

**LODI PLANNING COMMISSION  
REGULAR COMMISSION MEETING  
CARNEGIE FORUM, 305 WEST PINE STREET  
WEDNESDAY, JUNE 11, 2008**

1. CALL TO ORDER / ROLL CALL

The Regular Planning Commission meeting of June 11, 2008, was called to order by Chair Mattheis at 7:00 p.m.

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

Absent: Planning Commissioners – None

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

2. MINUTES

“April 23, 2008”

MOTION / VOTE:

The Planning Commission, on motion of Vice Chair Kiser, Olson second, approved the Minutes of April 23, 2008 as written (Commissioner White and Mattheis abstain because they were not in attendance at the subject meeting).

3. PUBLIC HEARINGS

- a) Notice thereof having been published according to law, an affidavit of which publication is on file in the Community Development Department, Chair Mattheis called for the public hearing to consider the request of Baumbach and Piazza, Inc. on behalf of Matt Dobbins for a Tentative Parcel Map to divide one parcel into two at 14 South School Street.

Junior Planner Immanuel Bereket gave a brief PowerPoint presentation based on the staff report. Planning Manager Pirnejad gave a brief explanation of how this project is consistent with the Transit Orientated Development Design Guidelines (TOD) that Staff has been working on and will be bringing to the Commission in the near future.

Commissioner Kirsten stated that he needed to recuse himself from this item due to a conflict of owning property in the vicinity.

Vice Chair Kiser asked if sprinklers were going to be required in the conditions of approval. Junior Planner Bereket stated that the Fire Department did not require sprinklers in the conditions of approval. He also added that the applicant will know the current status of sprinklers in the building.

Chair Mattheis asked how this is different from a condo. Planning Manager Pirnejad stated that a condo map would require CC&R's.

Chair Mattheis asked if the building burns down are there still two parcels. Planning Manager Pirnejad deferred the question to the applicant.

Hearing Opened to the Public

- Matt Dobbins, applicant, came forward to answer questions. Mr. Dobbins stated that there are not fire sprinklers in the building currently. The residence on the second floor went through the building permit process and the Fire Department did not require sprinklers at that time, other precautions such as fire walls/blocking were included in the plans per Fire's recommendation.

- Duncan McPherson, Attorney for the Applicant, came forward to answer questions. The parcel on the second floor will be tied to the ground by access easement. The main reason for splitting this into separate parcels is for tax purposes; tax rates for Commercial and Residential are different. Mr. McPherson stated that if the building burnt down the applicant would be able to rebuild both parcels.
- Commissioner Olson asked how the parcels operate (ie: tenancy-in-common). Mr. McPherson stated that the two parcels will have their own deeds of trust. A tenancy-in-common leaves all the tenants liable for each other, for example, If one tenant has a lien against their property it affects all the tenants.
- Commissioner Olson asked if a project like this could be considered an infill project and a possible incentive given to developers to create them. Planning Manager Pirnejad suggested that this discussion take place after the close of the public hearing. Chair Mattheis stated that he would bring it back up under Planning Matters.
- Vice Chair Kiser asked if there won't be CC&R's who pays for the roof when it goes bad. Mr. McPherson stated that there will be a Reciprocal Easement Agreement (REA) which is similar to CC&R's.
- Commissioner Hennecke asked a follow-up question regarding how the individual owners are forced to hold up their part of the maintenance. Mr. McPherson stated that the individual owners will always have the option of going to court, but in this case the Commercial property will be responsible for all the external maintenance. The second floor owner will be responsible for the interior portion of that floor. The Reciprocal Easement Agreement (REA) is a legally binding document.

Public Portion of Hearing Closed

- Commissioner Hennecke asked if there were special guidelines set up of this type of building. Planning Manager Pirnejad stated that the existing building codes will apply.
- Vice Chair Kiser stated his support for the project
- Commissioner Cummins stated his support for the project.
- Commissioner Hennecke stated his support for the project, but would like to see some standards set up for this type of parcel mapping to alleviate any confusion in the future.

MOTION / VOTE:

The Planning Commission, on motion of Vice Chair Kiser, Olson second, approved the request of Baumbach and Piazza, Inc. on behalf of Matt Dobbins for a Tentative Parcel Map to divide one parcel into two at 14 South School Street subject to the conditions in Resolution PC 08-10. The motion carried by the following vote:

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

Commissioner Kirsten rejoined the Commission.

- 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 Brett & Kathy Haring for development plan review to construct 6 dwelling units at 1911 South Church Street.

Planning Manager Pirnejad gave a brief introduction of the project and stated that the resolution had some minor verbiage changes and the resolution on Blue Sheet is the one that should be used for adoption. The main change is in regards to the type of units. The units are not individual condominiums at this time, but the conditions in the resolution read in a way so that if the applicant would like to do that some time in the future they may.

Senior Planner Morimoto gave a brief PowerPoint presentation based on the staff report.

Chair Mattheis asked which conditions changed. Senior Planner Morimoto asked Sharon Welch, Senior Civil Engineer, to come forward to answer.

Senior Civil Engineer Welch went through the different conditions that had some verbiage changes.

Chair Mattheis asked if water pretreatment is going to be required for this project. Senior Civil Engineer Welch stated that is not going to be a requirement, but the project is required to collect all storm-water run off on-site.

