

**LODI PLANNING COMMISSION
REGULAR COMMISSION MEETING
CARNEGIE FORUM, 305 WEST PINE STREET
WEDNESDAY, SEPTEMBER 23, 2009**

1. CALL TO ORDER / ROLL CALL

The Regular Planning Commission meeting of September 23, 2009, was called to order by Chair Cummins at 7:00 p.m.

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

Absent: Planning Commissioners – None

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

2. MINUTES

“September 9, 2009”

MOTION / VOTE:

The Planning Commission, on motion of Commissioner Kiser, Olson second, approved the Minutes of September 9, 2009 as written. (Commissioners Heinitz and Kirsten abstained because they were not in attendance of the subject meeting)

3. PUBLIC HEARINGS

- a) Notice thereof having been published according to law, an affidavit of which publication is on file in the Community Development Department, Chair Cummins called for the public hearing to consider the request for a Use Permit to allow a Type-41 On-Sale Beer and Wine Alcoholic Beverage Control License at OZ Japanese Restaurant located at 2414 West Kettleman Lane.

Assistant Planner Bereket gave a brief PowerPoint presentation based on the staff report. Staff recommends approval of this project.

Hearing Opened to the Public

- Young Jang, applicant, came forward to answer questions.

Public Portion of Hearing Closed

MOTION / VOTE:

The Planning Commission, on motion of Commissioner Mattheis, Hennecke second, approved the request of the Planning Commission for a Use Permit to allow a Type-41 On-Sale Beer and Wine Alcoholic Beverage Control License at OZ Japanese Restaurant located at 2414 West Kettleman Lane subject to the conditions in the resolution. The motion carried by the following vote:

Ayes: Commissioners – Heinitz, Hennecke, Kirsten, Kiser, Olson, Mattheis, and Chair Cummins

Noes: 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 Cummins called for the public hearing to consider the request to amend a previously approved Use Permit 07-U-01 to allow additional time for the construction of onsite parking lot at 1800 S. Cherokee Lane. (Applicant: Chris Ray, on behalf of Wine Country Cardroom & Restaurant).

Director Bartlam gave a brief report based on the staff report. Mr. Bartlam stated that the plans have been received by the building department for the parking lot improvements.

Commissioner Heinitz asked if the area between the parking lot and Cherokee lane, the streetscape, was going to get improved with this project. Mr. Bartlam stated that the curb, gutter, and sidewalk is not being required to be improved at this time because staff did not feel that the area warranted it, but the strip of property between the parking area and the street will get some landscaping and be maintained.

Commissioner Mattheis asked about the landscaping running in front of the current building. Mr. Bartlam stated that the landscaping does continue along the curb already. Mattheis asked if there have been any issues with parking since the applicant has already increased the number of tables. Mr. Bartlam stated that staff has not seen any issues at this point, but there is expected to be some overflow issues once the applicant starts construction on the parking lot.

Commissioner Kiser asked about phasing of the project. Mr. Bartlam stated that phasing really isn't an option in this case.

Commissioner Olson asked if 90 days was the maximum number of days that can be allowed for the extension. Mr. Bartlam stated that the Commission may grant an extension of time that they choose, but be aware that if the time is not long enough then the applicant will have to come back and ask for more time.

Commissioner Mattheis asked about the requirement of the applicant submitting an interim parking plan, has that been presented to staff. Mr. Bartlam stated that it has not been submitted yet, but will be reviewed at the same time as the building permit.

Commissioner Kiser asked if a parking agreement with Lodi Honda is still an option during the construction phase. Mr. Bartlam stated that that would be a good question for the applicants to address.

Hearing Opened to the Public

- Stephen Snider, applicant, came forward to answer questions. Mr. Snider stated that a contractor has been chosen and a plan has been submitted for the building permit. He stated that the company is currently in negotiations with the adjacent property owner to utilize their land while the work is being completed. Mr. Snider stated that he would like to have 120 days on the extension.
- Commissioner Kiser stated that he is relieved to hear that there is an effort being made to utilize the adjacent property while the property is being improved. He also feels that the time should be extended through January 2010 because of possible rain delays.
- Commissioner Mattheis asked if Mr. Snider knew how long the building permit process was going to take. Mr. Snider stated that Mr. Bartlam indicated two to three weeks.
- Commissioner Heinitz stated that he does not have a problem with the time extension, but he would like to see the project done right. He would like to see an effort made to improve the visual element along the sidewalk side of the parking area. Mr. Snider stated that every effort is being made to make the entire area visually pleasing.

