

<p>CARNEGIE FORUM 305 WEST PINE STREET LODI, CALIFORNIA</p>	<p>AGENDA LODI PLANNING COMMISSION</p>	<p>REGULAR SESSION WEDNESDAY, JANUARY 9, 2008 @ 7:00 PM</p>
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1. ROLL CALL
2. MINUTES – “February 28, 2007 Special”, “February 28, 2007 Regular”, “August 22, 2007”, “September 12, 2007”, “October 10, 2007”, “October 24, 2007”, “November 14, 2007 Special”, “November 14, 2007 Regular”, “November 28, 2007”
3. PUBLIC HEARINGS
 - None
4. PLANNING MATTERS/FOLLOW-UP ITEMS
 - a. Chamber of Commerce’s presentation on the General Plan. (Hard copies of the presentation have been distributed to all of the Planning Commissioners, additional copies are available upon request)
 - b. Planning Articles:
 - December 2007/January 2008; APA Northern News; “Lodi leads with LEED-ND”
 - January 2008; APA Planning Magazine; “Saving the World Through Zoning”
5. ANNOUNCEMENTS AND CORRESPONDENCE
 - a. Extend invitation to the new Planning Commissioners to a workshop on “The Development Approval Process in California” on Wednesday, February 13, 2008 at Stockton, CA.
 - b. Extend invitation to all of the Planning Commissioners to the 2008 Planners Institute and Mini Expo to be held on March 26th - 28th at the Sacramento Convention Center.
6. ACTIONS OF THE CITY COUNCIL
7. GENERAL PLAN UPDATE/DEVELOPMENT CODE UPDATE
8. ACTIONS OF THE SITE PLAN AND ARCHITECTURAL REVIEW COMMITTEE
9. UPDATE ON COMMUNITY SEPARATOR/GREENBELT TASK FORCE
10. ART IN PUBLIC PLACES
 - a. Appointment of Planning Commission representative to the Art in Public Places Committee.
11. COMMENTS BY THE PUBLIC
12. COMMENTS BY THE PLANNING COMMISSIONERS & STAFF
13. ADJOURNMENT

Pursuant to Section 54954.2(a) of the Government Code of the State of California, this agenda was posted at least 72 hours in advance of the scheduled meeting at a public place freely accessible to the public 24 hours a day.

Right of Appeal:

If you disagree with the decision of the commission, you have a right of appeal. Only persons who participated in the review process by submitting written or oral testimony, or by attending the public hearing, may appeal.

Pursuant to Lodi Municipal Code Section 17.72.110, actions of the Planning Commission may be appealed to the City Council by filing, within ten (10) business days, a written appeal with the City Clerk and payment of \$300.00 appeal fee. The appeal shall be processed in accordance with Chapter 17.88, Appeals, of the Lodi Municipal Code. Contact: City Clerk, City Hall 2nd Floor, 221 West Pine Street, Lodi, California 95240 – Phone: (209) 333-6702.

**LODI PLANNING COMMISSION
SPECIAL COMMISSION MEETING
CARNEGIE FORUM, 305 WEST PINE STREET
WEDNESDAY, FEBRUARY 28, 2007**

1. CALL TO ORDER / ROLL CALL

The Special Planning Commission meeting of February 28, 2007, was called to order by Chair Kuehne at 7:00 p.m.

Present: Planning Commissioners – Cummins, Heinitz, Kiser, Moran, White, and Chair Kuehne

Absent: Planning Commissioners – Mattheis

Also Present: Community Development Director Randy Hatch, Planning Manager Peter Pirnejad, Senior Planner David Morimoto, Deputy City Attorney Janice Magdich, and Administrative Secretary Kari Chadwick

2. PLANNING MATTERS

- Appointment of Planning Commission representative to the Railroad Avenue Affordable Housing Project Ad Hoc Committee.

MOTION / VOTE:

The Planning Commission, on motion of Vice Chair Moran, Heinitz second, approved the nomination of Commissioner Kiser to the Railroad Affordable House Project Ad Hoc Committee. The Motion Carried by the following vote:

Ayes: Commissioners – Cummins, Heinitz, Kiser, Moran, White, and Chair Kuehne

Noes: Commissioners – None

Absent: Commissioners – Mattheis

3. COMMENTS BY THE PUBLIC

None

4. ADJOURNMENT

Adjournment to the regularly scheduled Planning Commission Meeting.

**LODI PLANNING COMMISSION
REGULAR COMMISSION MEETING
CARNEGIE FORUM, 305 WEST PINE STREET
WEDNESDAY, FEBRUARY 28, 2007**

1. CALL TO ORDER / ROLL CALL

The Regular Planning Commission meeting of February 28, 2007, was called to order by Chair Kuehne at 7:00 p.m.

Present: Planning Commissioners – Cummins, Heinitz, Kiser, Moran, White, and Chair Kuehne

Absent: Planning Commissioners – Mattheis

Also Present: Community Development Director Randy Hatch, Planning Manager Peter Pirnejad, Senior Planner David Morimoto, Deputy City Attorney Janice Magdich, and Administrative Secretary Kari Chadwick

2. MINUTES

“June 28, 2006”

MOTION / VOTE:

The Planning Commission, on motion of Commissioner Heinitz, Kiser second, approved the minutes of June 28, 2006 as written. The Motion Carried by the following vote:

Ayes: Commissioners – Cummins, Heinitz, Kiser, Moran, White, and Chair Kuehne

Noes: Commissioners – None

Absent: Commissioners – Mattheis

“August 23, 2006”

MOTION / VOTE:

The Planning Commission, on motion of Commissioner Heinitz, Kiser second, approved the minutes of August 23, 2006 as written. The Motion Carried by the following vote:

Ayes: Commissioners – Cummins, Heinitz, Kiser, Moran, White, and Chair Kuehne

Noes: Commissioners – None

Absent: Commissioners – Mattheis

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 Kuehne called for the public hearing to consider the request of the Planning Commission for recommendation to the City Council on the following requests: 1) Approve Negative Declaration 06-04 as adequate environmental documentation for the proposal; 2) Amend the General Plan for 1201, 1139, 1133, 1127, 1121, and 1115 W. Cardinal Street (APN: 031-080-02, 031-080-03, 030-080-04, 031-080-05, 031-080-06, and 031-080-07) from Low Density Residential to Office; 3) Rezone 975, 999, 1031 South Fairmont (APN: 031-070-44; 031-070-45; 031-070-46), 1200 W. Vine Street (031-070-37); 1201, 1139, 1133, 1127, 1121, and 1115 W. Cardinal Street (APN: 031-080-02, 031-080-03, 030-080-04, 031-080-05, 031-080-06, and 031-080-07) from (R-C-P) Residential-Commercial-Professional Office and (R-2) Residence District to (PD) Planned Development for the Lodi Memorial Hospital Project.

Peter Pirnejad gave a brief PowerPoint presentation based on the staff report.

Janice Magdich, Deputy City Attorney, to remind the commission that one of them has a conflict of interest.

Commissioner Kiser stated that he needed to recuse himself because he lives within a 500 foot radius.

Mr. Pirnejad continued with his presentation.

Continued

Commissioner Heinitz asked for the ingress/egress points for the project. Mr. Pirnejad stated that the ingress/egress access will remain on the Ham Lane and Fairmont Street area. There will not be an access off of Cardinal Street.

Commissioner Heinitz asked if the Hospital owned the properties on Cardinal Street being re-zoned. Mr. Pirnejad stated that yes the applicant does own the properties being requested for re-zoning.

Commissioner Cummins asked if the completion dates are legally binding. Mr. Pirnejad stated that the time lines are not set in stone. They are being used as a guideline.

Chair Kuehne asked for clarification on how many beds will be added when the project is complete. Mr. Pirnejad stated that there will be a net gain of 50 beds when the project is complete.

Commissioner Heinitz asked about the possible mitigation for the removal of affordable housing. Mr. Pirnejad stated that the homes are not being demolished; they are being moved to the county.

Peter Pirnejad introduced the applicant.

Joe Harrington, CEO of Lodi Memorial Hospital, came forward to introduce his team and gave a brief PowerPoint. The Hospital has not grown even though the community has grown. The State Seismic Act requires the first set of standards for change by 2008. A waiver was applied for and granted to extend the first set of standards to 2013. The second set will be in 2030. In the West Wing there will be 28 beds that will be unusable because of the required seismic upgrades. The Hospital is hoping to be able to continue to use these beds up until 2020 and possibly 2030.

Allen Taylor, Master Planner for the project, came forward to continue the PowerPoint presentation. The first phase takes the facility into the first seismic standards. The second phase will bring the facility up to the requirements. The parking garage is scheduled for a later phase do to the fact that the facility meets its parking needs with the addition of the parcels on Cardinal Street. Joe Harrington came forward to make some closing comments regarding the benefits of this project.

Chair Kuehne asked if the exit on Fairmont Street lines up with York Street. Mr. Pirnejad stated that the exit on Fairmont in relation to York Street is addressed in the Traffic study and staff will defer to the Traffic Consultant, Feir & Pierce, to answer.

Hearing Opened to the Public

- Jack Sieglock, Timberlake Circle, came forward to address the Ham lane ingress/egress. He would like to see a right turn only out of the parking lot. Mr. Sieglock is in support of the project, but would like to see a couple of issues addressed to make the visibility for the residential neighborhood safer.
- Mr. Taylor stated that a right turn only exit onto Ham Lane could be accommodated.
- Norman Wong, Feir & Pierce, came forward to address the traffic questions.
- Randy Hatch, Director, stated that there was no indication in the traffic study of a signal being necessary at the new main entrance off of Ham Lane.
- Wendle Kiser, Elhart Drive, came forward to ask if the Helicopter pad was going to be moved. Mr. Harrington stated that it will be relocated as part of the second phase.
- Mary Donahue, Iris Dr., came forward in support of the project.
- Janet Wilcox, lives across the street from the project, came forward in support of the project.
- Dan Barriga, South Sunset Drive, came forward to express his concern for the safety of the kids that need to walk to school. Mr. Barriga would like to see a light on the corner of Cardinal and Ham.
- Ann Cerney, West Vine Street, came forward in support of the project. She would like to see a policy that takes into account the accumulative effects of changing the zoning of residential areas and taking away affordable housing.

Public Portion of Hearing Closed

- Mr. Hatch pointed out that the conditions set forth in the PC resolution 07-07 addresses a lot of the issues that have been brought up here tonight. The infill portion of this project is something that the City has been encouraging, so the loss of these six housing units is not considered significant given other residential infill projects that have been approved or are planned.

MOTION / VOTE:

The Planning Commission, on motion of Commissioner Cummins, Heinitz second, approved the request of the Planning Commission recommending the City Council to adopt a Negative Declaration for the General Plan change from Low Density Residential to Office for 1201, 1139, 1133, 1127, 1121 and 1115 Cardinal Street and Rezone from R-C-P (Residential-Commercial-Professional) District to PD (Planned Development) for 975, 999, 1031 South Fairmont Avenue, 1200 West Vine Street, 1201, 1139, 1133, 1127, 1121, and 1115 West cardinal Street subject to resolution PC 07-03. The motion carried by the following vote:

Ayes: Commissioners – Cummins, Heinitz, Moran, White, and Chair Kuehne
Noes: Commissioners – None
Absent: Commissioners – Mattheis
Abstain: Commissioners – Kiser

MOTION / VOTE:

The Planning Commission, on motion of Vice Chair Moran, Heinitz second, approved the request of the Planning Commission recommending to the Lodi City Council approval of the General Plan Amendment for 1201, 1139, 1133, 1127, 1121 and 1115 Cardinal Street from Low Density Residential to Office subject to resolution PC 07-04. The motion carried by the following vote:

Ayes: Commissioners – Cummins, Heinitz, Moran, White, and Chair Kuehne
Noes: Commissioners – None
Absent: Commissioners – Mattheis
Abstain: Commissioners – Kiser

MOTION / VOTE:

The Planning Commission, on motion of Vice Chair Moran, White second, approved the request of the Planning Commission recommending the Lodi City Council approval of the request of Lodi Memorial Hospital for rezoning for properties located at 1201, 1139, 1133, 1127, 1121, and 1115 W. Cardinal Street, 975, 999, and 1031 South Fairmont Avenue, and 1200 W. Vine Street from R-2 and R-C-P to PD, Planned Development subject to resolution PC 07-05. The motion carried by the following vote:

Ayes: Commissioners – Cummins, Heinitz, Moran, White, and Chair Kuehne
Noes: Commissioners – None
Absent: Commissioners – Mattheis
Abstain: Commissioners – Kiser

MOTION / VOTE:

The Planning Commission, on motion of Vice Chair Moran, Heinitz second, approved the request of the Planning Commission recommending the Lodi City Council adopt the proposed Development Plan for the Lodi Memorial Hospital Expansion Project subject to the conditions in the resolution PC 07-07. The motion carried by the following vote:

Continued

Ayes: Commissioners – Cummins, Heinitz, Moran, White, and Chair Kuehne
Noes: Commissioners – None
Absent: Commissioners – Mattheis
Abstain: Commissioners – Kiser

- b) Notice thereof having been published according to law, an affidavit of which publication is on file in the Community Development Department, Chair Kuehne called for the public hearing to consider the request for a Use Permit to convert six residential parcels located at 1201, 1139, 1133, 1127, 1121, 1115 Cardinal Street (APN: 031-080-02, 031-080-03, 031-080-04, 031-080-05, 031-080-06, 031-080-07, respectively), to parking and to be incorporated into the surface parking lot for Lodi Memorial Hospital.

Peter Pirnejad gave a brief PowerPoint presentation based on the staff report. Mr. Pirnejad reported that this is related to the first project presented tonight. This is for the use of the six residential parcels along Cardinal Street as parking. The applicant is under time constraints and this would allow for them to get started on the project before the re-zoning takes affect. The applicant would also like to get this portion of the project done while the school is out on summer break to have the least amount of impact on them.

Chair Kuehne asked for a rendering of the improvements to the School. Mr. Pirnejad stated that a rendering of the improvements to the School were not provided. Mr. Hatch added that there is a description of the improvements provided in the resolution.

Vice Chair Moran asked if the 6 foot high screening wall would be bordering the 2 remaining residences on Cardinal Street. Mr. Pirnejad stated that yes the wall will separate the project from the remaining residences.

Hearing Opened to the Public

- None

Public Portion of Hearing Closed

- None

MOTION / VOTE:

The Planning Commission, on motion of Commissioner Cummins, Heinitz second, approved the request of Lodi Memorial Hospital to convert six residential parcels located at 1201, 1139, 1133, 1127, 1121, 1115 Cardinal Street to parking subject to the conditions in resolution PC 07-06. The motion carried by the following vote:

Ayes: Commissioners – Cummins, Heinitz, Moran, White, and Chair Kuehne
Noes: Commissioners – None
Absent: Commissioners – Mattheis
Abstain: Commissioners – Kiser

Chair Kuehne called for a five minute break.

Chair Kuehne called the meeting back to order.

4. PLANNING MATTERS

Randy Hatch pointed out the Planning Articles in packet.

5. ANNOUNCEMENTS AND CORRESPONDENCE

Randy Hatch stated that there are funds available for registration for the Planners Institute for the Commissioners to go.

Continued

6. ACTIONS OF THE CITY COUNCIL

Randy Hatch reported that:

- Roget Park was discussed and Council has given direction to sell off the city owned property adjacent to the Roget Park property as part of a plan of a selected developer to develop the park.
- Council members Mounce and Hansen were voted to sit on the Ad Hoc Committee for the Rail Road property Affordable Housing Project.
- Grape Bowl renovations will receive funds from the CDBG funds in the amount of \$250,000.

7. ACTIONS OF THE SITE PLAN AND ARCHITECTURAL REVIEW COMMITTEE

None

8. ART IN PUBLIC PLACES

Peter Pirnejad stated that at the March 6th Shirtsleeve Meeting Art In Public Places is going to present a plan to the City Council to put some art in front of the new Smart and Final project.

9. COMMENTS BY THE PUBLIC

None

10. COMMENTS BY STAFF AND COMMISSIONERS

Peter Pirnejad stated that the stakeholders meeting with the consultant for the General Plan will be taking place tomorrow and we look forward to seeing you all there.

Peter Pirnejad also added that the development code has been provided to all of the Commissioners and there has been some communication with a consultant.

Chair Kuehne asked about information regarding the Blue Print Meeting on March 15th. Mr. Hatch stated that the Governor has put together a Task Force to take a look at water, air, transportation, and many other issues that affect the entire Central Valley both on a regional and local level.

Chair Kuehne asked about the Greenbelt. Mr. Hatch stated that the City has not been invited to the property owner meetings that have been taking place. There apparently has been a document drafted but we have not seen it as of yet.

Commissioner Cummins asked how much influence the City has in the County. Mr. Hatch stated that the City doesn't have any legal authority, but more influence is granted when the area falls within our Sphere of Influence.

11. ADJOURNMENT

There being no further business to come before the Planning Commission, the meeting was adjourned at 8:58 p.m.

ATTEST:

Randy Hatch
Community Development Director

**LODI PLANNING COMMISSION
REGULAR COMMISSION MEETING
CARNEGIE FORUM, 305 WEST PINE STREET
WEDNESDAY, AUGUST 22, 2007**

1. CALL TO ORDER / ROLL CALL

The Regular Planning Commission meeting of August 22, 2007, was called to order by Chair Mattheis at 7:03 p.m.

Present: Planning Commissioners – Cummins, Hennecke, Kirsten, Kiser, Kuehne, White, and Chair Mattheis

Absent: Planning Commissioners – None

Also Present: Community Development Director Randy Hatch, Planning Manager Peter Pirnejad, Junior Planners Immanuel Bereket & Rick Caguiat, Deputy City Attorney Janice Magdich, and Administrative Secretary Kari Chadwick

2. Swearing in Commissioner Cummins

3. MINUTES

None

4. 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 Mattheis called for the public hearing to consider the request a Use Permit to allow a Type-20 off-sale beer and wine ABC License for Econo Gas located at 880 E. Victor Road. (Applicant: Sukh Singh; File# 07-U-08).

Planning Manager Pirnejad stated that the applicant is requesting an extension to September 12, 2007.

Hearing Opened to the Public

- None

Public Portion of Hearing Closed

- None

MOTION / VOTE:

The Planning Commission, on motion of Commissioner Kirsten, Kiser second, continued the request for a Use Permit to allow a Type-20 off-sale beer and wine ABC License for Econo Gas located at 880 E. Victor Road to a date certain of September 12, 2007. The motion carried by the following vote:

Ayes: Commissioners – Cummins, Hennecke, Kirsten, Kiser, Kuehne, White, and Chair Mattheis

Noes: Commissioners – None

Abstain: Commissioners – None

- b) Notice thereof having been published according to law, an affidavit of which publication is on file in the Community Development Department, Chair Mattheis called for the public hearing to consider the request for a Tentative Parcel Map to divide one parcel into three at 2 East Tokay Street. (Applicant: Dillon & Murphy, Inc. on behalf of Bernard C. Kooyman; File # 07-P-05)

Continued

Junior Planner Bereket gave a brief presentation based on the staff report. Mr. Bereket stated that staff recommends approval of the project.

Commissioner Cummins asked if the property currently conformed to the current parking standards. Planning Manager Pirnejad stated that it does not meet the current parking standards and will be able to maintain their legal non-conforming status.

Commissioner Kuehne asked several questions that staff felt would be better answered by the applicant. He also asked about the trash enclosure also being out of legal limits. Director Hatch stated that the improvements that are proposed outweigh the trash enclosure and parking standard requirements and added that Staff is in favor of the project because of the improvements.

Chair Mattheis asked about condition 12 in the resolution. Director Hatch stated that the buildings that are staying will be required to be retro fitted for fire safety.

Vice Chair Kiser asked if the Fire Marshal had reviewed this application. Director Hatch stated that he had and there are conditions in the resolution that the Fire Marshal requested.

