the east side of the interchange and the other

on the west side. Staff is working with CalTrans and has received a verbal commitment from them to have those improvements done by late summer.

Director Bartlam pointed out that there have been a few changes made to the Resolution which are shown on the Resolution provided on the Blue Sheets.

Hearing Opened to the Public

- David Babcock, Real-estate Development Director for Costco, came forward to answer questions. Mr. Babcock provided some background information on the Costco Company and the positive effects that the company has on the communities that they reside.
- Commissioner Kirsten asked if having the Costco visible from the freeway will help attract traffic that wouldn't normally stop in Lodi into the shopping center helping to create sale tax dollars for Lodi. Mr. Babcock stated that if you are a Costco member you are able to stop at any center to do your shopping and when you purchase something the zip code related to that card is recorded and there are many occasions that an out of the area member is found shopping at other out of their area warehouses. Kirsten stated that he and his family shop at the Costco in Stockton as do other families from Lodi, so this should help to bring those tax dollars back to our town.
- Commissioner Heinritz asked if the numbers of how many shoppers from the 95240 area shop at the Stockton store. Mr. Babcock stated that he does not have access to those numbers.
- Commissioner Hennecke asked if this store is likely to bring in customers from outside the immediate area. Mr. Babcock stated that it is projected to serve not only Lodi, but the surrounding area.
- Chair Cummins asked how many new stores that are being built or in the planning stages of being built in California. Mr. Babcock stated that this is the only store currently being built in northern California.
- Commissioner Olson stated her concerns over the amount of asphalt and would like to here more about the areas that are being addressed in regards to sustainability. Mr. Babcock stated that the lighting inside the store is being supplemented with skylights and the heating and cooling are regulated very closely with very sophisticated controls. Landscaping is a major part of the project that will help to deflect heat from the outside to inside. This all lends a hand in reducing the energy consumption of the building.
- Commissioner Hennecke asked if there will be any additional items such as solar panels being used on the project. Mr. Babcock stated that with the amount of skylights that are proposed with this project it would be unbeneficial to cover them up with solar panels.
- Melissa and Charles Katakian, owners of the Morse-Skinner Ranch, came forward to object to the project. The project is relying on the 2006 project description and EIR. The developer has failed to comply with mitigations which require protection of the historical property, Morse/Skinner Ranch, via conversion to commercial use. Condition number five of the resolution has not been met because of the residential use of our property being surrounded by the commercial development with this project and future projects to the site. As part of the City's Resolution 2006-162 which approved the original project states that the project would adaptively reuse the Morse-Skinner Ranch and water tower, but to date this has not happened. There has not been an EIR analysis to consider the incompatibility of the continued residential land use of our property. Mrs. Katakian does not believe that this project can be approved until a supplemental EIR has been done to take in to account the residential use of the property.
- Kathy Curley, property owner on Harney Lane directly north of the project, came forward to request clarification on the timeline of the project being finished and the improvements made to Harney Lane. Mr. Bartlam stated that the questions will be addressed once the public hearing is closed to the public.

Public Portion of Hearing Closed

- Director Sandlin stated that there are two different improvement projects that are scheduled to occur prior to the opening of the first use at the Reynolds Ranch Project. The four lane widening generally between Stockton Street and just east of the driveway entering the project site. The second improvement project which is being processed now as an encroachment permit through CalTrans will add turn lane improvements on both ends of the interchange and will also add signalized intersection improvements at the intersections of the existing ramps.