Public Portion of Hearing Closed

- Discussion between the Commissioners regarding the number of days to extend the permit occurred.

MOTION / VOTE:

The Planning Commission, on motion of Commissioner Kiser, Heinitz second, approved the request of the Planning Commission to allow additional time for the construction of onsite parking lot at 1800 S. Cherokee Lane to extend through January 31, 2010. The motion carried by the following vote:

Ayes: Commissioners – Heinitz, Hennecke, Kirsten, Kiser, Olson, Mattheis, and
Chair Cummins

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 Cummins called for the public hearing to consider the request to certify the proposed Mitigated Negative Declaration 09-MND-02 as adequate environmental documentation for the proposed dewatering facility to be located at the White Slough. (Applicant, City of Lodi: File # 09-MND-02).

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

Hearing Opened to the Public

No one from the public came forward.

Public Portion of Hearing Closed

MOTION / VOTE:

The Planning Commission, on motion of Commissioner Mattheis, Kiser second, approved the request of the Planning Commission to certify the proposed Mitigated Negative Declaration 09-MND-02 as adequate environmental documentation for the proposed dewatering facility to be located at the White Slough subject to the conditions in the resolution. The motion carried by the following vote:

Ayes: Commissioners – Heinitz, Hennecke, Kirsten, Kiser, Olson, Mattheis, and
Chair Cummins

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 Cummins called for the public hearing to review and comment on the comprehensive Draft General Plan.

Director Bartlam gave a brief PowerPoint presentation based on the staff report. He stated the timeline breakdown of the events that have occurred to this point. Staff is looking forward to receiving the administrative draft EIR some time this week. Mr. Bartlam stated that this is an initial public hearing and no action by the Commission is required at this time.

Hearing Opened to the Public

No speakers came forward.

Public Portion of Hearing Closed

- Chair Cummins asked his fellow Commissioners how they felt about the ban on gated communities on page 13. Commissioner Kiser felt that gated communities are a positive idea. Commissioner Heinitz stated that depending on the CC&Rs that regulate the area these types of communities can go either way. There are several gated and non-gated communities in Lodi that show as both good and bad examples for this style of community. Commissioner Mattheis stated that gated communities divide up neighborhoods. It takes away the walkable community. Director Bartlam stated his agreement with Commissioner Mattheis and also added that gated communities can give a false sense of security. There are just as many if not more break-ins in gated communities because people don't keep as watchful an eye out which falls back on the false sense of security. These types of communities also necessitate the neighborhood/community to maintain their own streets and sidewalks and for several reasons that does not always work out. Chair Cummins asked for examples. Commissioner Heinitz gave a couple of example where this has occurred.
- Commissioner Kiser asked about section CD-P40 on page 16 of the policies regarding the LEED requirements. Director Bartlam stated that some sort of green building construction guidelines are recommended based on the direction that the State is heading. This in not forcing LEED certification, but to be LEED equivalent.
- Commissioner Olson asked how staff is going to handle training for all the sustainable policies when there are so many cuts in budgets. Director Bartlam stated that these policies will take years to implement and the timeline spreadsheet that will be presented will show the prioritization of each item. Olson stated her desire to not see the building industry get back on their feet only to be stopped at the front desk. Mr. Bartlam stated that that is not the intention of these policies.
- Commissioner Kirsten asked for clarification on LEED equivalent. Mr. Bartlam stated that staff will prepare a stand alone summary for the Commission to help clarify this issue.
- Director Bartlam pointed out C-G10 on page 26 regarding the reduction of greenhouse gases is a specific requirement by the state, and on pg 32 C-P36 is how staff feels this should be implemented.
- Commissioner Mattheis stated his pleasure over the policies and how they are being presented. He would like to see the language in the policy under Growth Management LU-G1 (*GM-P1) on page 5 strengthened to promote the area south of Lodi as an agricultural area; on pg 7 LU-G1 (*GM-P11) has the verbiage of where feasible, isn't this giving too many outs. Mr. Bartlam stated that not all projects are going to be able to meet this requirement do to unusual circumstances. Mattheis would like to see the yellow sidewalks downtown go away. Bartlam mentioned that the Downtown Summit on October 16th would be a great place to bring that issue up. Mattheis referred to page 14, CD-P29, under Mixed Use Centers isn't 10% of land being devoted to non-residential area a little small. Mr. Bartlam stated that he felt 10% is a good minimum, and wouldn't want to see the number go much higher. He then pointed out the Turner/Lower Sacramento Road intersection and surrounding area as a good example of a mixed use center. It isn't the best example of walkability but that is something that can be worked on in future developments with the new standards. Mattheis stated his agreement with Mr. Bartlam regarding page 16 LEED Certification. He believes it is well intentioned and the rush to legislate is all hype and is a large burden on the applicants and would like to see how staff plans on implementing equivalent policies. Page 30, C-P23; He is in favor of historic designations so long as the policies are not so restrictive that the areas or structures do not become such protected icons so as to not allow for adaptable reuse of the items.
- Commissioner Hennecke asked about page 5 regarding Growth Management; should we be implementing policies outside of the areas that are controlled by the City of Lodi. Mr. Bartlam stated that in every environmental document that has come before the Commission