Commissioner Kirsten stated that he met with Mr. Dillon regarding this project.

Hearing Opened to the Public

- Cecil Dillon, Dillon & Murphy representative for the applicant, came forward to answer questions. Mr. Dillon stated that the applicant agrees with the conditions.
- Commissioner Kuehne asked what is being proposed for parcel 1. Mr. Dillon stated that the proposed use will be for automotive.
- Vice Chair Kiser asked if Mr. Dillon felt there was enough parking. Mr. Dillon stated that with the final product there would be enough parking.
- Commissioner Kuehne asked about the vehicles that would be left overnight. Mr. Dillon stated that the vehicles would have to be kept inside at night. Commissioner Kuehne followed-up with the question of whether or not the applicant would object to a condition being added requiring the vehicles to be stored inside at night and Mr. Dillon stated they would not object.
- Chair Mattheis asked why they went with 2 handicap parking spaces. Mr. Dillon stated that staff preferred it. Chair Mattheis stated that he may want to reconsider having 2 handicap spaces when only 1 is required.
- Chair Mattheis asked if there were plans to improve any of the buildings that would be staying on the parcels. Mr. Dillon stated that there would be upgrades done on all the buildings that require them.
- Commissioner Kirsten asked about underground storage tanks. Mr. Dillon stated that Mr. Kooyman had a lab take tests for Hydrocarbons and they all came back negative. When the excavation starts and if they run into anything they will definitely take care of it at that time.

Public Portion of Hearing Closed

- Commissioner Kirsten stated his support of the project.
- Commissioner Kuehne would like to see a condition added to the resolution regarding the overnight parking on parcel 2.
- Chair Mattheis stated his support of the project and recommended adding to condition #8:
 - No overnight parking shall be permitted in exterior parking spaces.
- Deputy City Attorney Magdich stated that finding #3 should stateIndustrial development...instead of residential development.

MOTION / VOTE:

The Planning Commission, on motion of Commissioner Kirsten, Kuehne second, approved the request for a Tentative Parcel Map to divide one parcel into three at 2 East Tokay Street subject to the conditions in Resolution PC 07-27 with the added verbiage to condition 8 as noted above. The motion carried by the following vote:

Ayes: Commissioners – Cummins, Hennecke, Kirsten, Kiser, Kuehne, White, and Chair Mattheis

Noes: Commissioners – None

Abstain: Commissioners – None

5. NEW BUSINESS

a) Flag City Design Guidelines

Commissioner Kirsten recused himself based on the fact that he is a partner in Flag City.

Director Hatch gave a brief presentation based on the staff report.

Vice Chair Kiser asked about the conditions placed on Flag City in regards to the White Slough Treatment Plant. Director Hatch stated some of the many conditions that have been placed on Flag City in regards to the use of the White Slough Treatment Plant.

Commissioner Hennecke asked about current businesses/buildings being brought up to these standards. Director Hatch stated that they would only be required to meet these guidelines if they came in with improvements to their property.

Chair Mattheis asked about the boundary for the guidelines. Director Hatch stated that the Guidelines are only in affect within the Community Service Boundary Line as seen in the Zoning Map (section 4.3).

Chair Mattheis stated that he doesn't feel these guidelines have very much substance. Director Hatch stated that he based the guidelines on the City's current Downtown Design Guidelines and didn't feel that he could expect the Flag City Design Guidelines to be held to a higher standard then that within the City limits.

Chair Mattheis stated his reluctance to recommend to the City Council adoption of these guidelines as written.

Director Hatch stated that the Grupe Company owns quite a bit of land just to the south of this area and they have been pushing to become a part of the Flag City Service area which could result in an unincorporated community being developed west of the City of Lodi and this is a concern.

Vice Chair Kiser asked when staff is going to be done with the City's new development code. Director Hatch stated that staff is working on them as they can.

MOTION / VOTE:

The Planning Commission, on motion of Commissioner Kuehne, Cummins second, approved the request to recommend to the City Council adoption of the Flag City Design Guidelines subject to the conditions in Resolution PC 07-28. The motion carried by the following vote:

Ayes: Commissioners – Cummins, Hennecke, Kuehne, White, and Chair Mattheis

Noes: Commissioners – Kiser

Abstain: Commissioners – Kirsten

Commissioner Kirsten rejoined the Commission.

6. PLANNING MATTERS

a) Planning Articles

b) Confirm Commission attendance at the training workshop on October 19, 2007.

7. ANNOUNCEMENTS AND CORRESPONDENCE

Director Hatch gave an update on his attendance at an Economic Summit held at UOP focusing on the Regional Rail Commuter Train Plan.

Director Hatch gave an update on LAFCO's update of their Policies and Procedures regarding a City's sphere of influence rights.

Commissioner Cummins stated that since Stockton will be approving their General Plan before Lodi their northern boundary would then become Lodi's southern most boundary. Director Hatch confirmed that to be correct.

8. ACTIONS OF THE CITY COUNCIL

Director Hatch stated that an update of the Greenbelt issue went to yesterday's City Council Shirtsleeve Session. Council is still waiting to see what the County has to say about the property owner's proposal.

9. GENERAL PLAN UPDATE

Director Hatch stated that staff has received the administrative drafts of the working papers.

10. ACTIONS OF THE SITE PLAN AND ARCHITECTURAL REVIEW COMMITTEE

Vice Chair Kiser gave an update of the August 20, 2007 meeting.

11. UPDATE ON COMMUNITY SEPARATOR/GREENBELT TASK FORCE

None

12. ART IN PUBLIC PLACES

Commissioner Kuehne gave an update on the possible placement of art at a variety of different places around the City.

13. COMMENTS BY THE PUBLIC

None

14. COMMENTS BY STAFF AND COMMISSIONERS

Chair Mattheis asked for some background on Stockton's Big Box Ordinance on a future agenda.

Commissioner Kuehne asked about the Delta College Project. Director Hatch stated that the project is still progressing slowly.

15. ADJOURNMENT

There being no further business to come before the Planning Commission, the meeting was adjourned at 8:51 p.m.

ATTEST:

Randy Hatch
Community Development Director

**LODI PLANNING COMMISSION
REGULAR COMMISSION MEETING
CARNEGIE FORUM, 305 WEST PINE STREET
WEDNESDAY, SEPTEMBER 12, 2007**

1. CALL TO ORDER / ROLL CALL

The Regular Planning Commission meeting of September 12, 2007, was called to order by Chair Mattheis at 7:00 p.m.

Present: Planning Commissioners – Cummins, Hennecke, Kiser, Kuehne, White, and Chair Mattheis

Absent: Planning Commissioners – Kirsten

Also Present: Community Development Director Randy Hatch, Planning Manager Peter Pirnejad, Junior Planner Immanuel Bereket & Rick Caguiat, Deputy City Attorney Janice Magdich, 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 Mattheis called for the public hearing to consider the request of the Planning Commission for approval of Sukh Singh for a Type 20 off-sale beer and wine ABC License for Econo Gas located at 880 E. Victor Road.

Junior Planner Caguiat gave a brief PowerPoint Presentation based on the staff report.

Chair Mattheis asked why condition number 9 states that the review period has to be requested by the applicant. Director Hatch stated that the applicant will have to let the City know when the review period starts, or when the sale of alcohol starts.

Commissioner Cummins asked what the review fee will be. Director Hatch stated \$250 to cover the noticing of the review meetings.

Hearing Opened to the Public

- Mike Hakeem, representative for the applicant, came forward to answer questions.
- Vice Chair Kiser asked if the license had been purchased. Mr. Hakeem stated that it had not.
- Commissioner Kuehne asked if the cooler area where the beer and wine would be stored could be placed in an area where the cashier could see it better. Mr. Sukh, applicant, stated that the coolers are portable and can be moved to accommodate the Commission's concerns.

Public Portion of Hearing Closed

MOTION / VOTE:

The Planning Commission, on motion of Vice Chair Kiser, Kuehne second, approved the request of the Planning Commission for approval of Sukh Singh for a Type 20 off-sale beer and wine ABC License for Econo Gas located at 880 E. Victor Road subject to the conditions in Resolution PC 07-24 with the added/altered conditions as stated below:

Condition #9: Second sentence – delete “This review shall be requested by” and the new sentence #2 & 3 will read: “The applicant shall notify Staff when beer and wine sales begin to start the review timeline. The review will be conducted administratively by the Community Development Director accompanied by the payment of an administrative review fee.”

Condition #10: add a sentence to the end: “Beer and wine storage containers shall be in a location that is in view of the cashier.”

- Commissioner White stated that there needs to be a statement of need and convenience and would be in favor of this project if it did not add another license to the area. He would like to see a condition added to the resolution to that effect.
- Commissioner Kuehne stated his concerns regarding the recent thefts and the location of the Alcohol storage area being out of view of the cashier.
- Commissioner Hennecke would also like to see a condition added stating that a current license be used.
- Vice Chair stated that he would modify his motion if the Commission wanted to go in that direction.
- Chair Mattheis stated that the location of the project is the convenience.

Hearing reopened to the Public

- Mr. Hakeem came forward and stated that the applicant did not have a problem adding language to the effect that in good faith the applicant would give his best effort to purchase a license that is already for sale within the City limits.

Hearing closed

- Mr. Hatch stated that the language can be added as condition #11 as follows:
“The applicant shall exert his best efforts to obtain a beer and wine license from an existing license holder within the City for a no net gain in beer and wine licenses.”

MOTION / VOTE CONTINUED:

The motion carried by the following vote:

Ayes: Commissioners – Cummins, Hennecke, Kiser, Kuehne, and Chair Mattheis
Noes: Commissioners – White
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 Mattheis called for the public hearing to consider the request for a Site Plan and Architectural Review to convert a residence into a restaurant at 234 E. Lodi Avenue.

Director Hatch stated that the applicant turned in the plans just days prior to the cut off date for this meeting and has requested a continuation to October 10, 2007.

Hearing Opened to the Public

- None

Public Portion of Hearing Closed

- None

MOTION / VOTE:

The Planning Commission, on motion of Vice Chair Kiser, Kuehne second, continued the request for a Site Plan and Architectural Review to convert a residence into a restaurant at 234 E. Lodi Avenue to a date certain of October 10, 2007. The motion carried by the following vote:

Ayes: Commissioners – Cummins, Hennecke, Kiser, Kuehne, White, and Chair Mattheis
Noes: Commissioners – None
Absent: Commissioners – Kirsten

- c) Notice thereof having been published according to law, an affidavit of which publication is on file in the Community Development Department, Chair Mattheis called for the public hearing to consider the request of Tim Waddell for approval of a Tentative Parcel Map to divide one parcel into two lots at 722 North Church Street.

Junior Planner Bereket gave a brief PowerPoint Presentation based on the staff report.

Vice Chair Kiser stated his concern over the 10 foot wide driveway. Junior Planner Bereket stated that the Fire Department did review the application and had no problem with the width. There will be 10 feet belonging to parcel two and a 2 foot access easement from parcel one making the driveway 12 feet wide.

Hearing Opened to the Public

- Eddie Greenley, Baumbach & Piazza representative for the applicant, came forward to answer questions.
- Chair Mattheis asked if this was going to be a rental. Mr. Greenley stated that he was not sure, but did not think so.
- Commissioner Kuehne asked a few questions regarding the placement of the current residence and if there was going to be access from the alley. Mr. Greenley stated there would not be access from the alley.
- Renee Whiteside, Louie Avenue, came forward to oppose the project and handed in a letter of protest. Ms. Whiteside stated that this area is already too dense.
- Commissioner Kuehne asked a few questions of Ms. Whiteside regarding the area.
- Vice Chair Kiser asked how the resident on parcel two will be able to exit the driveway facing forward.
- Mr. Greenley stated that the lot just to the south of this one was approved with the same configuration.
- Vice Chair Kiser would like to see another configuration before voting on this item. Chair Mattheis stated the same.

Public Portion of Hearing Closed

- Chair Mattheis asked if the Commission had seen a parcel split on a lot that was only 50 feet wide. Director Hatch stated that the minimum width is 40 feet and will look into the lot width on some of the most recent flag lot approvals.
- Commissioners discussed items that they would like to see on the plans when the item is brought back. They are as follows:
 - The vehicles pulling on to Church Street need to be able to do so facing forward.
 - The dwelling unit, not the garage, needs to be visible from Church Street.

MOTION / VOTE:

The Planning Commission, on motion of Commissioner Cummins, Kuehne second, continued the request of Tim Waddell for approval of a Tentative Parcel Map to divide one parcel into two lots at 722 North Church Street to a date certain of October 24, 2007. The motion carried by the following vote:

Ayes: Commissioners – Cummins, Hennecke, Kiser, Kuehne, White, and Chair Mattheis
Noes: Commissioners – None
Absent: Commissioners – Kirsten

- d) Notice thereof having been published according to law, an affidavit of which publication is on file in the Community Development Department, Chair Mattheis called for the public hearing to consider the request of Dennis Plummer for approval of a Tentative Parcel Map to divide one parcel into three parcels at 1337 E. Kettleman Lane.

Junior Planner Bereket gave a brief PowerPoint presentation based on the staff report.

Director Hatch stated that there should be a wording change in the Resolution, condition #1; Tentative Parcel Map should replace the word Permit.

Hearing Opened to the Public

- Eddie Greenley, Baumbach & Piazza representative of the applicant, came forward to answer questions.

Public Portion of Hearing Closed

- None

MOTION / VOTE:

The Planning Commission, on motion of Commissioner White, Kiser second, approved the request of the Planning Commission for the request of Dennis Plummer for approval of a Tentative Parcel Map to divide one parcel into three parcels at 1337 E. Kettleman Lane subject to the conditions in Resolution PC 07-30 with the change to condition #1 as stated above. The motion carried by the following vote:

Ayes: Commissioners – Cummins, Hennecke, Kiser, Kuehne, White, and Chair Mattheis
Noes: Commissioners – None
Absent: Commissioners – Kirsten

4. PLANNING MATTERS

Director Hatch asked for a representative from the Commission to sit on the committee for the Roget Park project. Vice Chair Kiser volunteered. Commissioner Kuehne also added that Art In Public Places may be interested in placing some art in this development.

Planning Manager Pirnejad stated that the City has received a prestigious award from the American Planning Association for the EMAP project.

5. ANNOUNCEMENTS AND CORRESPONDENCE

None

Continued

6. ACTIONS OF THE CITY COUNCIL

Director Hatch stated that the Council approved:

- The release of the RFP for the Roget Park area.
- The commercial overlay zone along Cherokee Lane to increase the height of the buildings along this corridor.

7. GENERAL PLAN & DEVELOPMENT CODE UPDATES

Director Hatch stated that Staff continues to work on the Development Code and should have something for the Commission to look at by the end of the year. The General Plan Update draft working white papers are being processed by Staff and a joint meeting with the City Council should be scheduled some time before the Holidays.

8. ACTIONS OF THE SITE PLAN AND ARCHITECTURAL REVIEW COMMITTEE

None

9. UPDATE ON COMMUNITY SEPARATOR/GREENBELT TASK FORCE

None

10. ART IN PUBLIC PLACES

None

11. COMMENTS BY THE PUBLIC

None

12. COMMENTS BY STAFF AND COMMISSIONERS

None

13. ADJOURNMENT

There being no further business to come before the Planning Commission, the meeting was adjourned at 8:31 p.m.

ATTEST:

Randy Hatch
Community Development Director

**LODI PLANNING COMMISSION
REGULAR COMMISSION MEETING
CARNEGIE FORUM, 305 WEST PINE STREET
WEDNESDAY, OCTOBER 10, 2007**

Meeting unable to be Called To Order do to a lack of quorum of Planning Commissioners.

1. ROLL CALL

Present: Planning Commissioners – Hennecke, Kiser, and White

Absent: Planning Commissioners – Cummins, Kuehne, Kirsten, Chair Mattheis

Also Present: Community Development Director Randy Hatch, Planning Manager Peter Pirnejad, Junior Planner Immanuel Bereket, Junior Planner Rick Caguiat, Deputy City Attorney Janice Magdich, and Administrative Secretary Kari Chadwick

Meeting cancelled due to lack of quorum.

ATTEST:

Randy Hatch
Community Development Director

**LODI PLANNING COMMISSION
REGULAR COMMISSION MEETING
CARNEGIE FORUM, 305 WEST PINE STREET
WEDNESDAY, OCTOBER 24, 2007**

1. CALL TO ORDER / ROLL CALL

The Regular Planning Commission meeting of October 24, 2007, was called to order by Chair Mattheis at 7:00 p.m.

Present: Planning Commissioners – Cummins, Kirsten, Kiser, Kuehne, White, and Chair Mattheis

Absent: Planning Commissioners – Hennecke

Also Present: Community Development Director Randy Hatch, Planning Manager Peter Pirnejad, Junior Planner Immanuel Bereket, Junior Planner Rick Caguiat, Deputy City Attorney Janice Magdich, City Manager Blair King, and Administrative Secretary Kari Chadwick

2. MINUTES

“October 11, 2006”

MOTION / VOTE:

The Planning Commission, on motion of Commissioner Cummins, Kiser second, approved the Minutes of October 11, 2006 as written. (Commissioner Kirsten abstained - not on the Commission at the time of the meeting and Commissioner White abstained because he was absent from the meeting)

“October 25, 2006”

MOTION / VOTE:

The Planning Commission, on motion of Vice Chair Kiser, Kuehne second, approved the Minutes of October 25, 2006 as written. (Commissioner Kirsten abstained - not on the Commission at the time of the meeting)

“November 8, 2006”

MOTION / VOTE:

The Planning Commission, on motion of Vice Chair Kiser, Cummins second, approved the Minutes of November 8, 2006 as written. (Commissioner Kirsten abstained - not on the Commission at the time of the meeting)

“December 13, 2006”

MOTION / VOTE:

The Planning Commission, on motion of Vice Chair Kiser, Cummins second, approved the Minutes of December 13, 2006 as written. (Commissioner Kirsten abstained - not on the Commission at the time of the meeting)

“January 10, 2007”

MOTION / VOTE:

The Planning Commission, on motion of Vice Chair Kiser, Kuehne second, approved the Minutes of January 10, 2007 as written. (Commissioner Kirsten abstained - not on the Commission at the time of the meeting)

“July 25, 2007”

MOTION / VOTE:

The Planning Commission, on motion of Commissioner Kuehne, Kiser second, approved the Minutes of July 25, 2007 as written. (Commissioner Cummins abstained because he was absent from the meeting)

There was a motion by Commissioner Kiser, Kirsten second to move item 4c to the beginning of the meeting. The motion carried unanimously. (Commissioner Hennecke absent)

4. NEW BUSINESS

- c) Presentation on initiation of process for adopt of a Redevelopment Project Area.

City Manager King gave a brief PowerPoint presentation. The City Council will pick the Survey Area and then the Planning Commission will make a recommendation to the City Council on the Redevelopment Project Area which will be based on the Survey area.

Commissioner Kirsten asked about the increase in taxes and emanate domain. City Manager King stated that Prop. 13 governs property value tax rate. The property owner won't pay any more than what they are paying now, but the payout to the City will get re-shuffled. Commissioner Kirsten asked if emanate domain is not an option then why exclude the residential from one of the options. City Manager King stated that staff felt that it was important to give options.

Vice Chair Kiser asked if the money can be used for senior housing or outside the project area. City Manager King stated that within the project area you can use the money on senior or affordable housing, but if you wanted to use the money outside the project area an argument will have to be made that the project benefits the entire City.

Commissioner Kuehne asked what would be the infrastructure needs if option 1 was chosen and what projects are already on the minds of City Staff. City Manager King gave an example of an infrastructure project on Lodi Avenue being completed and paid out of the Redevelopment funds during a City project of repaving the street which would be paid for out of the regular City Streets funds. The infrastructure funds that would have been used for this project are now available to be used elsewhere in the City.

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 Mattheis called for the public hearing continued from October 10, 2007, to re-consider the request of the Planning Commission for approval of a Site Plan and Architectural Review to convert a residence into a restaurant at 234 E. Lodi Avenue. (Applicant, Celso Santos; File No. 07-SP-02).

