

<p>CARNEGIE FORUM 305 WEST PINE STREET LODI, CALIFORNIA</p>	<p>AGENDA LODI PLANNING COMMISSION</p>	<p>REGULAR SESSION WEDNESDAY, JUNE 25, 2008 @ 7:00 PM</p>
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For information regarding this agenda please contact:

Kari Chadwick @ (209) 333-6711
Community Development Secretary

***NOTE:** All staff reports or other written documentation relating to each item of business referred to on the agenda are on file in the Office of the Community Development Department, located at 221 W. Pine Street, Lodi, and are available for public inspection. If requested, the agenda shall be made available in appropriate alternative formats to persons with a disability, as required by Section 202 of the Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12132), and the federal rules and regulations adopted in implementation thereof. To make a request for disability-related modification or accommodation contact the Community Development Department as soon as possible and at least 24 hours prior to the meeting date.*

1. ROLL CALL
2. MINUTES – “June 11, 2008”
3. PUBLIC HEARINGS - None
4. PLANNING MATTERS/FOLLOW-UP ITEMS
5. ANNOUNCEMENTS AND CORRESPONDENCE
6. ACTIONS OF THE CITY COUNCIL
 - a. Summary Memo attached.
7. GENERAL PLAN UPDATE/DEVELOPMENT CODE UPDATE
 - a. Recommend adoption of new regulations for the creation of Flag Lots within the City of Lodi.
 - b. Recommend adoption of amended regulations for Site Plan and Architectural Review within the City of Lodi.
8. ACTIONS OF THE SITE PLAN AND ARCHITECTURAL REVIEW COMMITTEE
 - a. Report on Special Meeting of June 23, 2008.
9. ART IN PUBLIC PLACES
10. COMMENTS BY THE PUBLIC
11. COMMENTS BY THE PLANNING COMMISSIONERS & STAFF
12. 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.

***NOTICE: Pursuant to Government Code §54954.3(a), public comments may be directed to the legislative body concerning any item contained on the agenda for this meeting before (in the case of a Closed Session item) or during consideration of the item.*

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

DRAFT

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, Olsen, 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

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 Caguiat 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 28th 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

Item 6a.



MEMORANDUM, City of Lodi, Community Development Department

To: City of Lodi Planning Commissioners
From: Peter Pirnejad, Planning Manager
Date: Planning Commission Meeting of 6/11/08
Subject: Past meetings of the City Council and other meetings pertinent to the Planning Commission

In an effort to inform the Planning Commissioners of past meetings of the Council and other pertinent items staff has prepared the following list of titles.

If you have any questions, please feel free to contact the Planning Department or visit the City of Lodi website at: <http://www.lodi.gov/city-council/AgendaPage.html> to view Staff Reports and Minutes from the corresponding meeting date.

Date	Meeting	Title
May 28, 2008	SPECIAL JOINT MEETING W/REDEVELOPMENT AGENCY	Public Hearing of the City Council and the Redevelopment Agency of the City of Lodi to Consider a Resolution Certifying the Adequacy of the Final Program Environmental Impact Report for the Lodi Community Improvement Project; a Resolution Finding that the Use of Taxes Allocated from the Lodi Community Improvement Project for the Purposes of Increasing, Improving, and Preserving the Community's Supply of Low-and Moderate-Income Housing Outside the Project Area will be of Benefit to the Project; and Consideration by the City Council of the Introduction of an Ordinance Adopting the Proposed Redevelopment Plan for the Lodi Community Improvement Project
June 3, 2008	SHIRTSLEEVE	Presentation Regarding Community Development Block Grant Entitlement Process (CD)
June 4, 2008	REGULAR MEETING	<i>Nothing to report</i>
June 17, 2008	SHIRTSLEEVE	Energy Cost Adjustment Update (EUD)
June 18, 2008	REGULAR	Adopt Resolution Authorizing the City Manager to Notify the U.S. Department of Housing and Urban Development (HUD) and San Joaquin County (SJC) of our Intent to Discontinue Participation in the Urban County for the 2009-2011 period, and our Intent to Receive Community Development Block Grant Funds Directly from HUD as a Metropolitan City. (CD)

Item 7a.

**CITY OF LODI
PLANNING COMMISSION
Staff Report**

MEETING DATE: June 25, 2008

REQUEST: Request the Planning Commission adopt new regulations for the creation of Flag Lots within the City of Lodi.

LOCATION: City-wide in all single-family residential zones.

APPLICANT: Community Development Department

RECOMMENDATION

Staff recommends that the Planning Commission review and recommend for adoption by the City Council the proposed regulations for the creation of Flag Lots within the City as set forth in Exhibit A.

SUMMARY

Staff has drafted an ordinance establishing standards for the creation of Flag Lots for the consideration of the Planning Commission. The standards if adopted by the City Council would become a part of the City's Zoning Ordinance.

BACKGROUND

The Planning Commission has dealt with the creation of flag lots on a fairly regular basis over the years. A flag lot is by definition a lot that minimally fronts or abuts a public street and where access to the street is limited to a narrow strip of land usually containing a driveway. Often there is an existing house on the front portion of property adjacent to the street and the applicant wishes to create a new lot to the rear of the property. As vacant in-fill land becomes scarce and more expensive, there has been a greater interest in creating lots on properties that are under-utilized or are larger than average in size. While the creation of flag lots can have some impact on the surrounding neighborhood, it is also one solution to providing affordable housing and to better utilize infill properties that are already served by public streets, utilities and other community facilities.