over the past five or six years the city has been requiring mitigation measures for preserving agricultural land outside of the City limits. The intent is to deal with this as a city policy rather than it being a hit or miss negotiation item. Further he stated that the EIR is going to be requiring it as a mitigation measure because if you are going to be off-setting the impacts it needs to be outside the City growth area. Hennecke would like to see the mitigation set up as a fee and not focus on this area for land substitution. Hennecke stated that he would like to have the language tightened up regarding the street width and resident parking T-P11 pg 19. He does not care for the narrow streets where there is barely room for two cars to pass each other while cars are parked on the street. Commissioner Kiser agreed with Hennecke. Mr. Bartlam stated that there is a correlation between livable/walkable neighborhoods and the widths of the streets with the intent of slowing down the vehicles. Commissioner Mattheis likes the narrow streets because it slows down the traffic. Kiser stated that he would like to know how the Fire Department feels at this time about this issue. Chair Cummins asked if the street is measured with cars parked on the street. Bartlam stated that if parking is allowed on the street there is an 8' width taken into account for the parked cars then the curb to curb width takes that into consideration. He asked the Commissioners to do some homework and come back with specific examples that they fell are reasonable street width for future developments. Director Bartlam stated that the language is what we are here to fine tune.

- Vice Chair Hennecke stated that the street that he lives on is a wider street with parking on both sides and is still a very walkable area with plenty of pedestrian traffic.

Director Bartlam thanked the Commission for their input and stated that he anticipates having the General Plan on the agenda for the next few meetings. He would really like to see more public input, so let's get the word out. The plan is to have the General Plan on the agenda for at least the next few meetings giving the public as much of a chance as possible to give their input.

***NOTE:** During the formatting of the policy attachment included in the packet the number was altered from it's original state, so both numbers have been included in the minutes for the publics convenience.

4. PLANNING MATTERS/FOLLOW-UP ITEMS

None

5. ANNOUNCEMENTS AND CORRESPONDENCE

None

6. ACTIONS OF THE CITY COUNCIL

None

7. GENERAL PLAN UPDATE/DEVELOPMENT CODE UPDATE

Director Bartlam stated that there are a few new zoning designations that will be coming along with the new General Plan and the policies to implement those new designations need to be in place, so staff will be working to get those implemented along with the General Plan.

8. ACTIONS OF THE SITE PLAN AND ARCHITECTURAL REVIEW COMMITTEE

None

9. ART IN PUBLIC PLACES

Commissioner Kirsten gave a brief report regarding the items that were discussed at the latest meeting.

10. COMMENTS BY THE PUBLIC

None

11. COMMENTS BY STAFF AND COMMISSIONERS

Continued

None

12. ADJOURNMENT

There being no further business to come before the Planning Commission, the meeting was adjourned at 8:35 p.m.

ATTEST:

Konradt Bartlam
Planning Commission Secretary