Junior Planner Bereket gave a brief PowerPoint presentation based on the staff report. Staff is recommending approval of this project.

Chair Mattheis stated that he still has some problems with the screening of the mechanical units on the rooftop and the turn into the handicap stall being so close to the building. Chair Mattheis provided revised illustrated elevations for the projector.

Commissioner Kirsten asked if there has been an increase in the square footage to the building and in what direction it extends. Junior Planner Bereket stated that there is an increase in the building size and it extends to the south.

Hearing Opened to the Public

- Ismael Solorio, representative for the applicant, came forward to answer questions. Mr. Solorio stated that the walls on the roof can be added to block sight of the mechanical equipment. He also stated that the grease trap could be placed elsewhere on the property.

Public Portion of Hearing Closed

- Chair Mattheis would like to add verbiage to the Resolution to address the screening of the mechanical equipment. Director Hatch stated that the verbiage can be added to condition #2.

MOTION / VOTE:

The Planning Commission, on motion of Vice Chair Kiser, Cummins second, approved the request of the Planning Commission for approval of a Site Plan and Architectural Review to convert a residence into a restaurant at 234 E. Lodi Avenue subject to the conditions in the resolution with the added verbiage to condition #2 as stated below:

Combine sentences 2 & 3 with the word “including”.

Add to the new sentence 3: “Minor changes such as moving the grease trap and handicap loading zone...”

The motion carried by the following vote:

Ayes: Commissioners – Cummins, Kirsten, Kiser, Kuehne, White, and Chair Mattheis

Noes: Commissioners – None

Absent: Commissioners – Hennecke

- b) Notice thereof having been published according to law, an affidavit of which publication is on file in the Community Development Department, Chair Mattheis called for the public hearing continued from September 12, 2007, to re-consider the request for Planning Commission approval of a Tentative Parcel Map to divide one parcel into two lots at 722 North Church Street. (Applicants: Tim Waddle, File # 07-P-09).

Junior Planner Bereket gave a brief PowerPoint presentation based on the staff report. Planning Manager Pirnejad added information regarding the options showing alley access.

Vice Chair Kiser stated that he thought that the reason for the no access policy for the alley way was for fire access. Planning Manager Pirnejad stated that the access problems arose when the only access was from the alley. Director Hatch added that the affordability of these types of lots while not easy to sell is still needed for the economy.

Commissioner Kirsten stated that he was in favor of the infill and affordability that this project offers.

Planning Manager Pirnejad stated that if the Commission wanted to go in the direction of offering the option of alley access, staff would recommend continuing this item so that the other City department could offer suggestions as to the direction they would like to see these kinds of projects head.

Chair Mattheis stated his favor of site plan 1.

Hearing Opened to the Public

- Eddie Greenley, Baumbach & Piazza representative for the applicant, came forward to answer questions. Mr. Greenley stated that the applicant would be open to alley access, but had been told from the beginning that that option wasn't available. The applicant would like to have this resolved as soon as possible.
- Vice Chair Kiser asked if Mr. Greenley has driven down that alley. Mr. Greenley stated that a survey has been done and no problem was found. Vice Chair Kiser stated that there is a problem in this particular alley in his opinion and can't support this project with alley access.
- Commissioner Cummins asked if it is illegal to park in the alley. Planning Manager Pirnejad stated that it is staffs belief that it is not legal to park in the alley. Director Hatch added that because of the need for a fire access and garbage access it isn't legal to park in the alley.
- Renee Whiteside, Louie Ave., came forward to oppose the project. Ms. Whiteside stated that she feels that this area is already to dense. Parking in the alley is a problem.

Public Portion of Hearing Closed

- Chair Mattheis asked if there is any way to find out if there have been any and how many police calls there have been for that area.
- Deputy City Attorney Magdich stated that there is no parking in the alleys except for loading or unloading per the Lodi Municipal Code.
- Commissioner White stated that he is not in favor of alley access.
- Commissioner Cummins stated that the current garage has alley access and can't see a problem with the new garage having access from the alley.
- Commissioner Kirsten stated that he would like to keep the discussion open so that more research can be done.

MOTION / VOTE:

The Planning Commission, on motion of Commissioner Kuehne, Kirsten second, continued the request for a Tentative Parcel Map to divide one parcel into two lots at 722 North Church Street to a date certain of November 28, 2007, so more information can be gathered from the other City Departments. The motion carried by the following vote:

Ayes: Commissioners – Cummins, Kirsten, Kuehne, and Chair Mattheis

Noes: Commissioners – Kiser & White

Absent: Commissioners – Hennecke

- c) Notice thereof having been published according to law, an affidavit of which publication is on file in the Community Development Department, Chair Mattheis called for the public hearing continued from October 10, 2007, to re-consider the request for Planning Commission approval of a Tentative Parcel Map to divide one parcel into two at 1390 and 1399 E. Turner Road. (Applicant: Baumbach & Piazza Inc. File Number: 07-P-06).

Junior Planner Caguiat gave a brief PowerPoint presentation based on the staff report. Staff is recommending approval of this project.

Chair Mattheis asked about the street easement. Director Hatch stated that it will not be an easement but a dedication as noted in condition #9 of the resolution.

Hearing Opened to the Public

- Mike Kenny, representative of the owners to the south of parcel 2, came forward to answer questions. Mr. Kenny stated that his client is in the process of purchasing parcel 2 once the split is approved and they will be placing a screen/fence around the property.

Public Portion of Hearing Closed

- None

MOTION / VOTE:

The Planning Commission, on motion of Commissioner White, Kiser second, approved the request for a Tentative Parcel Map to divide one parcel into two at 1390 and 1399 E. Turner Road subject to the conditions in Resolution PC 07-31. The motion carried by the following vote:

Ayes: Commissioners – Cummins, Kirsten, Kiser, Kuehne, White, and Chair Mattheis

Noes: Commissioners – None

Absent: Commissioners – Hennecke

4. NEW BUSINESS

- a) One year review of the Development Agreement for Blue Shield/Reynolds Ranch Project
- Planning Manager Pirnejad stated that this is an item that will be coming before the Commission on a yearly basis. All the Development Agreements (DA) will go through this process. Planning Manager Pirnejad gave a brief update on the project with the focus on the Blue Shield area.
 - Chair Mattheis asked about the Habitat Fees and whose responsibility those are. Planning Manager Pirnejad stated that the fees fall on the developer.
 - Vice Chair Kiser asked about the money for the downtown area that the developer is supposed to be providing per the DA. Planning Manager Pirnejad stated that the developer has not filed an application yet.

MOTION / VOTE:

The Planning Commission, on motion of Commissioner Cummins, Kiser second, determined that the San Joaquin Valley Land Company LLC is in compliance with the Development Agreement executed on October 6, 2006 for the Reynolds Ranch Project, approved the October 2007 Reynolds Ranch Compliance Report and recommend to the City Council to review and accept the same as stated in the conditions in Resolution PC 07-32. The motion carried by the following vote:

Ayes: Commissioners – Cummins, Kirsten, Kiser, Kuehne, White, and Chair Mattheis
Noes: Commissioners – None
Absent: Commissioners – Hennecke

- b) Review of and Recommend approval and submittal to San Joaquin LAFCO of the City of Lodi Municipal Services Review.
- Planning Manager Pirnejad reported that this item is a review of Municipal Services that all Cities are required to do. LAFCO is the responsible municipality for this and will be the final approval.
 - Chair Mattheis asked about the water supply being less than the demand. Planning Manager Pirnejad stated that while doing the General Plan update the water supply will be addressed.
 - Director Hatch pointed out a necessary addition in the resolution to the paragraph starting with NOW, THEREFORE.... Accept this MSR “and forward it to San Joaquin LAFCO for adoption.

MOTION / VOTE:

The Planning Commission, on motion of Chair Mattheis, White second, recommend that the City Council accept the study and forward it on to the San Joaquin LAFCO for adoption subject to the conditions in Resolution PC 07-33. The motion carried by the following vote:

Ayes: Commissioners – Cummins, Kirsten, Kiser, Kuehne, White, and Chair Mattheis
Noes: Commissioners – None
Absent: Commissioners – Hennecke

- c) Receive presentation on initiation of process for adoption of a Redevelopment Project Area.
- Presentation moved to the beginning of the meeting.

Continued

5. PLANNING MATTERS

a. Director Hatch pointed out the Planning Articles for information only.

6. ANNOUNCEMENTS AND CORRESPONDENCE

Director Hatch stated that the Draft EIR for the Lodi Shopping Center was released to the public and will be brought to the Commission meeting of November 14th for Public Comment.

7. ACTIONS OF THE CITY COUNCIL

None

8. GENERAL PLAN AND DEVELOPMENT CODE UPDATE

Director Hatch stated that there will be a joint meeting with the City Council on December 12th to discuss the Draft White Papers. The meeting is scheduled to start at 6pm at Hutchins Street Square.

9. ACTIONS OF THE SITE PLAN AND ARCHITECTURAL REVIEW COMMITTEE

Vice Chair Kiser stated that a project on Kettleman Lane was approved. (renderings of the project were passed around)

10. UPDATE ON COMMUNITY SEPARATOR/GREENBELT TASK FORCE

None

11. ART IN PUBLIC PLACES

Planning Manager Pirnejad gave a brief report on the proposed art piece on Lodi Avenue and Washington Street from the meeting that occurred earlier today.

12. COMMENTS BY THE PUBLIC

Steve Jarret, Virginia Avenue, came forward to invite the Planning Commissioners to a lunch meeting taking place at the Chamber of Commerce on November 2nd. A presentation will be given by the head of LAFCO.

13. COMMENTS BY STAFF AND COMMISSIONERS

Commissioner Kirsten stated that he attended an APA Workshop in Merced and found the Smart Growth in Transportation interesting.

Director Hatch added that MIG, who is the consultant on the TOD project here in Lodi, was one of the firms giving the presentations at the workshop.

14. ADJOURNMENT

There being no further business to come before the Planning Commission, the meeting was adjourned at 9:52 p.m.

ATTEST:

Randy Hatch
Community Development Director

**LODI PLANNING COMMISSION
SPECIAL COMMISSION MEETING
CARNEGIE FORUM, 305 WEST PINE STREET
WEDNESDAY, NOVEMBER 14, 2007**

1. CALL TO ORDER / ROLL CALL

The Special Planning Commission meeting of November 14, 2007, was called to order by Chair Mattheis at 6:30 p.m.

Present: Planning Commissioners – Cummins, Hennecke, Kirsten, Kiser, Kuehne, White and Chair Mattheis

Absent: Planning Commissioners – None

Also Present: City Manager Blair King, City Attorney Stephen Schwabauer, Community Development Director Randy Hatch, Planning Manager Peter Pirnejad, Junior Planners Immanuel Bereket and Rick Caguiat, Deputy City Attorney Janice Magdich, , and Administrative Secretary Kari Chadwick

Commissioner Kuehne recused himself because of a conflict of owning property on Columbia Street which is within the proposed project area.

Commissioner Kirsten recused himself because of a conflict of owning property on School Street which is within the proposed project area.

2. PLANNING MATTERS

a. Discussion and Determination of Redevelopment Project Area Boundaries.

Steve Schwabauer gave a brief account of what a conflict of interest might be.

Commissioner Hennecke recused himself because of a conflict of interest as a Real Estate Agent of having a property under contract within the proposed area.

Chair Mattheis stated his conflict of having a client within the proposed area on Lodi Avenue and School Street.

Commissioner White stated his conflict of being a part of a Corporation owning property on Black Diamond Way which is within the proposed project area.

City Manager King stated that because of the lack of a quorum, straws will have to be drawn by the Commissioners that are conflicted out to include two so a quorum could be formed to hear this item.

Commissioners Kirsten, Kuehne, and White were the three Commissioners that were chosen to be recused from this item, Chair Mattheis and Commissioner Hennecke were added back to the dais in order to hear the item.

City Manager King gave a brief PowerPoint presentation based on the staff report and attachments. City Manager King stated that the City Council has chosen the Survey Area and now the Planning Commission will be choosing the Project Area within the Survey Area. Staff is recommending that the Planning Commission chose the entire Survey Area as the Project Area.

Ernie Glover, Consultant, came forward to give a brief presentation. He stated that this map will be given to the State and then to the County. There will be a preliminary report done that will look at the variety of Environmental effects that the Redevelopment area will have on the area. There will be an extensive public outreach through several workshops. The plan will come back to the Planning Commission once the Environmental Impact Report (EIR) is done for recommendation for adoption to the City Council. Redevelopment Planning is fixed with very strict guidelines. Emanate Domain is not used in any way.

City Manager King continued with his PowerPoint presentation. City Manager King stated some of the Goals that the City would like to achieve with this project. It is anticipated to complete this portion by the end of June 2008.

Commissioner Hennecke asked if the boundaries can be altered once the city limit lines change. Mr. King stated that the plan could be amended, but the whole process that is being gone through now will have to be gone through again to accomplish that.

Continued

Commissioner Cummins asked if Staff believes if there will be enough revenue generated to accomplish all the goals. Mr. King stated that no they do not believe that all the goals can be accomplish with the revenue generated.

Chair Mattheis asked as to why the Kettleman Lane area was chosen. Mr. King stated that there are signs of some deterioration and gang activity within this area. Mr. Glover stated that the agency will be available to assist in the modernization and revitalization of areas that could be left to deteriorate due to the lack of reinvestment. Chair Mattheis stated his concern that some of the monies will be taken away from much needed areas like Cherokee Road because this is a main thoroughfare.

Chair Mattheis asked about the property on the corner of Louie Avenue and Church Street and why it has been included. Mr. Glover stated that convalescent homes are looked at very closely due to their sensitive use. Mr. King stated his appreciation of Chair Mattheis's concern regarding where the money will be spent.

Vice Chair Kiser asked if the money could be used for maintaining the parking lots along Kettleman Lane. Mr. King stated that the monies will be divided into different pots one of which could be for infrastructure, one for low income housing, one for façade and parking lot improvements, and others can be created as needs arise.

Vice Chair Kiser asked about affordable housing. Mr. King stated that one of the programs is a "Paint up-Fix up" program that can generate money back to the homeowners through discounts, etc. for repairs and maintenance.

Commissioner Hennecke asked why School Street was not included. Mr. King stated that the Citizens of Lodi are very proud of the School Street Corridor and the work that has been done there. The focus should now turn to the surrounding areas such as the Sacramento Street and Main Street corridors.

Hearing Opened to the Public

- None

Public Portion of Hearing Closed

- None

MOTION / VOTE:

The Planning Commission, on motion of Commissioner Cummins, Hennecke second, approved the Boundary area and Preliminary Plan for the Lodi Community Improvement Project as outlined in Figure 1. The motion carried by the following vote:

Ayes: Commissioners – Cummins, Hennecke, Kiser, and Chair Mattheis
Noes: Commissioners – None
Abstain: Commissioners – Kirsten, Kuehne, and White

3. ADJOURNMENT

There being no further business to come before the Planning Commission, the meeting was adjourned at 7:15 p.m.

ATTEST:

Randy Hatch
Community Development Director

**LODI PLANNING COMMISSION
REGULAR COMMISSION MEETING
CARNEGIE FORUM, 305 WEST PINE STREET
WEDNESDAY, NOVEMBER 14, 2007**

1. CALL TO ORDER / ROLL CALL

The Regular Planning Commission meeting of November 14, 2007, was called to order by Chair Mattheis at 7:16 p.m.

Present: Planning Commissioners – Cummins, Hennecke, Kirsten, Kiser, Kuehne, White, and Chair Mattheis

Absent: Planning Commissioners – None

Also Present: Community Development Director Randy Hatch, Planning Manager Peter Pirnejad, Senior Planner David Morimoto, Junior Planners Immanuel Bereket and Rick Caguiat, Deputy City Attorney Janice Magdich, and Administrative Secretary Kari Chadwick

2. MINUTES

"February 14, 2007"

MOTION / VOTE:

The Planning Commission, on motion of Commissioner Kuehne, Kiser second, approved the Minutes of February 14, 2007 as written. (Commissioner White abstained because he was not present at the meeting & Commissioner Hennecke & Kirsten abstained because they were not on the Commission at this time)

"March 28, 2007" – Not available for this 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 Mattheis called for the public hearing to consider the request of the Planning Commission for approval of Growth Management Allocations, a General Plan Amendment, a Rezoning and an associated Mitigated Negative Declaration to permit construction of up to 47 residential units at the southwest corner of Lower Sacramento Road and Turner Road for Farmers and Merchants Bank.

Commissioner Hennecke recused himself due to the conflict of his business office falling within the 500 foot radius of this project.

Senior Planner Morimoto gave a brief PowerPoint presentation based on the staff report. Senior Planner Morimoto went over the allocations that have been granted within the last year.

Commissioner Kuehne asked what allocations have been allocated. Senior Planner Morimoto gave a summary of the Reynolds Ranch, Southwest Gateway, and Westside allocations. Peter Pirnejad, Planning Manager, stated that the allocations for these major developments will not be allocated all at once or all from one year.

Commissioner Kuehne asked how the Reynolds Ranch project ended up with all low density allocations when a blended allocation was approved. Planning Manager Pirnejad stated that the allocations were taken in a blended rate to come up with an amount per year for allocations for that project. The project will only be allocated the per year amount no matter which category they come from. Director Hatch added that the amount per year was the average for the entire project. All the projects that have been approved for allocations will have to come back to the Commission with a final Development Plan.

Chair Mattheis asked about the proposed development plans and the fact that the 47 allocations are right on the edge between the low and medium density separation. Senior Planner Morimoto stated that staff decided to proceed with this application because if the plan changes it will result in fewer dwellings not more. Chair Mattheis stated that that would then change the density and therefore change where the allocations come from. Planning Manager Pirnejad stated that that is correct. The allocations are based on a percentage with less in the medium and more in the low and high density ranges. This process is to approve the allocations based on our current figures and then when the project comes back to the

Continued

Commission at the Development Plan level that will determine which category the allocations will come from.

Senior Planner Morimoto introduced the consultant that prepared the Mitigated Negative Declaration (MND), Insite Environmental Inc., to address any questions regarding this document.

Charlie Simpson, Insite Environmental Inc., came forward to address any questions regarding the MND.

Chair Mattheis asked about stormwater pre-treatment. Mr. Simpson stated that information regarding that was not made available to them and is being left to the design phase. Once the Notice of Intent is taken to the State it is implied that the local and state stormwater regulations will be followed.

Chair Mattheis stated that the noise impact of construction allowed from 7am to 10pm is a little too early and a little too late for this project, especially with the project being right up against a residential neighborhood. Director Hatch stated that those are the City's current construction hours.

Commissioner Kuehne asked about the traffic study and what the increase would be for an exit on both Lower Sacramento and Turner Roads. Mr. Simpson stated that the traffic impact was discussed with the Traffic Engineer with the City and it was determined that the number of trips would not affect the current category that the affected streets are in.

Chair Mattheis asked if this traffic impact took into consideration the recent annexations (Southwest, Westside, and Reynolds Ranch). Mr. Simpson stated that those projects were considered in the figures.

Hearing Opened to the Public

- Kent Steinwert, President of F & M Bank - applicant, came forward to answer questions. Mr. Steinwert gave a brief background of the property. He feels that the higher density plan would provide for more affordable housing. Artist renderings of possible architecture to be used were shown and with the use of the PowerPoint slide of the development plan option, an explanation of possible layout was described.
- Commissioner Kirsten asked if there is a possibility of developing the property under the current zoning if this plan isn't approved. Mr. Steinwert confirmed that to be correct.
- Chair Mattheis asked some questions regarding the two different options. Mr. Steinwert stated that option one offers much more affordable dwellings.
- Steve Pechin, Baumbach & Piazza, came forward to answer questions. Mr. Pechin stated that the conditions were not made available to the applicant until early this week and in resolution 07-38 condition #6 and #9 are not conditions that are acceptable and come as a surprise. Condition #11b impacts the development to a point that the project would not be feasible. Mr. Pechin would like to see the project approved with the conditions in the resolution used more as a guideline. A continuance of the public hearing would be the best option to give the applicant a chance to talk with City Staff and work out some of the issues that the applicant has with the current conditions.
- Commissioner Kuehne asked Mr. Pechin to address the fact that the Fire Marshall is concerned with both plans, when this is brought back to the Commission.

