

**LODI PLANNING COMMISSION
REGULAR COMMISSION MEETING
CARNEGIE FORUM, 305 WEST PINE STREET
WEDNESDAY, APRIL 23, 2008**

1. CALL TO ORDER / ROLL CALL

The Regular Planning Commission meeting of April 23, 2008, was called to order by Vice Chair Kiser at 7:02 p.m.

Present: Planning Commissioners – Cummins, Hennecke, Kirsten (8:20), Kiser, and Olsen

Absent: Planning Commissioners – White, and Chair Mattheis

Also Present: City Manager Blair King, Planning Manager Peter Pirnejad, Deputy City Attorney Janice Magdich, Senior Planner David Morimoto, Junior Planner Immanuel Bereket, and Administrative Secretary Kari Chadwick

2. MINUTES

“April 9, 2008”

MOTION / VOTE:

The Planning Commission, on motion of Commissioner Olson, Cummins second, approved the Minutes of April 9, 2008 as written.

3. PUBLIC HEARINGS

None

4. PLANNING MATTERS/FOLLOW-UP ITEMS

- a. Find the Lodi Community Improvement Project consistent with the General Plan, approve reduced territory, and review the Draft Program Environmental Impact Report.

Planning Manager Pirnejad introduced City Manager Blair King who gave a brief PowerPoint presentation based on the staff report. Ernie Glover, consultant for the Community Improvement Project, came forward to add comments. A Redevelopment Plan authorizes the Agency to collect tax increments and various other benefits such as incurring long-term debt to implement the plan. This is not a one project program; it will take on projects over 30 years. The Plan outlines the guidelines in which projects can be undertaken.

Commissioner Cummins asked if any of the tax revenues generated could go toward the General Fund. City Manager King stated that the funds will not flow through the General Fund. An administrative fee can be charged to the program which would go to the fund that is administering the project.

Vice Chair Kiser asked about the funds that can be spent outside of the project area. City Manager King stated that in the case of Affordable Housing funds can be spent outside of the project area.

Commissioner Olson asked if Mr. Glover in all his experience working with Redevelopment Agencies had ever seen the Emanate Domain condition added back into the conditions. Mr. Glover stated that he had not and if the agency wants to put it back into the guidelines it would have to go back through the very lengthy process of getting the plan re-adopted.

HEARING OPENED TO THE PUBLIC

- John Talbet, Lodi, came forward to oppose the project. Mr. Talbet stated that there has not been any mention of the debt that will be incurred. Emanate Domain is still a factor because it is allowed by State Law even if it isn't by local law. Blight has not been

mentioned and to infer that the entire eastside is blighted by implementing this plan is wrong. This will hurt the property values within the area.

- Barbara Flockhart, Lodi, came forward to oppose the project. Mrs. Flockhart wanted to bring up the fact that this project is going to last 40 years how will the different City Councils feel about the project plan. What will happen to the property if the owner doesn't keep up with the conditions in the agreement? Can they take the property away?
- Anne Cerney, Lodi, came forward to propose some questions regarding the project. Ms. Cerney wanted to know how receptive the business owners will be to the rules. There is no process for a certificate of performance. The term "in good faith" could be made to be more specific to help protect the property owners. Ms. Cerney stated that time is a big factor. The general public doesn't move at the same pace as government agencies. She doesn't feel there was a significant time period to review the EIR document.

PUBLIC PORTION OF HEARING CLOSED

- City Manager King answered questions raised by the public. He stated that the public is protected by the simple fact that emanate domain is not an option in the plan. There is no noticing encroachment under the CEQA guidelines. There have been several public noticed meetings leading up to this point. Bonded debt is not the same as other types of debt. There are no plans by the agency to issue bonded debt. State Law states that an amount limit for bonded debt be stated in the plan.

RE-OPENED TO THE PUBLIC

- John Talbet came forward to address the bond issue. Ernie Glover came forward to add more comments on the bonded debt subject. He stated that the 400 million limit was chosen based on the estimated agency revenue over the entire plan term. What is the plan for the first phase of the issuance of bonded debt? City Manager King stated that there are no plans to issue bonded debt. Mr. Glover stated that the agency won't be seeing the first monies until late 2009. Each year the agency files a "Statement of Indebtedness" showing the previous year's usage and projections for the coming year. Mr. Glover also stated some of the definitions of blight.
- Commissioner Hennecke asked if we were designating this area as a blighted area by adopting this plan. City Manager King stated that the Planning Commission is adopting the Plan's Project Area. Blight is a specific term that has many factors and the eastside meets many of the descriptions.
- Commissioner Olson asked if this agency becomes a reality when will the plan increment start to grow. Mr. Glover stated that the values are implemented on the base year of 2007. The values will grow from that base. Commissioner Olson also asked if the EIR document was available on April 2nd. Planning Manager stated that yes it was. It was made available at City Hall and the Library and was also put online on April 11th which is over and above the requirements.
- Commissioner Hennecke stated that the increment increase is based on the property values going up. City Manager King stated that the property is reassessed when it is sold. The theory is that a lot of the properties in this area have been held for a long period of time and therefore have increased in value.
- Anne Cerny, Lodi, came forward to mention that the EIR was not available to her until a couple of days after the start date. She also asked if the only persons that can appeal this decision to remove the property are the people that own property within that area. Deputy City Attorney Magdich stated that she would have to research that unless Mr. Glover knows. Ms. Cerney wanted to know what the time limit is for the owner participation form to be turned in.