Hearing Re-opened to the Public

- David Babcock came forward to question a few of the conditions in the Resolution.
 - #3 – Costco would like to have an outdoor display area.
 - #15 – While accommodating this condition a few parking spaces may need to be sacrificed. This may limit any expansion requests in the future which would require more parking spaces to be sacrificed. Chair Cummins stated that Costco currently has thirteen more spaces than required. Mr. Babcock stated that that is correct.
 - #21c – The parking lot light fixture height is set at 25 feet; Costco would like to put theirs up at 35 feet.
 - #53 and 55 – These two items talk about specific ADA requirements and the concern is that they may be too specific in their verbiage. ADA requirements are legal requirements that Costco will follow to the legal letter.
- Chair Cummins asked about the parking lot fixtures being increased to a height of 35 feet. Bartlam stated that the 25 foot height is typical of what has been required in the Lodi area. When you get to the 35 foot level there is more light spilling over into the outlining areas.
- Chair Cummins asked for clarification on what the request is on outside storage. Babcock stated that he would like to be able to take care of the occasional outside displays on an administrative level. Cummins asked if the concern on condition number 53 and 55 was with the specific language not the requirements to ADA. Mr. Babcock stated that that is correct.
- Commissioner Kiser stated the understanding for wanting the 35 foot high light fixtures but is concerned with the light spilling over into the residential windows at night. Mr. Babcock stated that every precaution would be taken to ensure that light would not be spilling over into the surrounding residential areas. Kiser asked if staff prefers the 25 foot standard. Bartlam stated that the recommendation is at the 25 foot level because staff feels that is adequate.
- Commissioner Heinitz asked about the clarification on the outside storage based on past experiences. Mr. Babcock stated that the outside storage would be on a temporary part-time basis. Heinitz asked if the verbiage regarding the outside storage being on a temporary part-time basis. Mr. Bartlam stated that the condition does not state that there can not be any outdoor storage just that the area for storage needs to be approved by SPARC.
- Commissioner Olson asked if the rest of the center is desirous of having the lighting standards at the 35 foot level. Mr. Babcock stated that yes they are. Mr. Bartlam stated that staff has not had a chance to take a good look at the plans for the rest of the shopping center, but staff will want the lighting to be consistent throughout the center.
- Commissioner Hennecke asked if the outdoor display would be similar to the one at the Stockton store near the tire shop. Mr. Babcock stated that it would. Hennecke asked if there were any special conditions placed on the Lowes outdoor storage. Bartlam stated that Lowes currently has an outdoor storage plan that has been approved by the City.

Public Portion of Hearing Closed

- Director Bartlam stated that there is enough flexibility in condition number 15 to allow for outdoor storage with the plan submitted by Costco. The concerns regarding condition 53 and 55 comes down to the fact that the ADA requirements will have to be met and approved by the Building Division. Condition number 53 can be shortened if it is the desire of the Commission to read:
 - ~~Walkways and sidewalks along accessible routes of travel shall be in compliance (1) continuously accessible, (2) have maximum 1/2" changes in elevation, (3) are minimum 48" in width, (4) have a maximum 1/4" per foot side slope, and (5) where necessary to change elevation at a slope exceeding 5% (i.e., 1:20) shall have ramps complying with 2007 CBC, Section 1133B.5. Where a walk crosses or adjoins a vehicular way, and the walking surfaces are not separated by curbs, railings or other elements between the pedestrian areas and vehicular areas shall be defined by a continuous detectable warning which is 36" wide, complying with the 2007 CBC, Section 1133B.8.5.~~
- Chair Cummins asked for clarification on the language allowing the outdoor storage. Mr. Bartlam stated that the floor plan slide from the PowerPoint which shows the outdoor storage could be added to the resolution as an attachment constituting the approval of the outdoor storage if that is the Commissions desire.
- Commissioner Kiser stated his concerns with the request in increasing the height of the light standards. The Blue Shield project has the light standards at 25 foot.

MOTION / VOTE:

The Planning Commission, on motion of Commissioner Kirsten, Kiser second, approved the request of the Planning Commission for a Use Permit to allow the sale of alcoholic beverages and approved the SPARC application concerning the COSTCO Wholesale building located at the SW corner of Harney Lane and Hwy 99 subject to the conditions in the Blue Sheet Resolution with the changes discussed above. The motion carried by the following vote:

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

4. PLANNING MATTERS/FOLLOW-UP ITEMS

None

5. ANNOUNCEMENTS AND CORRESPONDENCE

None

6. ACTIONS OF THE CITY COUNCIL

Director Bartlam referenced the memo in the packet and stated that staff is available for questions.

7. GENERAL PLAN UPDATE/DEVELOPMENT CODE UPDATE

None

8. ACTIONS OF THE SITE PLAN AND ARCHITECTURAL REVIEW COMMITTEE

None

9. ART IN PUBLIC PLACES

None

Continued

10. COMMENTS BY THE PUBLIC

None

11. COMMENTS BY STAFF AND COMMISSIONERS

None

12. ADJOURNMENT

There being no further business to come before the Planning Commission, the meeting was adjourned at 9:37 p.m.

ATTEST:

Konradt Bartlam
Planning Commission Secretary