Public Portion of Hearing Closed

- Commissioner Kuehne stated that he feels that the MND is an adequate environmental document and the plan has merit.
- Chair Mattheis stated his concern regarding the time limit for construction noise that he would like to have addressed at the continued hearing.

Continued

MOTION / VOTE:

The Planning Commission, on motion of Vice Chair Kiser, Cummins second, continued the public hearing for item 3a to a date certain of January 23, 2008. The motion carried by the following vote:

Ayes: Commissioners – Cummins, Kirsten, Kiser, Kuehne, White, and Chair Mattheis
Noes: Commissioners – None
Abstain: Commissioners – Hennecke

Chair Mattheis called for a brief recess.

Chair Mattheis called the meeting back to order.

- b) Notice thereof having been published according to law, an affidavit of which publication is on file in the Community Development Department, Chair Mattheis called for the public hearing to consider a Use Permit for an On-sale General Alcohol License for a proposed restaurant to be located at 27 South Sacramento Street for Rashid Fayeeg.

Commissioner Kirsten recused himself due to a conflict of owning property within the 500 foot radius.

Junior Planner Bereket gave a brief PowerPoint based on the staff report. Junior Planner Bereket stated that this project came before the Planning Commission on June 27, 2007 as a nightclub and restaurant. After that meeting, the applicant decided to drop the nightclub from the application and replaced it with a restaurant and bar.

Chair Mattheis suggested taking the public hearing in two stages with the Use Permit first and then the site plan and architecture review.

Hearing Opened to the Public

- Wayne Craig, representing the applicant, came forward to answer questions. Mr. Craig gave a brief report of the merits of this project. He pointed out the prime location next to the multi-modal station.
- Chair Mattheis asked about the seating arrangement in the bar and restaurant and the possibility of the alcohol sales not exceeding the required percentage of food sales. Mr. Craig stated that the only seats that food would not be sold at would be the seats at the bar itself.

Public Portion of Hearing Closed

- None

MOTION / VOTE:

The Planning Commission, on motion of Commissioner Kuehne, White second, approved the request for a Use Permit for an On-sale General Alcohol License for a proposed restaurant to be located at 27 South Sacramento Street subject to the conditions in Resolution PC 07-18. The motion carried by the following vote:

Ayes: Commissioners – Cummins, Kiser, Kuehne, Hennecke, White, and Chair Mattheis
Noes: Commissioners – None
Abstain: Commissioners – Kirsten

Chair Mattheis called for the second part of the public hearing to consider a site plan and architecture review for a building to be located at 27 South Sacramento Street for Rashid Fayeeg.

Hearing Opened to the Public

Continued

- Wayne Craig, representing the applicant, came forward to answer questions.
- Chair Mattheis expressed his concerns with the look of the facade. Mr. Craig stated that the applicant will work with staff to make sure that the look is compactable with the area.
- Commissioner Kuehne asked if all three entrances accessed Sacramento Street. Mr. Craig stated that they did.

Public Portion of Hearing Closed

- Chair Mattheis stated that he would like to see more brick brought to the front elevation possibly up to the first story cornice, some kind of awning or cornice over the two entrances on either side of the main entrance, and individual lettering for the signage.
- Commissioner Hennecke agreed.

MOTION / VOTE:

The Planning Commission, on motion of Vice Chair Kiser, Cummins second, approved the site plan and architecture for a proposed restaurant to be located at 27 South Sacramento Street subject to the conditions in Resolution PC 07-20 with the addition of the verbiage as stated below.

Randy Hatch stated the verbiage to be added to condition number 3: "Including façade definition (canopies) over the north and south entrances, increasing the amount of brickwork on the first floor, and all signage is to be made up of individual letters."

The motion carried by the following vote:

Ayes: Commissioners – Cummins, Kiser, Kuehne, Hennecke, White, and Chair Mattheis
Noes: Commissioners – None
Abstain: Commissioners – Kirsten

4. PLANNING MATTERS

- a. Receive public comments for the Revisions to the Environmental Impact Report for the Lodi Shopping Center.

Randy Hatch, Director, gave a brief presentation with the use of document slides. Director Hatch stated the background for this project, the topics being addressed in this Environmental Document based on the judgment handed down from the San Joaquin Superior Court, and what the next steps are. Director Hatch stated that the public comment period has been extended to December 7, 2007 to provide additional time for the public to make comments. The comments that address the topics within the Environmental document will be the only comments analyzed in the Response to Comments document.

Chair Mattheis stated some of his concerns regarding the cumulative economic impacts to the other shopping centers around Lodi. Director Hatch stated that there is a potential for other retail stores to close, but there is expected to be a healthy viable re-use of the spaces that are vacated, therefore this does not rise to the CEQA standard of a physical decay impact.

Director Hatch introduced Mr. Verrips, PMC consultant.

Bert Verrips, PMC consultant, came forward to address the Urban Decay possibility. Legally there isn't any evidence to support that there would be any urban decay. CEQA states that hypothetical impacts are not considered.

Chair Mattheis asked what was addressed in this document that was not in the first. Mr. Verrips stated that the cumulative impacts in regards to the other Super Wal-Marts in the north Stockton area and in Galt were not addressed in the first document but are now addressed in this one.

Continued

Chair Mattheis asked for confirmation that the previous conditions were wiped away by the City Council. Director Hatch confirmed that was correct.

Commissioner Hennecke asked if there will be a net gain or loss in revenue. Director Hatch stated that the current upward trend of the downtown economically will more than likely stall until increases in the area population catches up.

Chair Mattheis does not feel that the conclusions are correct regarding urban decay.

Vice Chair Kiser asked if there is a size limit to the Big Box stores. Mr. Schwabauer stated that there is not a size limit on the stores. Vice Chair Kiser asked how this project can be a positive thing for Lodi if it stops the upward trend of the main tourist focus in the downtown area that Lodi has had.

Hearing Opened to the Public

- Darrell Browman, Browman Companies applicant came forward to answer questions and show his support for the project moving forward.
- Von Elseworth was called forward to speak. He stated from his chair in the audience that the Vice Chair had already addressed his concerns.
- Anne Cerney, West Vine Street, came forward to raise some of the inadequacies within the Environmental document. Air Pollution as it relates to construction with the emphasis on the diesel trucks used, health risks during construction, Ag mitigation fails to address the item sufficiently, greenhouse gas emissions, the document doesn't address all of the buildings planned for this development, energy and others. Ms. Cerney also handed in a letter that she had received regarding the project.
- Don Mooney, attorney for Citizens for Open Government, came forward to address the impact of urban decay to the downtown. Leakage of sales tax revenue, energy – the cumulative impact is not analyzed sufficiently, and the document is completely silent on the Air Pollution emissions. The economic analysis does not take into account the effect that the renting out of the old Wal-Mart space will also put an added strain to the economic impact to the downtown.
- Michael Folkner, West Kettleman Lane – Manager of the Wal Mart in Lodi, came forward to support the project and the environmental document. Revenue increases and 200 more jobs will be a part of this project.
- Norma Smith, Corbin Lane, came forward to support the project. She would like to address the impact to the Seniors of this community. There are not many stores that take into consideration people on fixed incomes. The Wal Marts that are all along the southern and eastern portion of the United States do not detract from the communities that they are in.
- Jeanette Moore, Murry Street, came forward to support the project. The jobs in Lodi are scarce and this would be a great benefit to those people that are in need of those positions.
- Dennis Norton came forward to support the project.
- Harold Jackson, Gateway Circle, came forward to support the project. The same fears are still around as when the current Wal Mart came into town. The closing of other stores and the downfall of downtown, they haven't happen yet and won't when the Super Wal Mart comes in.
- Lorinda Jonard, Watson Street, came forward to address some of the possible impacts to the water runoff, the loss of Ag land, the extra traffic created, and the lose of local businesses and the trickle down effect that that can have on the community.
- Kenneth Lopes, Bordola Drive, came forward to support this project. The possibility of the land being used for Ag is far fetched because the people won't allow all the spraying of pesticides with the land being surrounded by homes and businesses.

Continued

- Roger Oster, Oxford Way, came forward to support this project. Mr. Ostar stated that the issue of urban decay being caused to the downtown by this Wal Mart shouldn't even be an issue. The downtown caters to a different set of people.

Public Portion of Hearing Closed

Chair Mattheis called for a brief recess to allow the public to file out.

Chair Mattheis called the meeting back to order.

5. ANNOUNCEMENTS AND CORRESPONDENCE

None

6. ACTIONS OF THE CITY COUNCIL

Director Hatch reported that the new International Building Codes have been adopted and the second reading of the ordinances will be at the Nov. 21st meeting along with the re-adoption of the current building fees.

7. GENERAL PLAN UPDATE

None

8. ACTIONS OF THE SITE PLAN AND ARCHITECTURAL REVIEW COMMITTEE

None

9. UPDATE ON COMMUNITY SEPARATOR/GREENBELT TASK FORCE

None

10. ART IN PUBLIC PLACES

None

11. COMMENTS BY THE PUBLIC

Anne Cerney, West Vine Street, came forward to express her thanks to the Commission allowing for all the comments tonight.

12. COMMENTS BY STAFF AND COMMISSIONERS

Randy Hatch followed-up on the request to find out if the police department is enforcing the parking in alley ways and they confirmed that they are.

Chair Mattheis asked if someone would look into the signage at the 24 hour fitness. Staff acknowledged the request.

13. ADJOURNMENT

There being no further business to come before the Planning Commission, the meeting was adjourned at 10:55 p.m.

ATTEST:

Randy Hatch
Community Development Director

**LODI PLANNING COMMISSION
REGULAR COMMISSION MEETING
CARNEGIE FORUM, 305 WEST PINE STREET
WEDNESDAY, NOVEMBER 28, 2007**

1. CALL TO ORDER / ROLL CALL

The Regular Planning Commission meeting of November 28, 2007, was called to order by Chair Mattheis at 7:00 p.m.

Present: Planning Commissioners – Hennecke, Kirsten, Kiser, Kuehne, White, and Chair Mattheis

Absent: Planning Commissioners – Cummins

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

2. MINUTES

“February 28, 2007”

MOTION / VOTE:

The Planning Commission, on motion of Commissioner Kuehne, Kiser second, continued the Minutes of March 28, 2007 to the next regularly scheduled Commission meeting of January 9, 2008.

The minutes were unable to be voted on due to a lack of quorum present from the meeting. Chair Mattheis will be listening to the audio tapes from the meeting, so that he will be eligible to vote when they are brought back before the Commission.

“March 28, 2007”

MOTION / VOTE:

The Planning Commission, on motion of Commissioner Kuehne, Kiser second, approved the Minutes of March 28, 2007 as written. (Commissioner Hennecke & Kirsten abstained because they were not on the Commission at this time)

“May 23, 2007”

MOTION / VOTE:

The Planning Commission, on motion of Commissioner Kuehne, Kiser second, approved the Minutes of May 23, 2007 as written. (Commissioner Hennecke & Kirsten abstained because they were not on the Commission at this time)

“June 27, 2007”

MOTION / VOTE:

The Planning Commission, on motion of Vice Chair Kiser, Kuehne second, approved the Minutes of June 27, 2007 as written. (Commissioner Hennecke & Kirsten abstained because they were not on the Commission at this time)

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 Mattheis called for the continued public hearing to consider the request of the Planning Commission for approval of a Tentative Parcel Map to divide one parcel into two lots at 722 North Church Street. (Applicants: Tim Waddle, File # 07-P-09).

Commissioner Kirsten recused himself because he has property adjacent to this project.

Planning Manager Pirnejad, Planning Manager, gave a brief PowerPoint presentation based on the staff report. Planning Manager Pirnejad stated the options of how to layout the access to the flag lot.

He also went over some altered versions of the options given in the packet with the help of the PowerPoint slides.

Vice Chair Kiser asked if the driveway going back to the flag lot was 10 foot wide. Immanuel Bereket, Junior Planner, stated that there will be 12 feet open for the driveway (10' on parcel 1 and 2' from parcel 2). Vice Chair Kiser is still concerned that people driving by will not be able to see much of the house. Planning Manager Pirnejad pointed out that while driving by the property the dwelling will be visible from a multitude of angles. Vice Chair Kiser asked if the Fire Department had approved the plan. Planning Manager Pirnejad stated that they had reviewed the project and their conditions are incorporated in the resolution.

Chair Mattheis disclosed that he had talked with the applicant regarding this project.

Hearing Opened to the Public

- Lauralee Waddell, applicant, came forward to answer questions. Ms. Waddell stated that she and her husband have been working with staff for a long period of time and one of the first things they were told was that they could not have alley access. She is in favor of any decision that is made tonight and would not like to see the item continued again.
- Josh Elson, Baumbach & Piazza, came forward to answer questions.
- Commissioner Kuehne asked if the residence was going to be single or two stories. Mrs. Waddell stated that the elevations show a two story. The two stories would allow for about 1100 square foot home, but no more than 1300 square foot. Vice Chair Kiser added to the discussion of single story vs two stories for the dwelling.

Public Portion of Hearing Closed

- Chair Mattheis suggested that the Commission talk about street vs alley access first.
- Vice Chair Kiser stated that he was not in favor of alley access. He asked Joseph Wood, Community Improvement Manager, to come forward and answer the questions of whether or not the parking in the alley is enforced. Community Improvement Manager Wood stated that the Police do cite cars that park in the alleys. Deputy City Attorney Magdich stated that she did talk with Sgt. Steve Corillo and when vehicles are seen they are cited.
- Commissioner Kuehne stated that he did not have a problem with alley access.
- Commissioner Hennecke stated that he is not in favor of alley access.
- Commissioner White stated that he is not in favor of only alley access.
- Chair Mattheis stated that he is in favor of alley access for garage access.

More discussion ensued regarding the merits and demerits of alley access.

- Commissioner Hennecke asked if the approving alley access will cause more work for City staff for maintenance. Planning Manager Pirnejad stated that the alleys are designed for multiple uses and if they start getting closed off to pedestrians/vehicles then it will lead to greater neglect and blight.
- Vice Chair Kiser wants alley access flag lots to be taken on a case by case basis.

MOTION / VOTE:

The Planning Commission, on motion of Chair Mattheis, Kiser second, approved the request for a Tentative Parcel Map to divide one parcel into two lots at 722 North Church Street subject to the conditions in Resolution PC 07-29 with the addition of conditions based on the general statements below:

1. Primary vehicle access will be off of Church Street with the option to extend access to the alley.

2. The front of the house will be visible from Church Street.
3. A turn-a-round area will be provided to allow for a frontal exit on to Church Street for guest parking.
4. The garage door shall not be visible from Church Street.
5. The fence shall not extend any further south than the dwelling unit on parcel one.
6. The yard space will be contiguous to the living space.

Planning Manager Pirnejad stated that the items will be added to the end of the Planning conditions starting with number 9.

The motion carried by the following vote:

Ayes: Commissioners – Hennecke, Kiser, Kuehne, White, and Chair Mattheis

Noes: Commissioner – None

Abstain: Commissioner – Kirsten

Absent: Commissioner - Cummins

- b) Notice thereof having been published according to law, an affidavit of which publication is on file in the Community Development Department, Chair Mattheis called for the public hearing to consider the request of the Planning Commission for approval of a Use Permit for an On-sale General Alcohol License at La Fuente Restaurant located at 114 West Pine Street. (Applicant: Manuel Bastos. File Number: 07-U-11).

Commissioner Kirsten had to recused himself because he owns property within the 500 foot radius of the project.

Immanuel Bereket gave a brief PowerPoint presentation based on the staff report.

Commissioner White asked for a description of the two different types of ABC Licenses. Junior Planner Bereket answered.

Commissioner Kuehne asked if there have been any problems with the restaurant. Junior Planner Bereket stated that the Police Department has not had any problems with this restaurant.

Hearing Opened to the Public

- Manuel Bastos, applicant, came forward to answer questions.
- Commissioner Kuehne asked if the patio area in the back was going to get utilized. Mr. Bastos stated that when the weather permits they do utilize it and plan to continue to do so.
- Vice Chair Kiser asked if they intended to have live music on the patio. Mr. Bastos stated that they have not thought about it, but it sounds nice.
- Chair Mattheis stated that this permit does not allow for live entertainment. Mr. Bastos acknowledged that and stated he would come back if they decided to have live entertainment.

Public Portion of Hearing Closed

- None

MOTION / VOTE:

The Planning Commission, on motion of Commissioner Kuehne, Kiser second, approved the request for a Use Permit for an On-sale General Alcohol License at La Fuente Restaurant located at 114 West Pine Street subject to the condition in Resolution PC 07-40. The motion carried by the following vote:

Continued

Ayes: Commissioners – Hennecke, Kiser, Kuehne, White, and Chair Mattheis
Noes: Commissioner – None
Abstain: Commissioner – Kirsten
Absent: Commissioner – Cummins

Commissioner Kirsten rejoined the Commission.

- c) Notice thereof having been published according to law, an affidavit of which publication is on file in the Community Development Department, Chair Mattheis 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 two at 840 South Cluff Avenue. (Applicant: Mike Smith Engineering Inc. File Number: 07-P-08).

Rick Caguiat gave a brief PowerPoint presentation based on the staff report.

Chair Mattheis expressed his concerns for the dead-end portion of the driveway if all the stalls are full. Planning Manager Pirnejad stated that there are enough parking spaces (50 spaces shown and 21 are required) to allow for taking out the last two parking stalls to eliminate the dead-end issue.

Commissioner Kuehne stated that there is a ramp leading into the rollup doors and the site plan shows parking on top of it. Staff stated there is more than enough parking to allow for taking away stalls that block access to the building.

Hearing Opened to the Public

- Don Luis, applicant, came forward to answer questions.

Public Portion of Hearing Closed

- None

MOTION / VOTE:

The Planning Commission, on motion of Commissioner Kuehne, Kirsten second, approved the request for a Tentative Parcel Map to divide one parcel into two at 840 South Cluff Avenue subject to the conditions in Resolution PC 07-41 with amendments as stated below:

New condition #6: The Parking Site Plan shall have no dead ends in traffic isles. & #7: Proposed parking layout for parcel 1 shall not conflict with any building access.

The motion carried by the following vote:

Ayes: Commissioners – Hennecke, Kirsten, Kiser, Kuehne, White, and Chair Mattheis
Noes: Commissioners – None
Absent: Commissioners – Cummins

Chair Mattheis called for a brief recess.

Chair Mattheis called the meeting back to order.

- d) Notice thereof having been published according to law, an affidavit of which publication is on file in the Community Development Department, Chair Mattheis called for the public hearing to consider the request of the Planning Commission for approval of the site plan and architecture of a convenience store with a gas station at 730 South Cherokee Lane.

Planning Manager Pirnejad and Junior Planner Bereket gave a brief PowerPoint presentation based on the staff report. Planning Manager Pirnejad stated that there are two Resolutions with one recommending approval and one recommending denial.

Commissioner Kirsten disclosed that he has discussed the project with the applicant.

Commissioner Kuehne asked how the Motel will get access. Junior Planner Bereket stated that there is access off of Cherokee Lane. There is a recommendation for shared access to give better access to the Motel parking off of Hale Road.

Chair Mattheis asked about the parking and a shared easement. Junior Planner Bereket stated that there would have to be a formal access easement created.