Hearing Opened to the Public

- David Miraflor, designer of the project, came forward to answer questions.
- Commissioner Kirsten asked who the manufacturer was for the homes. Mr. Miraflor stated that the project has changed and will not be using pre-manufactured homes for this project. He also stated that the general contractor was in attendance if there are specific questions for him.

Public Portion of Hearing Closed

- Commissioner Cummins stated his support for the project.
- Commissioner Kirsten stated his support for the project.
- Chair Mattheis concurred.

MOTION / VOTE:

The Planning Commission, on motion of Commissioner Cummins, Kiser second, approved the request of Brett & Kathy Haring for development plan review to construct 6 dwelling units at 1911 South Church Street subject to the conditions in resolution PC 08-11. The motion carried by the following vote:

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

- 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 Ranjit Singh for a Use Permit to allow a Type-41 on-sale beer and wine license at Taqueria Santa Cruz located at 2533 West Kettleman Lane Suite 403.

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

Hearing Opened to the Public

- None

Public Portion of Hearing Closed

- Commissioner White and Vice Chair Kiser would like to know if the applicant is in attendance.

Hearing Re-Opened to the Public

- The applicant made his presences known by raising his hand.

Public Portion of Hearing Re-Closed

MOTION / VOTE:

The Planning Commission, on motion of Commissioner Cummins, Kiser second, approved the request of Ranjit Singh for a Use Permit to allow a Type-41 on-sale beer and wine license at Taqueria Santa Cruz located at 2533 West Kettleman Lane Suite 403 subject to the conditions in resolution PC 08-12. The motion carried by the following vote:

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

- 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 Janet Crow for a Use Permit to allow a Type-41 on-sale beer and wine license at Janet's Richmaid Restaurant located at 100 South Cherokee Lane.

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

Hearing Opened to the Public

- Chair Mattheis asked if the Commission had any questions for the applicant.

Public Portion of Hearing Closed

MOTION / VOTE:

The Planning Commission, on motion of Vice Chair Kiser, Olson second, approved the request of Janet Crow for a Use Permit to allow a Type-41 on-sale beer and wine license at Janet's Richmaid Restaurant located at 100 South Cherokee Lane subject to the conditions in resolution PC 08-13. The motion carried by the following vote:

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

4. PLANNING MATTERS/FOLLOW-UP ITEMS

- a. The request of Kathryn Takemura for a one year extension of time on a previously approved Tentative Parcel Map (05-P-06) to divide one parcel into two parcels at 630 North Pleasant Ave.

Senior Planner Morimoto gave a brief presentation based on the staff report.

Commissioner Kirsten recused himself from this item do to a financial interest he has in a property near by.

MOTION / VOTE:

The Planning Commission, on motion of Commissioner Cummins, Kiser second, approved the request of Kathryn Takemura for a one year extension of time on a previously approved Tentative Parcel Map (05-P-06) to divide one parcel into two parcels at 630 North Pleasant Ave subject to the conditions in resolution PC 08-14. The motion carried by the following vote:

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

- b. Chair Matthes asked Commissioner Olson to restate her earlier question for discussion. Commissioner Olson asked if this plan to parcel-ize the downtown would be beneficial for in-fill

*Continued*

projects and creating incentives for doing so. Planning Manager Pirnejad stated that this will/can be beneficial in many ways. The Parking Requirements for the downtown is the major stumbling block for the area. All the pros and cons will be addressed in the TOD.

5. ANNOUNCEMENTS AND CORRESPONDENCE

Planning Manager Pirnejad stated that Commissioner Kiser has been re-appointed to the Commission along with Randy Heinitz and Commissioner White will be stepping down. He also added that Rick Caguia has gotten a promotion with another City. We wish him well.

6. ACTIONS OF THE CITY COUNCIL

a. Planning Manager Pirnejad stated that the summary memo is in the packet and if there are any questions staff would be happy to address them.

7. GENERAL PLAN UPDATE/DEVELOPMENT CODE UPDATE

Planning Manager Pirnejad stated that Rad Bartlam, consultant for the General Plan, is taking the three alternatives around to all the different organizations/clubs within the City of Lodi and will then be putting them together for the Commission in the form of a summary report.

Chair Mattheis asked if this would be made available prior to the hearing date. Planning Manager Pirnejad stated that staff will try to make that available well in advance of the meeting. Chair Mattheis asked if a special hands-on workshop for the Planning Commission could be held. Planning Manager stated that he will have Mr. Bartlam contact the Chair to discuss options.

Planning Manager Pirnejad stated that the Development Code Update will be coming back to the Commission in pieces over the next few months.

8. ACTIONS OF THE SITE PLAN AND ARCHITECTURAL REVIEW COMMITTEE

None

9. UPDATE ON COMMUNITY SEPARATOR/GREENBELT TASK FORCE

Chair Mattheis would like to have this line item removed until the Task Force starts up again. Planning Manager stated that Staff would take care of it.

10. ART IN PUBLIC PLACES

Commissioner Kirsten gave a brief report regarding the May 28<sup>th</sup> meeting.

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 8:29 p.m.

ATTEST:

Peter Pirnejad  
Planning Manager