PUBLIC PORTION OF HEARING RE-CLOSED

- City Manager King stated that the owner participation form is not a requirement. Mr. Glover stated that anybody can appeal.
- Commissioner Olson stated that in her experience Redevelopment is a good thing. She also wanted to say that if the document has started its time period then it should be made available on that day.

MOTION / VOTE:

The Planning Commission, on motion of Commissioner Olson, Cummins second, recommended to the City Council to remove certain territory from the proposed Lodi Community Improvement Project subject to the conditions in Resolution P.C. 08-09 with attached map. The motion carried by the following vote:

Ayes: Commissioners – Cummins, Hennecke, Olson, and Vice Chair Kiser

Noes: Commissioners – None

Absent: Commissioners – Kirsten, White, and Chair Mattheis

Commissioner Kirsten arrived at the meeting at 8:20 and joined the Commission after the above item for the rest of the meeting.

5. ANNOUNCEMENTS AND CORRESPONDENCE

None

6. ACTIONS OF THE CITY COUNCIL

- b. Planning Manager Pirnejad pointed out the City Council Summary memo in the packet and there were no questions from the Commission.

7. GENERAL PLAN UPDATE/DEVELOPMENT CODE UPDATE

Planning Manager Pirnejad stated that the General Plan Alternatives will be going to a Special Workshop on May 10th and will be held at Hutchins Street Square at 10:00 am.

c. Development Code Update Summary Report.

- Planning Manager Pirnejad gave a brief PowerPoint presentation based on the staff report. The items being address are:
 - I. Wireless Communications
 - II. Residential Intensification
 - III. Freeway Commercial Overlay District
 - IV. Flag Lot Regulations
 - V. Compact Parking Stalls
 - VI. Downtown Parking Requirements
 - VII. Heritage Trees
 - VIII. Site Plan and Architectural Review
- Commissioner Cummins asked which option for SPARC staff recommends. Planning Manager Pirnejad stated that staff recommends dividing the current duties.
- Commissioner Kirsten asked what position staff is taking regarding flag lots. Planning Manager Pirnejad stated that some of what is being asked from the applicant isn't required. Having the guidelines in writing would be helpful in providing direction to the applicant and consistency for staff. Commissioner Kirsten would like to have language in the ordinance regarding alley access for these types of lots. He would also like to

Continued

address an in-law house being built and then someone splitting the lot later creating a non-conforming lot. Planning Manager Pirnejad stated that there is language in the current code regarding lot size, so a non-conforming lot can not be created.

- Commissioner Kirsten asked about the prevalence of the Mansionization issue. Planning Manager Pirnejad stated that it isn't very prevalent at this time. Discussion occurred regarding the various examples within the city limits.
- Commissioner Kirsten asked what kind of area needs to be rezoned so that there wouldn't be spot zoning along the Freeway Commercial Overlay District. Planning Manager Pirnejad stated that the Cherokee Lane corridor is the area that staff is looking at primarily.
- Vice Chair Kiser stated that along with SPARC he would like to see the Flag Lot guidelines focused on also.

8. ACTIONS OF THE SITE PLAN AND ARCHITECTURAL REVIEW COMMITTEE

- d. SPARC meeting on 4-21-08 summary report regarding major remodel of an existing restaurant at 514 West Kettleman Lane. (Applicant, Lance Crannell on behalf of McDonald's USA, LLC; File # 08-SP-01).

Vice Chair Kiser gave a brief report on the item above.

9. UPDATE ON COMMUNITY SEPARATOR/GREENBELT TASK FORCE

None

10. ART IN PUBLIC PLACES

Commissioner Kirsten gave a brief report on the meeting that occurred earlier today.

11. COMMENTS BY THE PUBLIC

None

12. COMMENTS BY STAFF AND COMMISSIONERS

Planning Manager Pirnejad stated that there will be some training for the Brown Act coming up in November.

13. ADJOURNMENT

There being no further business to come before the Planning Commission, the meeting was adjourned at 9:32 p.m.

ATTEST:

Peter Pirnejad
Planning Manager