Hearing Opened to the Public

- Aster Canet, Main Street in Stockton, came forward to represent the applicant and answer questions.
- Commissioner Kirsten asked if the applicant owns the property to the south of the motel. Mr. Canet stated that he does not.
- Commissioner Kuehne asked why the applicant wants to put a gas station next to and within close proximity of other gas stations. Mr. Canet stated that the applicant still feels that the business is warranted.
- Chair Mattheis asked why the applicant is still willing to go forward with a site plan that doesn't meet minimum standards when staff has recommended changes. Mr. Canet stated that he wasn't aware that standards weren't being met.
- Commissioner Kirsten asked if the revisions could be made and brought back to another meeting. Mr. Canet stated that those changes could be made.
- Joseph Wood, Community Improvement Manager, came forward to express the problems that the Lodi Improvement Committee had with the project and answer questions.
- Vice Chair Kiser asked for Community Improvement Manager Wood's opinion on the tightness of the project. Community Improvement Manager Wood stated that he is of the like opinion of the Lodi Improvement Committee that this project will not work on this project site.

Public Portion of Hearing Closed

- Commissioner Hennecke asked if it is typical to look just at the site plan and not the use. Planning Manager Pirnejad stated that there has not been a use determined as of yet.
- Chair Mattheis stated his objections to the site plan: 1 – Too tight; 2 – Trash enclosure is substandard; 3 – dimensions are missing on the parking stalls along Cherokee Road; 4 – Landscaping along Hale road is deficient; 5 – Handicap path of travel is in a drive isle and a blind corner; 6 – North East corner widths should comply for the handicap stall and landscaping planters; 7 – Getting out of the parking stalls when the pumps are in use.

MOTION / VOTE:

The Planning Commission, on motion of Vice Chair Kiser, Kirsten second, continued the request for a site plan and architecture review of a convenience store with a gas station at 730 South Cherokee.

The First and Second Motions were withdrawn to allow for the public portion of the hearing to be re-opened.

- Commissioner Hennecke stated his frustration of not being able to consider the use of the property.
- Vice Chair Kiser clarified that we are looking at the site and architecture based on the gas station and convenience store use. Planning Manager Pirnejad confirmed that to be correct.

Public Hearing Re-Opened to the Public

- Aster Canet came forward to state that the applicant is willing to make adjustments to the site plan to accommodate the comments made by the Commission and Staff.
- Chair Mattheis asked if the applicant is in favor of continuing the item. Mr. Canet stated that the applicant is in favor of continuing the item to give them time to make the changes.
- Commissioner Hennecke stated his concern about the use being to tight.

Public Portion of Hearing Re-Closed

- None

MOTION / VOTE:

The Planning Commission, on motion of Commissioner Kuehne, Kirsten second, continued the request for a site plan and architecture review of a convenience store with a gas station at 730 South Cherokee Lane to a date certain of February 13, 2008. The motion carried by the following vote:

Ayes: Commissioners – Hennecke, Kirsten, Kuehne, White, and Chair Mattheis
 Noes: Commissioners – Kiser
 Absent: Commissioners – Cummins

4. PLANNING MATTERS

- a) Review the City of Lodi 2007 Annual Housing Element Progress Report and recommend that the report be forwarded on to the City Council.

Planning Manager Pirnejad stated that the Housing Element Update is done once a year and is one of the requirements for the Work Force Housing Grants.

Senior Planner Morimoto gave a brief report based on the information in the staff report. Affordable Housing is difficult to achieve for most jurisdictions in California, but Lodi has been trying to make an effort with the Downtown second floor living units, the Senior Housing Project on Railroad Avenue, and the added living units across from the LOEL Center. The Redevelopment Agency once it is established requires that 20% of the funds go toward Affordable House Projects.

Planning Manager Pirnejad stated two points of clarification: 1 - That the Redevelopment Agency is established. It's the Project area, which the Planning Commission recommended at their last meeting, that still needs to be voted on by the City Council, and that should be occurring at a City Council Meeting in the very near future; 2 – The verbiage “high cost of development fees” is subjective and the word “high” should be stricken.

Chair Mattheis asked if there is any fee flexibility in the Development Code for affordable housing projects. Planning Manager Pirnejad stated that not through the Development Code, but probably through the Redevelopment Agency. Senior Planner Morimoto stated that the City Council sets the fees and they have the power to waive them as well. He also pointed out that the City collects fees for the County, which are not flexible.

Discussion regarding sources of funding ensued.

MOTION / VOTE:

The Planning Commission, on motion of Vice Chair Kiser, Kuehne second, recommended that the City Council accept the 2007 Housing Element Annual Progress Report subject to the conditions in Resolution PC 07-44. The motion carried by the following vote:

Ayes: Commissioners – Hennecke, Kirsten, Kiser, Kuehne, White, and Chair Mattheis
 Noes: Commissioners – None
 Absent: Commissioners – Cummins

Continued

b) The Planning Article was pointed out for information only.

5. ANNOUNCEMENTS AND CORRESPONDENCE

Planning Manager Pirnejad reported on items that Commissioners have requested more information on: F & M Bank allocations; Reynolds Ranch allocations; signage at 24 Hour Fitness.

6. ACTIONS OF THE CITY COUNCIL

Planning Manager Pirnejad reported that: The MSR was approved and submitted to LAFCO; Mobile Food Vender Fees were approved; Habitat Fee adjustments were approved for 2008; New Building Code Ordinances were adopted along with the current permit fees by resolution.

7. GENERAL PLAN UPDATE/DEVELOPMENT CODE UPDATE

Planning Manager Pirnejad stated that there will be a Special Joint Meeting with the City Council on December 12th at Hutchins Street Square at 6:00. The development code is still being reviewed by staff. Chair Mattheis asked to have it brought to the Commission for review in separate sections rather than all at once.

8. ACTIONS OF THE SITE PLAN AND ARCHITECTURAL REVIEW COMMITTEE

None

9. UPDATE ON COMMUNITY SEPARATOR/GREENBELT TASK FORCE

Planning Manager Pirnejad stated that the Interim Director of LAFCO will be making a presentation at the next City Council Shirtsleeve regarding new LAFCo Policies including Area of Interest.

10. ART IN PUBLIC PLACES

Commissioner Kuehen reported that the PAL's mural is going up on the wall of the animal shelter on Kettleman Lane; a photographer was hired to place pictures on the website. Planning Manager Pirnejad added that the artist for the work on the corner of Washington and Lodi Ave. has been chosen. A new appointment to the Committee will be placed on the next available agenda.

11. COMMENTS BY THE PUBLIC

None

12. COMMENTS BY STAFF AND COMMISSIONERS

Planning Manager Pirnejad stated that the Chamber of Commerce will be presenting at the January 9, 2008 meeting.

13. ADJOURNMENT

There being no further business to come before the Planning Commission, the meeting was adjourned at 10:07 p.m.

ATTEST:

Peter Pirnejad
Planning Manager

Item 4a.

Lodi Chamber of Commerce General Plan Presentation

-Lodi-

A Blueprint For the Future

Item 4b.

Planning Articles



APA Northern News

AMERICAN PLANNING ASSOCIATION, CALIFORNIA CHAPTER, NORTHERN SECTION

Dear reader:

This is our second issue of the modified format we have developed to make the newsletter easier for you to read now that it is only published on the web.

All longer articles are in the right column. Any article longer than one page continues directly onto the next page. No more scrolling ahead to find the “continued to” page. Calling card ads, very short articles, some images, and sidebars run in the left column.

The editors want to continue to expand the usefulness and reader-friendly qualities of Northern News. Your comments and suggestions are always welcome. —Ed.

DECEMBER 2007/JANUARY 2008

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Lodi leads with LEED-ND

By Peter Pirnejad, Planning Manager, City of Lodi

It was in January 2007 that I first heard of the United States Green Building Council (USGBC) pilot rating program for neighborhood development, called Leadership in Energy and Environmental Design-Neighborhood Development (LEED-ND). This experimental rating system was USGBC’s first look beyond the building and towards the entire neighborhood.

This program works similarly to other LEED-certified building rating systems. The program has four categories, each with a series of prerequisites that needs to be met in order to qualify, and credits that must be accumulated to determine a final rating. There are 106 possible points in this pre-certification stage: 40 points certifies a project, 50 points is a silver rating, 60 points is gold, and 80 points is platinum.

Four categories in rating system

The first of the four categories is “Smart Location and Linkages,” which looks at proximity to municipal services such as schools, transportation, water, and wastewater, and determines how well a project avoids or conserves features such as steep slopes, wetlands, farmland, and wildlife habitats. The second category is “Neighborhood Pattern and Design,” which evaluates the overall design of the project. It considers compact design, diversity and affordability of housing types, walkability, proximity to destination points, and local food production.

“Green Construction and Technology” is the third category, and examines the infrastructure and built environment on the

(continued on next page)

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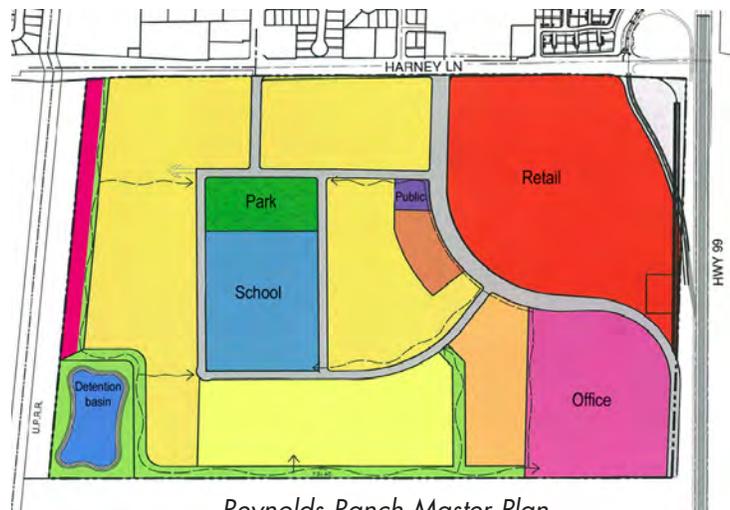
Lodi leads with LEED-ND *(continued from previous page)*

site, such as innovative storm drainage systems, solar orientation, onsite energy sources and efficiencies, light pollution and waste management. The final category is “Innovation and Design Process,” which essentially looks at creative ways a project either exceeds the expectation of a previous credit to the next logical level, or invents an entirely new and noteworthy way of achieving a goal of LEED.

Good timing for Lodi project

The timing for the City of Lodi’s participation in this program could not have been better. The city had just finished entitling a new “greenfield development.” The Reynolds Ranch project is a 220-acre mixed-use Master Plan that includes a 160,000 square-foot office building, 350,000 square feet of retail space, 1,084 units of residential housing of varying densities, a park, a school, some storage units, a drainage basin, and a fire station.

Our goal, while working with the applicant, San Joaquin Valley Land Company, was to design a pedestrian-oriented community that was socially equitable, environmentally responsible, and economically feasible. We worked with the Congress for the New Urbanism, Build It Green, and the best interests of the city to develop the master plan. We even included language that required a minimum Build It Green rating and incorporation of the 13 elements of neighborhood design published by the Congress for the New Urbanism.



Reynolds Ranch Master Plan

Developer agrees to apply for certification

The Master Plan was very responsible, not only in its design, but also in the way it dealt with the balance of jobs

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Lodi leads with LEED-ND *(continued from previous page)*

and housing, agricultural offsets, habitat conservation, air quality protection, noise attenuation, and historic resource preservation. So when I heard of the USGBC's LEED-ND Pilot Program last January, I quickly approached the developer about the benefits of participating. He agreed to subject the project to this process under one condition: it would not cost him any more money. The commitment took some convincing with its \$20,000 application fee, but the developer eventually agreed.

We filed the application, and as soon as we got word from USGBC, we quickly mobilized a group of creative experts to meet on a regular basis. We began by understanding the program, then discussed various design options. Currently, we are allocating responsibilities and accountability.

At first, the idea of subjecting the project to a rating system that could potentially cost additional time, money and hassle was not met with uniform enthusiasm. However, interest quickly grew from staff members and consultants, including Rob Lechner, Customer Program Manager of our Electric Utility Department; Wally Sandelin, Deputy Public Works Director; Chris Boyer, Engineering Associate; Tiffani Fink, Transportation Manager of our Public Works Department; and consultants associated with the project—landscape architects, project managers, planners, architects, engineers, and even an intern.

The more we put our collective minds together, the more it made sense to pursue the certification. We saw an opportunity to follow the model embodied in AB 32, the California Global Warming Solutions Act which commits to reducing global warming emissions to 2000 levels by 2010, to 1990 levels by 2020, and 80 percent below 1990 levels by 2050. There was no question that responsible and sustainable design has become an expectation.

Surprise cost savings

As we began working with alternative civil engineering solutions, we realized there were huge cost savings and opportunities. For example, the required public park could be placed on top of the underground storm collection system which replaced the traditional drainage basin, thereby freeing more land for other uses. We also discovered that other residential developers were realizing greater market demand for neighborhoods that incorporated these efficiencies. An example of this is Carsten

(continued on next page)

In memoriam

Lawrence Livingston, Jr., AICP, 1918–2007

Larry Livingston, Jr., a Northern California planning icon most active in the 1950s, 60s, and 70s, died December 5th in Tiburon. He was 89.

Mr. Livingston, a fourth generation San Franciscan, was a consultant to the city and county of San Francisco from 1953–1959. In 1959, Livingston & Blayney, City and Regional Planners, set up offices on New Montgomery Street (and later on Gold Street) in San Francisco. Beginning a statewide practice in 1960, the firm prepared general plans for dozens of cities including Eureka, Chico, Healdsburg, Petaluma, and Carpinteria to name only a few.

Mr. Livingston was a colleague of landscape architect Lawrence Halprin, and they worked together on many plans, including a master plan for the California State Capitol (1962). Other Livingston plans included the Navajo Nation master development plan, Window Rock, Arizona (1960), “core area plans” for Davis and San José (1961), an “Overall Program Design” for the Lake Tahoe Regional Planning Agency (1970), and an open space plan for the San Diego region (1972).

A few years ago, to help celebrate APA’s 25th anniversary, the editors of *Planning* magazine chose 25 outstanding articles published in the 25 years from 1979–2003. “Some of these articles were ahead of their time in identifying an important trend. Others encouraged nationwide discussion. And still others pushed the planning profession in a new direction.” Mr. Livingston’s “Confessions of a Planner” was selected as the outstanding article for 1980. It can be read at <http://www.planning.org/25anniversary/planning/1980mar.htm>

Mr. Livingston received APA’s Distinguished Leadership Award in 1987.

The *San Francisco Chronicle* published a photo of Mr. Livingston and an obituary by John King, the paper’s urban design writer and winner of the 2007 California Chapter APA Individual Journalist Award (Dec. 14, 2007, page B-14): <http://www.sfgate.com/cgi-bin/object/article?f=/c/a/2007/12/14/BACJTTP70.DTL&o=0>

Lodi leads with LEED-ND *(continued from previous page)*

Crossings, a Grupe project in Rocklin, that claims to out-perform its competitors by three-to-one for being “green.”

The greening of subdivisions is not a new idea. It has been around at least since 1975 when Judith A. and Michael Corbett designed Village Homes in Davis. Their sustainable neighborhood design used creeks to handle, filter, and percolate storm and other drainage (today referred to as bio-swales), solar-oriented homes to maximize the benefits of the sun, fruit and vegetable gardens planted throughout common areas that are maintained by residents, and street cross-sections that are so narrow one would think they’re driveways. Mrs. Corbett had said the process of getting the subdivision approved was very challenging. However, today Village Homes is celebrated as one of the most desirable places to live in Davis, and it boasts the highest resale values in the city.

Other sustainable neighborhoods

Some other newly planned sustainable designs are Meriam Park in Chico, a New Urban Builders project; the master plan for Treasure Island which will revitalize some of San Francisco’s most underutilized real estate, and the Village at Galisteo Basin Preserve in Santa Fe, N.M., a Commonwealth Conservancy Project which is one of the largest LEED-ND Pilot Programs. This greenfield development project takes a whole new look at minimizing its carbon footprint.

There are 249 registered projects in the LEED-ND Pilot Program. Each one has subjected itself to a very high level of scrutiny and evaluation. Although there is no certainty that this program will lead to more sustainably-built communities, it keeps planners, landscape and building architects, and engineers at the design table during the entire process.

The greatest challenges lie in contending with established design standards and fee schedules as they relate to newer methods of designing infrastructure. Many emerging technologies, such as pervious street systems, underground storm drainage solutions, roof rain collection systems, and bio-swales have not been around long enough to be standardized and accepted by most cities. Cities cannot yet reduce the size or capacity of the utilities systems that they build to serve these developments, or to provide developers with development fee offsets or incentives that make these newer systems affordable. With enough time and pressure, these systems will emerge and become standard practice. Until that time comes, LEED-ND continues to push the envelope in design and hold planners and designers alike to a higher standard. ■

Saving the World



Chiar Jures. AFP/Getty Images

A couple of winters ago, being the quintessential zoning attorney, I was curled up in front of the fire at my mountain cabin reading a good development code.

It had all the latest bells and whistles that a progressive modern code should have: a form-based TND residential district, hillside protection performance standards, gateway design overlays tied to the city's recently updated comprehensive plan, illustrative tables, flow charts, and pretty graphics. I was proud of it—one of the best my firm had produced. But I had a gnawing feeling inside thanks to environmental guru Lester Brown.

I had just finished reading Brown's troubling book, *Plan B: Rescuing a Planet Under Stress and a Civilization in Trouble*. In it, Brown paints a dark picture of Earth's future unless we as a society make some big changes in the way we live and do business. He documents how oil production is peaking while world demand

Through Zoning

The sustainable community development code comes to the rescue.

By Chris Duerksen



The effects of climate change are felt everywhere, including Mexico City. Last January women there demonstrated in the streets against the rising price of corn, which has been linked to U.S. demand for ethanol. Closer to home, planners should consider codes that allow wind turbines and solar panels in residential neighborhoods.

Courtesy: Shutterstock/Elmer

is expected to increase by 50 percent by 2030, and how China will demand more food by 2030 than the entire world produces today. He warns of another species extinction event, this one linked to global warming and man's destruction of habitat by development. Brown reports that a 2005 random analysis of newborn umbilical cords in the U.S. detected 287 chemicals, 180 known to cause cancer and 208 to cause birth defects.

What, I thought to myself, would this state-of-the-art zoning code do to address these critical issues? Sadly, I concluded, very little. It might nibble around the edges of habitat protection by preserving trees and river buffers or help reduce carbon dioxide emissions that contribute to global warming by encouraging mixed use development and pedestrian mobility. But overall, there was precious little in it addressing climate change, energy conservation and

production, community health, food supply, safety, and other critical challenges. Our code devoted almost a dozen pages to nonconforming uses and nothing to solar and wind energy. Something was out of whack.

It dawned on me that the wonderful flavors of zoning regulations we have to sample and draw upon—Euclidean, form-based, performance, hybrid—all have their strengths, but all have serious blind spots when it comes to sustainable development and sustainable communities. Worse yet, I thought, was that if zoning codes did not evolve dramatically, they would become irrelevant. Zoning attorneys suffer enough without being accused of irrelevance. Thus was hatched the idea of what I call the sustainable community development code. The idea is simple: Make sure development codes directly address sustainability issues like energy conservation and production—for example, by removing impediments to compact residential wind turbines or requiring subdivisions to be laid out to take advantage of solar power.

Definition, please

At this point, it is useful to step back and define key terms—like “sustainability” and “sustainable development.” Thomas Jefferson said it in a way that appeals to me: “Then I say the earth belongs to each generation during its own course, fully and in its own right, but no generation can contract debts greater than can be paid during the course of its own existence.” A more modern definition of a sustainable community was offered by the Brundtland Commission, which studied sustainability in the 1980s: “[Sustainable developments] meet the needs of the present while ensuring that future generations have the same or better opportunities.”

By these definitions, it is fair to say that few of our communities can claim to be sustainable, though many are trying. As a father of two young men, I worry that we are not giving our children the same opportunities that our generation had and that we are undermining that most cherished American value: choice. Simply put, unless we clean up our houses, our children will not have the same choices we have enjoyed.

We must act now—there is no time to lose. Polar ice is melting at an alarming rate. We are beginning to run out of fossil fuels just when China and India are creating enormous new demands. A global population surge will gobble up enormous amounts of food just as our land base is being diverted to fuel crops. Witness the tortilla riots in Mexico City caused by skyrocketing corn prices in the U.S. linked to ethanol production. High grain prices have also contributed to a huge surge in milk prices—46 percent worldwide since November 2006 (a rise one newspaper headlined as “udderly amazing”). On the health front, obesity continues to soar in western countries—in 2004, it was estimated that 60 percent of the U.S. population and 15 percent of our children were overweight or obese—with dire health consequences and costs. In 1960 we spent about five percent of our GNP on health care, but by 2005 that had increased to 16 percent—\$2 trillion in all.

Zoning to the rescue?

But what can a local zoning code do about these huge global issues? Plenty! Ask any local elected official what their most powerful and effective tool is to shape and protect their community and most will say, “our zoning code.” A recent issue of *Time* magazine devoted to global warming provided a list of 51 steps the average person can take to save the planet, including 13 pertinent to land use and zoning regulations, like “ditching the McMansion” and installing compact wind turbines.

Local action is key. While the federal government seems to be in denial, mayors and local governments are leading the way in implementing sustainable policies and plans. If local governments do not act, they risk being preempted by state governments—already in California and Nevada the state legislatures have partially stripped cities and counties of their powers to regulate solar and wind power devices.

So what is wrong with the existing zoning models? While each type has its strengths, all have glaring weaknesses when it comes to sustainability. Euclidean zoning can protect neighborhoods by keeping out incompatible uses, but it can also stifle mixed use developments that may help reduce auto traffic and air pollution.

At the same time, it can contribute to sprawl by forcing uses apart and limiting density.

Form-based regulations have admirably promoted mixed use development and pedestrian mobility, but often ignore natural resource issues or favor design over the environment—“design without nature” according to some critics. Indeed, one leading new urbanist spokesman recently suggested that wetlands laws be weakened because they do not allow us to build “the places we love,” as he put it. This at a time when Louisiana is looking to spend \$25 billion to recreate wetlands to protect that state’s cities from another round of devastating storms and floods.

The answer is to build on the best attributes of these other code approaches, but address a far wider range of issues like energy, climate change, food security, and health. The sustainable code must be tailored, and it must help shape new development to live in harmony with nature rather than trying to trump it.

Some details

How would a sustainable code work and what would it look like? The sustainable community development code of the future is beginning to take shape under the auspices of the Rocky Mountain Land Use Institute at the University of Denver School of Law. This code will follow three paths to sustainability:

- Removing obstacles: Most modern codes create barriers to sustainability, often unintentionally. For example, small wind turbines and solar panels are often prohibited by residential zoning regulations, height controls, or design standards.

- Creating incentives: Some sustainable technologies are relatively new and experimental—like green roofs. Zoning codes can foster increased density and other incentives to encourage use of such technologies.

- Enacting standards: While removing obstacles and creating incentives will be important, no zoning code can succeed without mandatory regulations that require certain actions or prevent harm. As Teddy Roosevelt once said, a smile and a six-shooter sometimes work better than a smile alone. For example, protective regulations may be essential to preserving trees that help sop up carbon dioxide.

How might these three approaches play out in the context of key sustainability issues like energy conservation and production, climate change, food security, and health and safety?

Saving energy

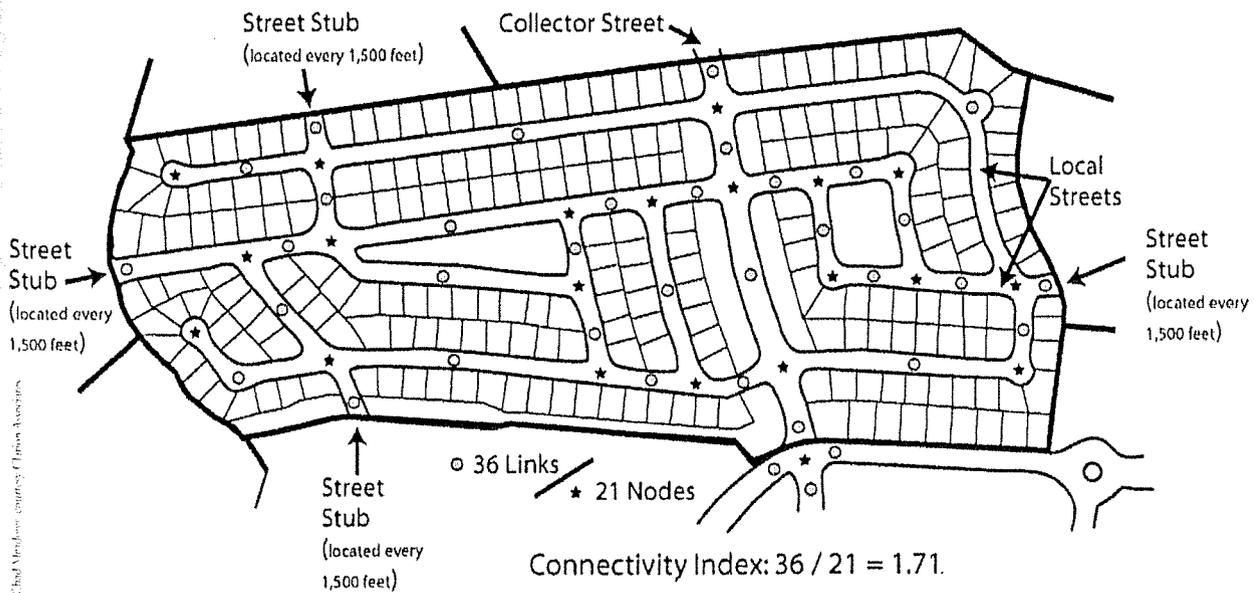
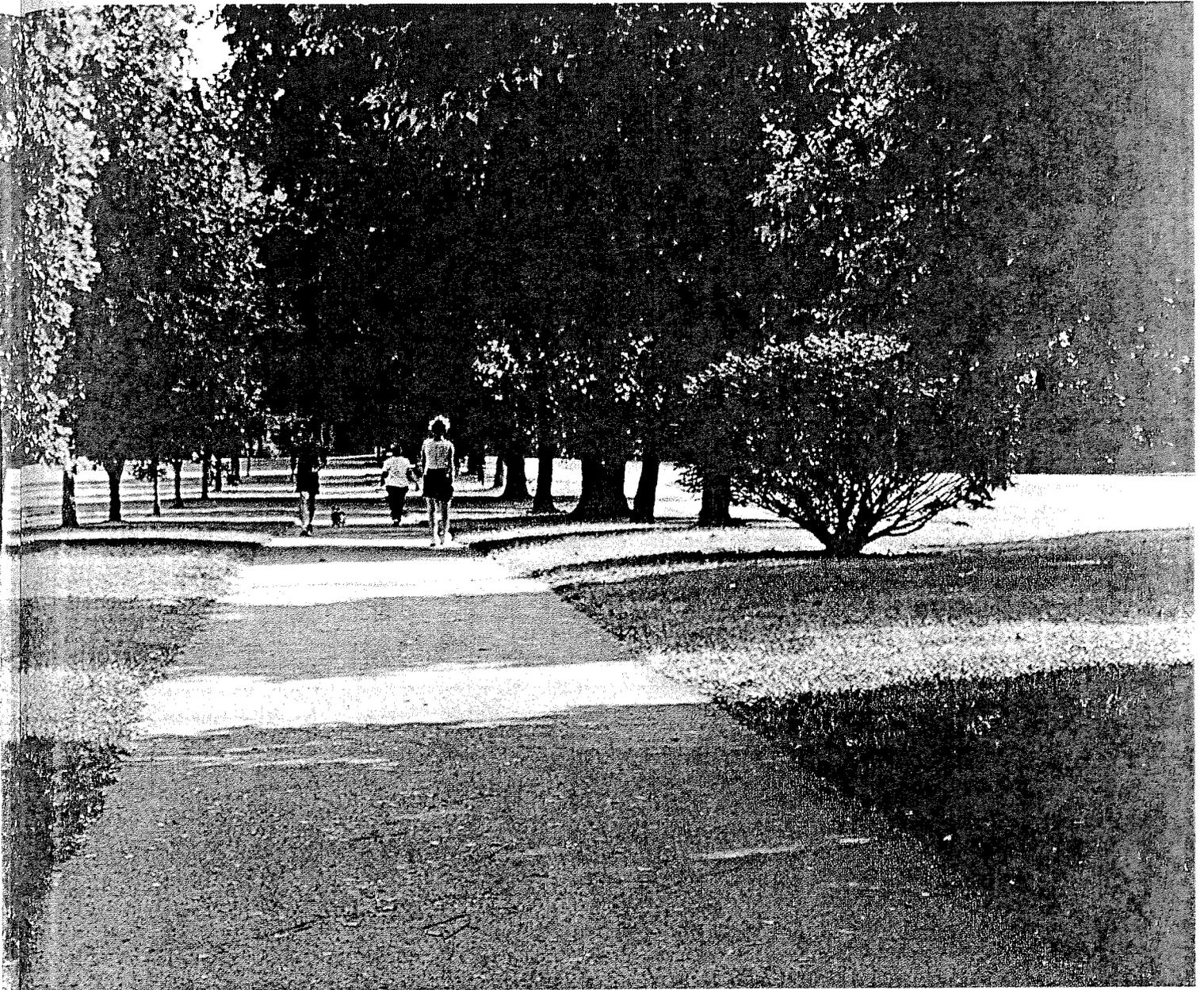
While fossil fuels and nuclear power will undoubtedly continue to supply most of our energy



Courtesy, Williamson County Tourism

needs in the near term, alternative fuels like solar and wind power are quickly gaining ground. A federal research lab estimates that wind power could realistically provide 20 percent of the nation’s energy needs. Using current technology, a microturbine with six-foot blades on a 50-foot pole could supply all of the energy needs for two homes in a moderate wind area. Passive solar and solar panels offer similar promise.

Unfortunately, when the Joneses go solar, planners are often the ones to feel the heat. In California, zoning restrictions on residential rooftop solar panels led the state to prohibit local governments from denying solar energy panels solely on aesthetic grounds. Local planners can get ahead of the game by reexamining their accessory use and design standards for residential areas to make sure small-scale solar and wind power devices are not unduly restricted.



A diagram of a neighborhood in Franklin, Tennessee, shows how linked together the community is. The city scores proposed new developments using a numerical connectivity index. Above: Walkers and joggers on the Pinkerton Park Walking Trail in Franklin.

Solar and wind power devices need not be ugly. Already companies are producing solar roof panels that are almost indistinguishable from ordinary shingles, and compact wind turbines are not much bigger than the average house box fan. Yet most zoning ordinances prohibit their use out of hand or indirectly through height regulations or aesthetic standards.

Local zoning regulations can also help promote solar power by making sure buildings have access to the sun. After all, light access was one of the powerful rationales for adopting zoning ordinances back in the early 1900s.

During the energy crisis in the 1970s, Colorado and some other states adopted legislation requiring local governments to protect solar access at the site level. Boulder, Colorado, is one of the few cities in the state that still has such a regulatory regime in place. It assesses every residential building application to ensure that new homes do not encroach on the solar envelope of neighboring parcels. In urban areas where planners are promoting taller, denser developments to support transit and limit sprawl, protecting solar access will be an interesting juggling act.

Ambitious jurisdictions will go beyond protecting solar access building by building—they will require developers to consider solar access in laying out entire subdivisions. Western cities like Cheyenne, Wyoming, were laid out over 100 years ago with wide streets canted at an angle to take advantage of the bright western winter sun. Already subdivisions in such widely disparate locations as Drake Landing, Alberta, and Davis, California, are being designed so that each lot receives maximum solar exposure. A few cities like Fort Collins, Colorado, and Multnomah, Oregon, have enacted regulations requiring that a specified percentage of lots in new subdivisions—20 to 30 percent—must be oriented to take advantage of solar. Do not be surprised to see other communities going further, following the lead of Aspen, Colorado, which assigns an energy budget to new developments and imposes an energy fee if the budget is exceeded.

Climate change

Local zoning regulations are also being used to combat climate change. New urbanists have made a major contribution to local development codes by promoting mixed use developments that reduce reliance on the automobile, thus cutting back carbon dioxide emissions. Research shows that a compact mixed use development can reduce auto use by five to 15 percent.

A good first step for local governments is to create districts that remove hurdles to mixed use developments. They can do much more, how-



Photo: Darrill, www.facebook.com/legislator.com

ever. Portland, Oregon, has created a powerful incentive for green roofs that can soak up carbon dioxide emissions (and reduce stormwater runoff) by giving developers a height bonus for installing them on commercial buildings. Similarly, Austin, Texas, gives bonus points toward meeting commercial design standards for developments that use “cool” roofs.

Tree preservation regulations, which have become increasingly common over the past 20 years, will be even more important as local officials recognize that protecting and planting trees is one of the keys to rein in skyrocketing carbon dioxide levels.

Do not be surprised to see more and more American cities requiring developments to be “carbon neutral,” as European cities are reportedly already doing. The concept is similar to the “no net loss” offset idea being applied to wetlands. In this approach, the total amount of carbon emissions projected from a development (additional traffic, use of energy in producing building materials) must be offset, for example, by planting trees.

Food security

Food security and self-sufficiency promise to become a critical sustainability issue in the near future. In 2006, the U.S. for the first time imported more food products by value than it exported. Food increasingly comes from distant sources, the average food item traveling over 1,500 miles in this country. With the population booms in China and India and the competition for land by agricultural-based fuels like ethanol, there is little doubt that food security will become an issue for developed nations, not only for underdeveloped ones. To feed their citizens at reasonable cost and reduce energy consumption related to food transportation, pioneer cities are setting goals for local food production and self-sufficiency. Toronto hopes to supply 25

percent of its fruit and vegetable production from within city limits by 2025.

The problem is that planners (like most everyone) see urban communities as food consumption areas and rural areas as food production sources. Urban agriculture and husbandry are either not addressed or outright prohibited in most places—but that is beginning to change. A growing list of cities including New York and Chicago allow raising of animals and fowls for noncommercial purposes. Having a few chickens poses no public health issues, but take a tip from a Kansas farm boy: Be sure to

Resources

In print. Lester Brown's book, *Plan B: Rescuing a Planet Under Stress and a Civilization in Trouble*, was published in 2006 by W.W. Norton. APA publications that address climate change include *Smart Growth in a Changing World*, edited by Jonathan Barnett, and the August/September 2007 issue of *Planning*. For a report on green zoning ordinances in the U.S., see “Building Green: Onus or Bonus?” in the April issue of *Zoning Practice*, published by APA.

More. *Planners Guide to Sustainable Development* (PAS 467) by Kevin Krizek and Joe Power (APA Planning Advisory Service, 1996); *Environmental Planning Handbook* by Tom Daniels and Katherine Daniels (APA Planners Press, 2003).

CD-ROM Training. *Green Community Planning* (American Institute of Certified Planners); *Contemporary Zoning and Codes: Best of Contemporary Community Planning 2004* (APA Education and Lincoln Institute of Land Policy).

Coming soon. Model provisions for a sustainable zoning code will be available this spring from the Rocky Mountain Land Use Institute: www.law.du.edu.rmlui.



An old car gets new life as a garden in Toronto—part of the Community Vehicular Reclamation Project put on by a local group called Streets Are For People. Above: Sustainable development codes don't prohibit use of open space and public lands; they encourage it.

prohibit roosters unless neighbors want an early morning wake-up call.

Those vast expanses of vacant lots in cities also have enormous potential for urban gardens. Surveys show that Chicago has over 70,000 vacant lots and Detroit 60,000. Not only can these lots help provide healthy food at low cost to city dwellers, but as the national Urban Agriculture report observed, urban agriculture has a "regenerative effect . . . when vacant lots are transformed from eyesores—weedy, trash-ridden dangerous gathering places—into bountiful, beautiful, and safe gardens that feed people's bodies and souls."

Zoning regulations can help push this transformation. Think of all the tot lots that have been created to satisfy local open space requirements. Why not allow urban gardens as an alternative or require mixed use developments to buy one of those vacant lots and make it available for local food production? Far-fetched? Planning history teaches us otherwise. Witness the Mormons, who embraced one of the most sophisticated town planning laws in the world as they settled the West—they required each home owner to plant two fruit trees to help make their communities self-sufficient.

Health and safety

My grandmother would often tell me that if you had your health, you had everything. As a young invincible teenager, that refrain puzzled me no end; it seemed so unambitious. Now as

I approach 60, I know exactly what she meant. Having your health, enough food to eat, and a decent job is about 90 percent of the game of life. But the signs are troubling for the richest nation in the world when it comes to health and safety of its population.

The U.S. just fell out of the top 40 countries in the world when it comes to life expectancy. No surprise there in view of the troubling national statistics about obesity, diabetes, and other ailments. The public health community is telling us diets or surgery will not get us out of this crisis. They are joining with planners in calling for healthier and safer communities. Safety is a handmaiden of health. As we witness the consequences of building in harm's way—the grim lessons of Katrina and the wildfires in the West—national leaders are finally waking up to the value of good planning.

Strong zoning and design standards can pave the way for healthy communities by requiring connectivity among developments. One study found that counties with higher residential densities and smaller block sizes had residents who walked more, had lower body mass index, and were less likely to be obese or have high blood pressure.

Many communities are taking on the challenge. Franklin, Tennessee, a progressive suburb of Nashville, has adopted a numerical connectivity index for new developments, as have Orlando and San Antonio. Franklin requires a minimum number of connections both within new subdivisions and to surrounding developments.

Development standards can also help preserve access to public lands. That access is increasingly being cut off by new projects, especially in the West. Losing it can have significant health consequences because city and town dwellers have less room to exercise and fewer opportunities for stress-reducing recreation.

By requiring new master planned communities and residential developments to lay out safe pedestrian routes to schools, commercial centers, and public buildings, planners can put a stop to grim statistics like this: The major cause of death among Hispanics in Los Angeles is traffic accidents—not in cars but as pedestrians because of lack of sidewalks and safe walking routes. Many Americans say they would like to walk or bike to work if it were safe and convenient, yet one-fourth of all walking trips are made on roads with no sidewalks or wide shoulders.

The time is ripe

Sustainability encompasses many other issues: housing, wildlife habitat protection, water conservation, and transportation—almost to

the point of being overwhelming. Believe me, however, people are ready for the sustainable development code. While rooftop gardens on cars like the one I saw in Anchorage may be a stretch, the average Joe and Jane Homeowner and elected officials are asking—no, demanding, "What can we do?"

There has never been a more exciting time to be a planner and to make the world a better place, which after all is why most of us chose this career path. But some planners I speak with, both in small and large communities, seem beleaguered. They say they are swamped with day-to-day demands, leaving them little time to think about the big picture. The solution? Pursue what I call the low-hanging fruit strategy—go after the easy wins at the local level.

Getting started has great power and genius. But be smart about how you come out of the starting gate, for example by using menus of standards instead of just command and control zoning regulations that give developers few options.

Begin by trolling through your existing code and removing obstacles to sustainability like those described here. Add optional mixed use zoning districts and sugar-coat them with incentives so they are easier to use than the standard Euclidean single-use zones. Allow for urban gardens as an optional way to provide open space. Take a cue from Austin, Texas, or Boulder, Colorado, and adopt menus of sustainable options (green roofs, showers in office buildings to promote bicycling to work) that allow developers to pick and choose how they will meet commercial or residential design standards.

And don't forget that a successful sustainable development code will have its roots in a sustainable community plan that lays a strong foundation based on thoughtful, thorough deliberation and citizen engagement, not quick three-day charrettes.

Building sustainable communities is the great challenge of our lives. To paraphrase Marjorie Stoneman Douglas, that great protector of the Everglades: This is a test. If we pass it, we may get to keep our planet. The sustainable community development code can play a key role in passing that test.

Chris Duerksen is a land-use attorney and managing director of Clarion Associates, a growth management consulting firm with offices in Colorado, North Carolina, Florida, Ohio, Illinois, and Pennsylvania. He thanks James Van Hemert of the Rocky Mountain Land Use Institute for his insights in developing the Sustainable Community Development Code concept. Research was conducted by Darcie White, AICP, Erica Heller, and Jeff Hirt of Clarion Associates; Joe Holmes, a law school student at UCLA, also contributed to this article.

Announcements

The Development Approval Process in California

This one-day seminar is designed for attorneys, project managers, engineers, developers, planners, presidents, vice presidents, city officials, owners, real estate brokers, architects, lenders, surveyors and land use officials.

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**Stockton, CA
February 13, 2008**

Moderator:

Diane G. Kindermann Henderson

Abbott & Kindermann, LLP

Katherine J. Hart

Abbott & Kindermann, LLP

Janell M. Bogue

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Critical Issues on the Agenda

- 9:00 AM – 9:30 AM **Project Management**
— Diane G. Kindermann Henderson, Katherine J. Hart and Janell M. Bogue
- The Players on the Team
 - Each Player's Role in Managing the Project
- 9:30 AM – 10:00 AM **Defining the Project – What Is an Entitlement?**
— Diane G. Kindermann Henderson, Katherine J. Hart and Janell M. Bogue
- General Plan Amendment
 - Specific Plan, Area Plan and Community Plan
 - Zoning
 - Variance
 - Conditional Use Permit (CUP)
 - Planned Unit Development (PUD)
 - Coastal Development Permit (D.A.)
- 10:00 AM – 10:30 AM **Vested Rights and Development Agreements**
— Diane G. Kindermann Henderson, Katherine J. Hart and Janell M. Bogue
- Vested Rights and the Avco Rule
 - Development Agreements
- 10:30 AM – 10:45 AM **Break**
- 10:45 AM – 12:00 PM **Subdivision Map Act**
— Diane G. Kindermann Henderson, Katherine J. Hart and Janell M. Bogue
- Definition, Purpose and Goals of the SMA
 - Four or Fewer Parcels vs. Five or More Parcels
 - Tentative Map
 - Final Map
 - Standards for Map Approval or Denial
 - "One Bit of the Apple" Rule (Gov. Code, § 65961)
 - Vesting Maps
 - Administrative Appeals
 - Map Expiration and Extension
- 12:00 PM – 1:00 PM **Lunch (On Your Own)**
- 1:00 PM – 1:15 PM **Property Exactions and Fees**
— Diane G. Kindermann Henderson, Katherine J. Hart and Janell M. Bogue
- Requires Legitimate Government Interest
 - Nexus Requirement
 - Fees Imposed for Mitigation Purposes
- 1:15 PM – 1:30 PM **Application Process**
— Diane G. Kindermann Henderson, Katherine J. Hart and Janell M. Bogue
- Three Possible Results Upon Completion
 - Possibility of Appeal
- 1:30 PM – 2:45 PM **CEQA Process**
— Diane G. Kindermann Henderson, Katherine J. Hart and Janell M. Bogue
- When Does CEQA Apply?
 - Exempt Projects
 - Preparation of an Initial Study
 - Three Types of Environmental Review: Negative Declarations, Mitigated Negative Declarations and Environmental Impact Reports
- 2:45 PM – 3:00 PM **Break**
- 3:00 PM – 3:45 PM **Hypotheticals**
— Diane G. Kindermann Henderson, Katherine J. Hart and Janell M. Bogue
- 3:45 PM – 4:15 PM **Questions and Answers**
— Diane G. Kindermann Henderson, Katherine J. Hart and Janell M. Bogue
- 4:15 PM – 4:30 PM **Closing Remarks**
— Diane G. Kindermann Henderson, Katherine J. Hart and Janell M. Bogue

Lorman Education Services reserves the right to modify
the agenda and the faculty when circumstances are beyond our control.

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The Benefits for You

Do you have the latest and most effective strategies for navigating through the development approval process?

Attend this seminar and learn all aspects of the development approval process – from inception to resolution. Not only will you leave with a broad understanding of the entitlements available and the process for each, but you'll have an introductory legal understanding of the California Environmental Quality Act and the Subdivision Map Act. Don't miss this opportunity to learn to better navigate through the web of statutes, regulations and policies confronted during the development process.

In One Day, You'll Learn:

- Key components of different entitlements
- Do's and don'ts for proceeding through the general application process
- The roles of different consultants involved in the development process
- How to comply with Subdivision Map Act requirements – without hassle
- What you need to know about CEQA, including when it applies

Professional Manual:

You will receive a professionally prepared manual compiled by the faculty specifically for this seminar. The seminar will be recorded. Your registration constitutes your consent to such recording. If you cannot attend, you may order a set of CDs and the accompanying manual from this program by using the registration form on the back panel.

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IACET Learning Objectives

- The attendee will be able to describe when different entitlements apply and the application process for each.
- The attendee will be able to identify the legal requirements of the Subdivision Map Act and CEQA.
- The attendee will be able to discuss the development process.

Phone 866-352-9539 • Fax 715-833-3953

Our Distinguished Faculty

Diane G. Kindermann Henderson is a partner at Abbott & Kindermann, LLP. Since 1989, she has been practicing in the areas of land use, real estate and environmental law. Ms. Kindermann Henderson represents numerous private development, mining, agricultural and other landowner interests, as well as public agency clients in matters concerning real estate, land use planning and zoning laws, federal and state Endangered Species Acts, wetlands, water and mineral rights, water quality, CEQA, NEPA and hazardous waste matters, including CERCLA. Her related legal experience includes permit acquisition for federal, state and local agencies, and litigation in state and federal courts at both the lower and appellate court levels. As special counsel on numerous matters, Ms. Kindermann Henderson has experience advising residential, commercial and industrial developers, landowners, agricultural interests and mining companies. She has similar experience in representing public agencies in land use and environmental matters. As part of her practice, Ms. Kindermann Henderson has been an instructor for the University of California Extension Programs in land use law, environmental law and real property law; the State Bar of California, Continuing Education of the Bar classes on endangered species; and the University of California, Davis, School of Law in endangered species law. She has also published articles and has given presentations to other attorneys, law students, regulatory agencies, businesses and industries on real estate, land use and environmental matters.

Katherine J. Hart is a land use attorney for Abbott & Kindermann, LLP. Her primary area of practice is land use law. Ms. Hart represents the firm's clients in processing their local land use entitlements. She has extensive experience with the Subdivision Map Act, the Mitigation Fee Act and the California Environmental Quality Act. Ms. Hart has processed subdivision maps, conditional use permits, rezoning amendments, general plan amendments and variances, as well as negotiated development agreements and public utility easements for residential, commercial and industrial properties. She is a member of the State Bar of California, the Environmental Law Section of the Sacramento County Bar Association and the Building Industry Association. Ms. Hart is the vice chair of the Central Valley Regional Water Quality Control Board and a member of the Sacramento Valley Conservancy Board. She is admitted to practice before the state courts in California as well as the U.S. District Courts in the Eastern and Southern Districts of California. Ms. Hart received her B.S. degree from Santa Clara University and her J.D. degree from the University of the Pacific McGeorge School of Law.

Janell M. Bogue is an attorney with Abbott & Kindermann, LLP. Her primary areas of practice are land use and environmental law. Ms. Bogue received her J.D. degree from the University of the Pacific McGeorge School of Law and her B.S. degree in animal science from California Polytechnic State University, San Luis Obispo. As part of her growing practice, she has experience working with both public agency clients as well as private entities, including developers, mining operations, businesses and landowners, in matters concerning real estate, land use planning and zoning law, federal and state Endangered Species Act, Clean Water Act, water law and CEQA.

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General Information

Stockton, CA • February 13, 2008

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Registration: 8:30 am – 9:00 am • Session: 9:00 am – 4:30 pm

Lunch Break: 12:00 pm – 1:00 pm (On Your Own)

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Subdivision Map Act in California – Map Act Exceptions and Exclusions; The Subdivision Process; Map Conditions; Coordinating With Other Entitlements; Vesting Rights.

Faculty: Tamar C. Stein, Cox Castle & Nicholson LLP; Lisa M. Dittman, Cox Castle & Nicholson LLP. ©2007, 428 pages.

Item: 369110TMX	CD and Manual	\$149
369110MAN	Manual Only	\$69
369110EMN	E-Manual Only	\$69

Real Estate Development From Beginning to End – Managing Claims and Disputes – Keeping the Job Progressing; Termination; Pursuing Sureties; Lien Avoidance; California Environmental Quality Act, Water Quality, Wetland and Endangered Species Regulations.

Faculty: Irina J. Drill, Esq., Lindborg & Drill LLP; Peter F. Lindborg, Esq., Lindborg & Drill LLP; Carolyn B. Lobell, Nossaman Guthner Knox & Elliott LLP; James A. Osterling, Bridge Residential Advisors, LLC. ©2007, 104 pages.

Item: 356971TMX	CD and Manual	\$179
356971MAN	Manual Only	\$79
356971EMN	E-Manual Only	\$79

Managing Construction Projects – Bidding, Selection of Contractor, and Protests; Project Security – Bonding and Insurance; Project Performance and Changes – Risk Allocation Terms and Tools in Contracts; Payment Procedures and Lien Claims.

Faculty: Mark J. Rice, McNeil, Silveira, Rice & Wiley; John M. Donley, Donley Construction Consultants; Constance Riedinger, Riedinger Consulting. ©2007, 136 pages.

Item: 367989TMX	CD and Manual	\$139
367989MAN	Manual Only	\$69
367989EMN	E-Manual Only	\$69

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CD and Manual _____ @ \$179	Manual _____ @ \$79	E-Manual _____ @ \$79
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CD and Manual _____ @ \$139	Manual _____ @ \$69	E-Manual _____ @ \$69

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- Redevelopment Director
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REGISTRATION AND HOUSING DEADLINE IS FEBRUARY 22, 2008

GENERAL INFORMATION

The full registration fee includes program materials, dinner on Wednesday, breakfast on Thursday and Friday, and lunch-mini expo on Thursday.

Registrations completed online at www.cacities.org/events by Friday, February 22, 2008, will also receive a \$20 CityBooks discount coupon.

NOTE: Cancellation requests must be submitted in writing and are subject to a \$50 processing fee. No refunds will be given for cancellation requests received after March 12, 2008. Substitutions can be made on site.

MOBILE TOURS

The following mobile tours are offered at \$25 per attendee on Thursday, March 27, 2008. Advance online registration is required.

- Folsom bus and walking tour
- Citrus Heights bus tour
- West Sacramento bus and walking tour
- Sacramento Downtown Railyards bus and walking tour
- Sacramento Downtown Redevelopment walking tour

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Hotel Reservations Must Be Received No Later Than 5:00 p.m., Friday, February 22, 2008.

All reservations, changes, or cancellations must be addressed directly with the hotel. The hotel will make a full refund if the cancellation is made directly to the hotel at least 48 hours before your check-in date.

STEP 1: REGISTER FOR THE CONFERENCE

All attendees must register for the conference directly with the League of California Cities, online at www.cacities.org/events prior to reserving the hotel room. Once your event registration is complete, you will be led to the housing registration page. If you need to send a check or money order, please print the registration form from our website www.cacities.org/events.

STEP 2: SECURE YOUR HOTEL

OPTION A (credit card): The online conference registration link will take you directly to the online housing reservation for each property currently available on your selected dates. For immediate hotel reservations and confirmation, please book your required rooming needs online after registering for the conference.

OPTION B (check or money order): After the League of California Cities receives and processes your registration for the conference, you will be sent an e-mail with an online link (URL) for hotel reservations and/or a housing request form. If you select to mail the housing form with hotel deposit, please fill out the hotel reservation form completely and mail it with your check or money order to the Sacramento Convention and visitors Bureau.

LEGEND

FUNDAMENTALS— F

This track has been designed for new commissioners and offers a basic understanding of the topics.

* Session times, speakers, and topics are subject to change.

WEDNESDAY, MARCH 26

REGISTRATION

9:00 a.m. - 4:30 p.m.

CITYBOOKS

10:00 a.m. - 4:30 p.m.

GENERAL SESSION

1:00 - 2:15 p.m.

FIRE SAFE STRATEGIES AND PLANNING

Developing California communities with Fire Safe Planning within the urban-wildland interface not only helps structures survive wildfires, but also saves lives and millions of dollars. Discuss guidelines for hands-on implementation of fire safe strategies for the development of public safety elements within local government general plans.



BREAKOUT SESSIONS

2:45 - 4:00 p.m.

F CALIFORNIA ENVIRONMENTAL QUALITY ACT BASICS 101

- Acquire the fundamental summary of CEQA
- Learn the law's objectives
- Become familiar with the terminology and usage

MODERATOR: Susan Healy Keene, AICP, Community Development Director, City of West Hollywood

SPEAKER: Christi Hogin, City Attorney, Cities of Malibu and Lomita, Law Firm of Jenkins and Hogin, LLP, Malibu

F HOW TO RUN A MEETING

Are your meetings getting unruly? Get practical tips on how to have amicable dynamics and successful meetings.

MODERATOR: Emmanuel Ursu, Planning Director, City of Orinda

SPEAKERS: Wayne Goldberg, Director of Advance Planning and Public Policy, City of Santa Rosa

Janet M. Ruggiero, FAICP, Community Development Director, City of Citrus Heights



WEDNESDAY, MARCH 26 (continued)

F HISTORIC PRESERVATION ESSENTIALS

Experts will present the benefits of historic preservation in your community. The critical components for establishing a historic preservation program, how to integrate it into existing policies, and a variety of techniques to bring about a historic survey will be elaborated.

MODERATOR: Jay M. Trevino, Planning Director, City of Santa Ana

SPEAKERS: Janet Hansen, Deputy Manager, Office of Historic Resources, Los Angeles

Marie Nelson, State Historian II, Survey/CLG Coordinator, Local Government Unit, California Office of Historic Preservation, Sacramento

Lucinda Woodward, Supervisor, Local Government and Information Management Unit, California Office of Historic Preservation, Los Angeles

SENIOR AND AFFORDABLE HOUSING

What does “aging friendly in place” mean and who really resides in these dwellings? Increase your knowledge of what is “Section 8” and the design guidelines required to build these communities.

MODERATOR: Robert Storer, Planning Commissioner, Town of Danville

SPEAKERS: Anne Burns Johnson, President and CEO, Aging Services of California, Sacramento

Lydia Tan, Executive Vice President, Bridge Housing Corporation, San Francisco

CITIES AND AGRICULTURAL LANDS: WHAT CITIES CAN AND HAVE TO DO

As California continues to grow, its cities are expanding onto agricultural land at an unprecedented pace. The same farmlands, however, provide an economic base for many communities, habitat for endangered species, flood protection, and other benefits. Discuss the Williamson Act requirements and acceptable methods of mitigation for agricultural land conversion.

MODERATOR: Ralph Raffi Kachadourian, Senior Planner/City Planner, Development Services Department, City of Sanger

SPEAKER: Dennis O’Bryant, Williamson Act Program Manager, Department of Conservation, Division of Land Resource Protection, Sacramento

PARKING DISTRICTS IN ACTION

Discuss the new approaches to parking principles, creating parking districts, and how they should operate. Review proposals described in Dr. Shoup’s book, *The High Cost of Free Parking*. Examine real-life implementations of creative parking solutions.

MODERATOR: Melisa Tintocalis, Program Manager, City Planning & Community Investment, City of San Diego

SPEAKERS: Kelly Beede, Parking Services Manager, Town of Truckee

Steffen Turoff, Parking Consultant, Walker Parking Consultants, San Diego

LOOK BEFORE YOU LEAP: GREEN BUILDING PROGRAMS

Discover what the process of adopting green building ordinances entail. How is success measured? Which departments are involved and who manages the programs?

MODERATOR: Thomas Jacobson, Professor and Director, Institute for Community Planning Assistance, Department of Environmental Studies and Planning, Sonoma State University

SPEAKERS: Maureen Tamuri, AIA, Community Development Director, City of Calabasas

Steve Widmeyer, PE, Vice President, Willdan, Industry

BREAKOUT SESSIONS

4:15 - 5:30 p.m.

F CHARACTER AND CALIBER: A DESIGN REVIEW

Most zoning ordinances are designed to prevent new buildings from destroying the character of neighborhoods, but don’t provide the tools needed to ensure that new buildings have high caliber designs. Discuss how design review process can improve the quality of architecture and landscape in your communities.

MODERATOR: George Buell, AICP, City Planner, City of San Clemente

SPEAKER: Alan Loomis, Principal Urban Designer, City of Glendale

F GENERAL PLAN/MASTER PLAN

How do you know when a plan is effective? What makes a plan a “good” plan? Analyze the tools to create a master plan and valuable policy guide for your community.

MODERATOR: Susan J. Daluddung, Ph.D., Director of Community and Economic Development, City of Hayward

SPEAKERS: Richard Mitchell, Planning Director, City of Richmond

Heather Wooten, Planning for Healthy Places, Public Health Law & Policy, Oakland

Lisa Wise, Lisa Wise Consulting, Los Osos

ADVANCED CEQA

Environmental impact reports can be daunting documents containing hundreds of pages. Ten key tips will be presented to help you attain the pertinent elements in these often immense documents.

MODERATOR: Mahdi Alzuri, Deputy City Manager, Community Development Director, City of Rancho Cucamonga

SPEAKER: Larry Wiener, President, Richard Watson and Gershon, Los Angeles

HISTORIC PRESERVATION INCENTIVES AND OUTREACH

Discover how a community can increase support for historic preservation programs and what role the neighborhood plays. Address ways to create historic preservation outreach programs while involving the neighborhood.

MODERATOR: Jay M. Trevino, Planning Director, City of Santa Ana

SPEAKERS: Roberta Deering, Senior Planner for Historic Preservation, City of Sacramento

Janet Hansen, Deputy Manager, Office of Historic Resources, Los Angeles

Marie Nelson, State Historian II, Survey/CLG Coordinator, Local Government Unit, California Office of Historic Preservation, Sacramento

WEDNESDAY, MARCH 26 (continued)

F REAL ESTATE ECONOMICS IOI – HOW DENSITY, IMPOSITIONS AND ENTITLEMENTS AFFECT DEVELOPMENT FEASIBILITY

Discover how financial impact policy decisions impinge on development feasibility along with an overview of real estate development economics.

MODERATOR: **Charlie View**, Development Services Director, City of Brea

SPEAKER: **Cal Hollis**, Managing Principal, Keyser Marston Associates, Inc., Los Angeles

WHAT'S SO IMPORTANT ABOUT A LITTLE MUD AND MURKY WATER?

The most productive ecosystems in the world, wetlands and vernal pools, support an enormous array of resident wildlife. Waterways containing natural wastes and pollution are cleaned as they pass through swamps. Yet, at an alarming rate, wetlands and vernal pools are being filled in for development of housing, industrial plants, highways, and airports. Learn how to balance development and the environment.

MODERATOR: **Mahdi Alzuri**, Deputy City Manager, Community Development Director, City of Rancho Cucamonga

SPEAKERS: **Caroline Christian**, Assistant Professor, Department of Environmental Studies and Planning, Sonoma State University

Thomas Jacobson, Professor and Director, Institute for Community Planning Assistance, Department of Environmental Studies and Planning, Sonoma State University

F PLANNING COMMISSION ADMINISTRATION: GOOD DECISIONS THAT CAN STAND A CHALLENGE

The devil is always in the details! Examine the process of making a good decision that can withstand a challenge, appeal, or even judicial review. Review what is involved in developing an adequate record, the kind of evidence the commission relies on, what happens when there is an appeal, and the requirements for due process.

MODERATOR: **Susan Healy Keene**, AICP, Community Development Director, City of West Hollywood

SPEAKER: **Christi Hogin**, City Attorney, Cities of Malibu and Lomita, Law Firm of Jenkins and Hogin, LLP, Malibu

DINNER AT THE HYATT HOTEL

5:00 – 7:30 p.m.

It's time to have some fun!

Join your colleagues at the Hyatt Hotel Ballroom to network and enjoy a delicious dinner featuring California Cuisine, along with live music.

NOTE: Single event/meal tickets for the dinner are available for \$75.00. Guest/spouse fee for the entire meeting is \$160.00. Badges must be purchased in advance and will not be available at the door. Please refer to the registration form for more information.

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THURSDAY, MARCH 27

REGISTRATION
7:30 a.m. - Noon

CITYBOOKS
8:30 a.m. - 4:00 p.m.

NETWORKING BREAKFAST
7:45 - 8:45 a.m.

Enjoy breakfast while networking and planning your day.



GENERAL SESSION
9:00 - 10:15 a.m.

F PLANNING IN AN UNCERTAIN CLIMATE: LEGAL AND PRACTICAL PERSPECTIVES

How should cities integrate concerns about global warming into their planning process? What kinds of analysis and policies should cities include in general plans? How does the California Environmental Quality Act apply? What are cities doing now to address the causes and consequences of climate change?



BREAKOUT SESSIONS
10:45 a.m. - Noon

PLANNING COMMISSIONERS ROLES AND RESPONSIBILITIES IOI
What is your role and responsibilities as a planning commissioner in your community? How do you interact with the city council? Do you have knowledge of the legal and planning documents needed to make the best planning decisions? Discuss innovative ways to improve your practical working relations with staff, proponents, and the public.

MODERATOR AND SPEAKER: **Lynn Osborn**, Planning Commissioner, Town of Danville

SPEAKERS: **Joel Rojas**, Community Development Director, City of Rancho Palos Verdes

Emmanuel Ursu, Planning Director, City of Orinda

THURSDAY, MARCH 27 (continued)

THE TOP 10 QUESTIONS PLANNING COMMISSIONERS WANT ANSWERED

As a seasoned commissioner, have you always wondered how other cities conduct their meetings? Do you need to know how to interact with staff, or wonder if you have the same relationship with city council as other planning commissioners? Bring your questions to exchange with your peers.

FACILITATOR: Susan Healy Keene, AICP, Community Development Director, City of West Hollywood

REDEVELOPMENT: WHAT MAKES IT WORK?

In a time of economic uncertainty, leadership and resolve are needed to guide California to economic prosperity. Redevelopment has proven to be one of the most effective ways to expand businesses, develop affordable housing, create jobs, and provide public infrastructure. Understand how redevelopment works as a “smart growth” approach that encourages infill development in urban areas, slows development of vacant farmland, cleans up contaminated sites, and revitalizes old neighborhoods.

MODERATOR: Charlie View, Development Services Director, City of Brea

SPEAKER: Amy Feagans, Redevelopment Director, City of Folsom

LAND USE, ENERGY, AND WATER CHALLENGES

Join this exciting panel discussion to gain an in-depth understanding of how your city can qualify for state bonds and other monies to integrate regional water management.

MODERATOR: Lisa Beutler, Associate Director, Center for Collaborative Policy, California State University, Sacramento

SPEAKERS: Christopher Cabaldon, Mayor, City of West Sacramento

Judith A. Corbett, Executive Director, Local Government Commission, Sacramento

Linda Fiack, Executive Director, Delta Protection Commission, Sacramento

Kamyar Guivetchi, California Department of Water Resources, Sacramento

TRANSIT ORIENTED DEVELOPMENT (TOD) TOOLBOX FOR PLANNING COMMISSIONERS

Are TOD's successful in reducing vehicle trips and parking demand, while supporting neighborhood scale retail activity? How can planners and professionals be champions of mixed use and infill? Acquire the tools available to evaluate and support TOD plans and projects.

MODERATOR: Paul Zykofsky, AICP, Director, Land Use/Transportation Programs, Local Government Commission, Sacramento

SPEAKERS: Susan J. Daluddung, Ph.D., Director of Community and Economic Development, City of Hayward

Dan Zack, Downtown Development Coordinator, City of Redwood City

SAN JOAQUIN VALLEY BLUEPRINT

The “Blueprint Planning Program” initiated by Caltrans in 2005, through funding and capacity building, encourages Council of Governments to work with other government agencies, the private sector, and the public, in building consensus for a vision of future land use and transportation. Gain perspectives on the benefits of cross-agency coordination in San Joaquin Valley. Experience how local land use planners and officials have made these efforts work.

MODERATOR: Ralph Raffi Kachadourian, Senior Planner/City Planner, Development Services Department, City of Sanger

SPEAKERS: Marjorie Kirn, Deputy Executive Director, Merced County Association of Governments, Merced

Carol Whiteside, President, Great Valley Center, Modesto

SITE PLAN REVIEW – LOOKING BEYOND THE STANDARDS OF THE ZONING CODE

What constitutes a good site plan? How do planning commissioners meet the minimum standards of the Zoning Code? Are you inspired to create places of livability and endurance?

MODERATOR: Alice Angus, AICP, Community Development Director, City of Orange

SPEAKERS: Robert Imboden, AICP, Planning Commission Chairperson, City of Orange

Robert Klekner, AICP, Principal Urban Designer, RBF Consulting's Urban Design Studio, Newport Beach

Edward Knight, AICP, Assistant Planning Director, City of Orange

LUNCH / MINI EXPO

Noon - 2:00 p.m.

Enjoy lunch with your colleagues and be a part of the Mini Expo! Exhibiting companies will display products and services in the areas of: budgeting, performance, measuring, retirement planning, economic and community development, affordable housing, environmental planning, arbitration practices, traffic solutions and air quality.

NOTE: Guest/spouse fee for the entire meeting is \$160.00. Single event/meal tickets for the lunch will be available for \$50.00. Badges must be purchased in advance and will not be available at the door.



THURSDAY, MARCH 27 (continued)

MOBILE TOURS

2:00 – 5:00 p.m.

\$25 sign-up fee

To attend one of the mobile tours you will need to register online. The tours will be on a first-come, first-served basis. You will receive a tour coupon in your registration packet along with your badge and meal coupons onsite. Once a tour is filled with 45 people, it will be marked online as Not Available. There will be no refunds.

HISTORIC FOLSOM: OLD MEETS NEW – MAKING SUBURBAN CODES WORK FOR HISTORIC DISTRICTS

TOUR LEADER: Amy Feagans, Redevelopment Director, City of Folsom

Take a walking tour of Historic Folsom, an 1890's era historic district embedded in a fast growing modern community. Visit the old town on Sutter Street, where new building activity shares the street with original turn-of-the-century buildings. Project plans include a 120,000 sq foot mixed use development with a 400 seat public amphitheater, a new parking structure, sidewalk, and building facades among other beautification efforts.



CITRUS HEIGHTS: SUBURBAN INFILL – SUCCESSES AND FRUSTRATIONS

TOUR LEADER: Janet M. Ruggiero, FAICP, Community Development Director, City of Citrus Heights

Once named by the Sacramento Bee as the “un-city”, Citrus Heights was incorporated in 1997. Before then it was part of the largest unincorporated urban area in the state. This first ring suburb has been redeveloping old commercial corridors. Witness how a general plan, two specific plans, a visioning project, and a new zoning ordinance, have all been prepared to provide a new sense of place.



WEST SACRAMENTO: WATERFRONT TOUR

TOUR LEADER: Shanna Zuspan, Redevelopment Analyst, West Sacramento



West Sacramento's waterfront is a core city asset. The Sacramento River provides the city with water, recreation, and identity. Waterfront revitalization is a central element to West Sacramento city planning and its relationship to the region. Participants will become familiar with the city's efforts of historical and habitat preservation, fostering an emerging high-rise skyline, the Riverwalk, and mixed use developments.

CITY OF SACRAMENTO – “THE RAILYARDS” – BIGGEST INFILL SITE IN THE COUNTRY

TOUR LEADERS: Nedzlene Ferrario, Senior Planner, City of Sacramento and Richard Rich, Thomas Enterprises

The 240 acre Railyards site is perched on the edge of greatness again. Site of the western terminus of the Transcontinental Railroad, the old Union Pacific site recently was purchased by Thomas Enterprises. Come tour the project which will include the regional transportation hub, renovation of the historic railroad shops, and 12,000 residential units in an urban, mixed-use community.

CITY OF SACRAMENTO – DOWNTOWN REDEVELOPING

Downtown Sacramento is transforming as redevelopment makes the most of its waterfronts, historic buildings, and seat as the state capitol. Progress has been marked by successes and challenges. This tour will explore both with an eye toward providing you with some of the practical lessons learned regarding what it takes to make a project successful.



BREAKOUT SESSIONS

2:30 – 4:30 p.m.

MEDIA TRAINING

You may be asked on occasion to represent your city in an interview with the press. It is critical that you feel comfortable delivering your city's messages. In this interactive session, you will gain insight from print, radio and television news professionals on how to handle press inquiries and to provide the information the press needs for different news mediums.

MODERATOR: Scott Summerfield, SAE Communications, Pleasanton

SPEAKERS: Tamara Keith, Sacramento Region Reporter, KQED, National Public Radio, Sacramento

Jim Smith, Editor, Woodland Daily Democrat, Woodland

ETHICS TRAINING

HOW TO BUILD AND MAINTAIN THE PUBLIC'S TRUST: PRACTICAL ETHICS AND THE LAW

Your ability to lead in your community depends upon the extent to which the public trusts you and trusts your city as an institution. What are some questions that public officials can ask themselves when confronted with ethical dilemmas? What does the law require of you as a public servant? Discover the tools and resources available to you to deal with ethical and ethics law issues. Those that sign in and attend the full session (two hours) will receive ethics education credit for purposes of AB 1234 compliance.

MODERATOR AND SPEAKER: JoAnne Speers, Executive Director, Institute for Local Government, Sacramento

DINNER ON OWN

Visit your hotel's concierge for restaurants and reservations.

FRIDAY, MARCH 28



CITYBOOKS
8:00 – 10:30 a.m.

BREAKOUT SESSIONS
8:15 - 9:45 a.m.

F CITY FINANCE 101

- The essentials of California city revenues and spending
- Trends in California local government finance
- Potential impacts from the state budget
- Critical issues and proposals for fiscal reform

MODERATOR: Charlie View, Development Services Director, City of Brea

SPEAKER: Michael Coleman, Fiscal Policy Advisor, League of California Cities, CaliforniaCityFinance.com, Davis

2008 – A YEAR OF HOUSING UNCERTAINTY

Where will our children live? Where will we live? Is there hope on the horizon in 2009? What can local government do to facilitate the development of affordable housing? Explore the process of preparing a certifiable housing element and its benefits.

MODERATOR: Donald Lamm, AICP, Deputy City Manager, Development Services Director; Executive Director of the Redevelopment Agency, City of Costa Mesa

SPEAKER: Lynn Jacobs, Director, Department of Housing and Community Development, State of California, Sacramento

THERE ARE NO STUPID QUESTIONS!

Frustrated that you only get five days to review your packets? During this informal, interactive session, come and share frustrations, and hear how other cities have solved problems or issues you might be having.

FACILITATOR: Lynn Osborn, Planning Commissioner, Town of Danville

TRAFFIC CALMING PROGRAMS THAT WORK

Successful traffic calming programs emphasize the importance of balancing the three “E’s”: Education, Enforcement, and Engineering. They start out by relying on local residents to take the lead before installing higher cost treatments. Examine several traffic calming programs that are being implemented successfully in different parts of the state.

MODERATOR: Robert Storer, Planning Commissioner, Town of Danville

SPEAKER: Hector Barron, City Traffic Engineer, Department of Transportation, City of Sacramento

PREVENTING URBAN SPRAWL

Urban sprawl continues to define many communities with traffic congestion, strip commercial corridors, loss of agricultural land, mediocre architectural design, and segregated land uses. The absence of a community vision and clearly defined policies to address urban sprawl leave small towns or rural cities vulnerable to undesirable impacts. Get an overview of Ahwahnee principles, smart growth principles, new urbanism and sustainable communities.

MODERATOR: Ralph Raffi Kachadourian, Senior Planner/City Planner, Development Services Department, City of Sanger

SPEAKER: Fred Brusuelas, AICP, Community Development Assistant Director, City of Visalia

ADOPTING AND IMPLEMENTING FORM-BASED CODES: A PROGRESS REPORT

Form-based codes have received a lot of attention in the last few years as local jurisdictions struggle with how to ensure and implement their community’s vision for revitalization and development. Learn how different jurisdictions in the state are successfully implementing form-based codes.

MODERATOR: Paul Zykofsky, AICP, Director, Land Use/Transportation Programs, Local Government Commission, Sacramento

SPEAKERS: John Anderson, Principal, New Urban Builders, Chico

Stephen Lawton, Community Development Director, City of Hercules

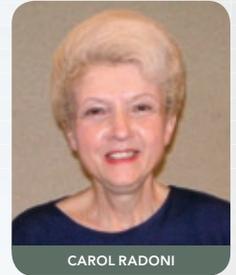
Daniel Parolek, Principal, Opticos Design, Berkeley

GENERAL CLOSING SESSION

10:15 - 11:45 a.m.

CALIFORNIA TRENDS – THE FUTURE OF THE HOUSING MARKET AND THE ECONOMY

A guest columnist for various publications including the *Wall Street Journal*, Carol Rodoni has been President of Fox & Carskadon Residential Real Estate, Chief Operations Officer of Cornish and Carey Residential Real Estate, and President and COO of Alain Pinel Realtors. Carol will comment on how the global, national, state, and local economies are impacted by the housing correction and the sub-prime/credit impact of 2007, whether or not we are facing a recession, and where interest rates are headed.



CAROL RADONI

SPEAKER: Carol Rodoni, President, Bamboo Consulting, San Jose

VISIT THE CAPITOL

The Capitol is only a few blocks away! Guided walking tours are available all day long. Please check-in with the League registration desk to find out if the legislature is in session.



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2008 PLANNERS INSTITUTE AND MINI EXPO

WEDNESDAY, MARCH 26 -
FRIDAY, MARCH 28

SACRAMENTO CONVENTION CENTER

REGISTRATION AND HOUSING DEADLINE:
FRIDAY, FEBRUARY 22

2007-08 DEPARTMENT OFFICERS

PRESIDENT

Robert Combs
Planning Commissioner, Town of
Danville

1ST VICE PRESIDENT

Donald Lamm
AICP, Deputy City Manager,
Development. Services Director,
Executive Director of Redevelopment
Agency, City of Costa Mesa

2ND VICE PRESIDENT

Emmanuel Ursu
Planning Director, City of Orinda

DIRECTOR

Sharon Fierro
Community Development Director,
City of Campbell

IMMEDIATE PAST PRESIDENT

Susan Healy-Keene
AICP, Director of Community
Development, City of West
Hollywood

PRICING INFORMATION

FULL CONFERENCE

Wednesday, March 26–Friday, March 28
One day registration is not available

CITY PLANNING STAFF, \$495.00
PLANNING COMMISSIONERS

CONSULTANTS, \$740.00
PARTNERS

The full registration fee includes pro-
gram materials, dinner on Wednesday,
breakfast on Thursday and Friday,
and lunch-mini expo on Thursday.
Registrations completed online at
www.cacities.org/events by Friday,
February 22, will also receive a \$20
CityBooks discount coupon.

MOBILE TOURS \$25.00

GUEST/SPOUSE

All Events \$160.00
Wednesday dinner \$75.00*
Thursday lunch \$50.00*

* On-site only.

SPECIAL ACCOMMODATIONS

If you require special accommodations
related to facility access, communication
and/or diet, please contact Conference
Registration at 916-658-8291.

WWW.CACITIES.ORG/EVENTS



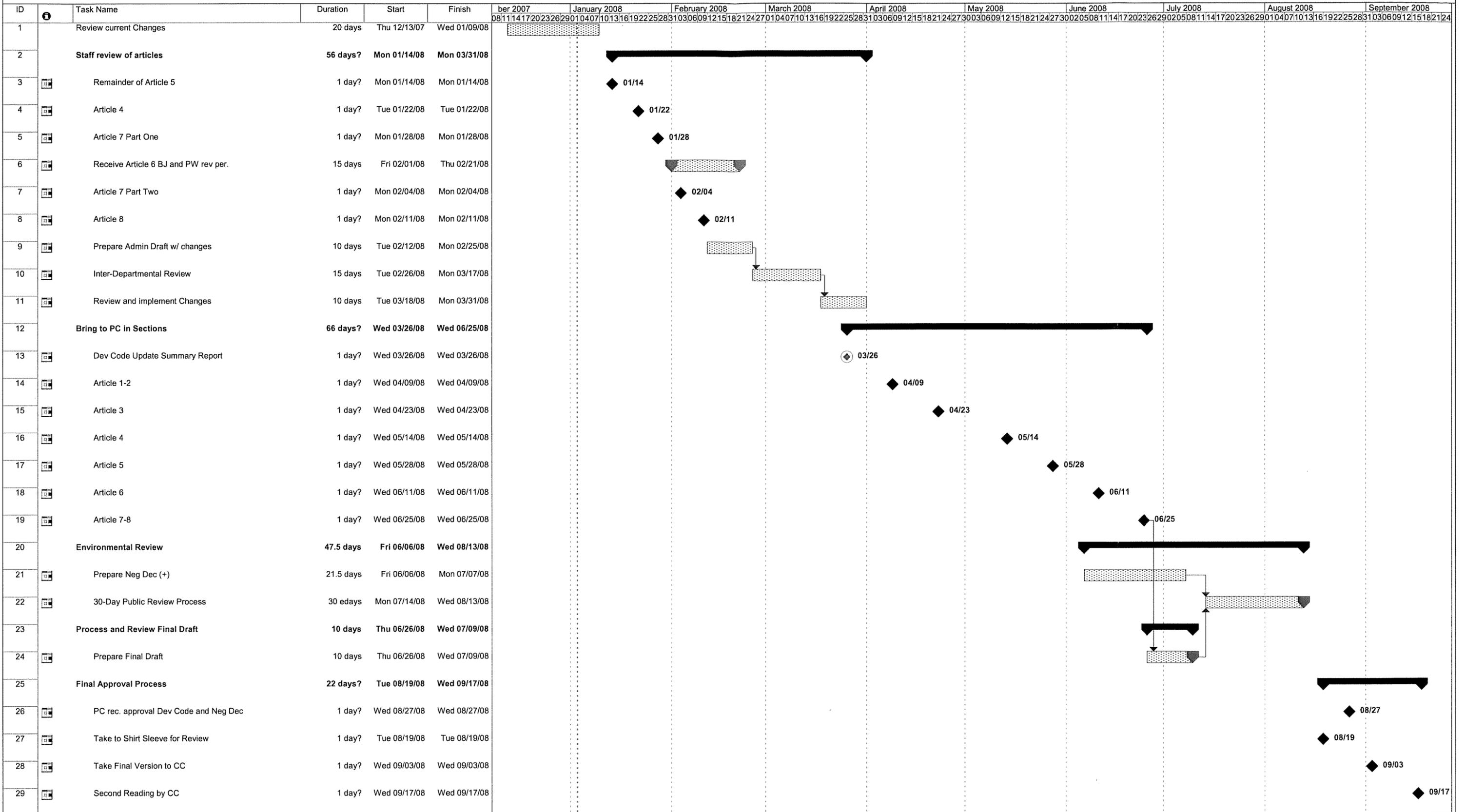
MARK YOUR CALENDARS FOR THE...



*League of California Cities
2008 Annual Conference
September 24-27
Long Beach*

Development Code Update

Schedule for Development Code Adoption
January, 02 2007



Project: Dev Code Adoption Schedule
Date: Thu 01/03/08

Task: [Pattern] Progress
Split: [Pattern] Milestone

Summary: [Pattern] Project Summary
External Tasks: [Pattern] External Milestone

Deadline: [Pattern]

Item 10a.