ANALYSIS

Currently the City's Zoning Ordinance does not have language that deals specifically with flag lots. Flag lots are treated the same as regularly configured lots with a few exceptions. Staff and the Planning Commission have had to modify the requirements for items such as lot width, setbacks and driveways dimensions in order to accommodate the unique characteristics of flag lots. This requires trying to judge each proposal on a case by case basis and can lead to inconsistencies in the application of standards. For this reason, staff is recommending the adoption of development standards that specifically address flag lots. We have put together some general standards that have been compiled from the discussions of the Planning Commission and from the past practice of City staff.

The standards set forth in the proposed Flag Lot ordinance are primarily a reflection of the discussions the Planning Commission has had on previous flag lot applications and the conditions placed on approved maps by the Planning Commission. Staff has attempted to put the various conditions and requirements into a set of standards that can provide a guide for future flag lot applicants and insure consistent application of standards. The guidelines establish standards for those features of flag lots that are unique from standard

lot divisions, such as setbacks, driveway access and site design issues. Staff also reviewed language from other cities that have flag lot ordinances. Generally, most ordinances have similar language and vary only in required building setbacks driveway dimensions or site design standards and even these do not vary significantly. Most cities, while not discouraging flag lots, reserve them for situations where there is a public benefit such as permitting the better use of over-sized parcels in in-fill situations and where a conventional lot division would not be possible.

ENVIRONMENTAL ASSESSMENTS:

The project is found to be Categorically Exempt according to the California Environmental Quality Act, Article 19 Guidelines, §15315, Class 15, "Minor Land Divisions", No significant impacts are anticipated and no mitigation measures have been required.

ALTERNATIVE PLANNING COMMISSION ACTIONS:

- Approve the Request with Alternate Conditions
- Deny the Request
- Continue the Request

Respectfully Submitted,

Concur,

David Morimoto
Senior Planner

Peter Pirnejad
Planning Manager

ATTACHMENTS:

1. Exhibit A – proposed ordinance
2. Draft Resolution

Exhibit A

Flag Lot Policy

Purpose of flag lot regulations

The intent of this policy is to establish guidelines for the creation of flag lots as defined in this document. The general purpose of permitting the creation flag lots is to provide an opportunity to divide a large existing parcel into smaller lots, where the division of the parcel into conventional lots would not be possible. When proposed, flag lots must be the most appropriate development option and should not detract from the surrounding established neighborhood. Flag lots are most appropriate for established residential areas where there is a general uniformity of lot sizes, but where an occasional and unique oversized lot that is appropriate for a flag lot may exist.

Definition

A flag lot has two distinct parts:

- The flag, which is the only portion of the lot that can be built upon and is located behind the front or street lot.
- The pole, which connects the flag to the public street and provides the only street frontage for the rear lot.

When can a flag lot be created?

Flag lots are allowed in single-family residential zones when all of the following conditions are met:

- The location of an existing house or the width of the existing parcel prevents a land division that creates lots which meet the zones minimum lot width standards.
- The proposed land division will not create a situation where newly created lots are more than two lots deep.
- The lots do not exceed the maximum density of the zone in which they are located.
- The parcel proposed for creation of a flag lot is unique to the neighborhood because of its size, shape or other characteristics.

Standards for Flag Lots

Flag lots must comply with the standards of the zone they are located in unless otherwise specified.

Flag lot access pole

- A 12-foot width is required for the entire length of the pole.
- The Fire Code standards require that all portions of the rear house be located within 150-feet of the street property line. If the dimension exceeds 150-feet, fire sprinklers may be required. Contact Fire Department for more information.
- The pole must be a part of the flag lot, connect to a public street and be under the same ownership as the flag portion of the lot. Access easements to allow for use of the pole by another lot are permitted.
- A common driveway serving both lots shall be encouraged.

Minimum lot dimensions

Each lot must meet the minimum lot size for the zone. In determining the minimum lot size for the flag lot, the pole portion of the lot shall be excluded from the calculation. Only the flag portion of the lot shall be used to determine lot size of the flag lot.

Minimum setbacks

- The front yard setback shall be a minimum of 10-feet. The front yard shall be determined as the portion of the flag that is adjacent to the rear yard of the front or street side lot.
- The rear yard setback shall be a minimum of 10-feet for the first floor, 15-feet for the second floor and shall be located opposite the required front yard.
- The side yards setback shall be a minimum of 5-feet.

Parking/driveway

- Each residential unit shall provide two covered parking spaces. Garages or carports shall not be visible from the street.
- Each flag lot shall provide one guest parking space.

Orientation and design

- Flag lot units located away from the street shall maintain a presence to the street, be oriented to the street, and be visible to the street. A larger building mass for the flag lot unit in relation to the front unit is not acceptable as a means to meet the street presence requirement.
- To protect the privacy of yard areas of neighboring properties, large windows and decks on second floors shall be orient to on-site areas, not to surrounding properties.
- The general design and scale of the new units shall be consistent with the existing architecture and scale of the neighborhood.
- Drainage shall follow pre-existing drainage patterns and shall be designed to minimize draining to adjacent properties or the street. Onsite drainage swales or other onsite retention measures shall be encouraged to maximize onsite retention and absorption of storm runoff.

RESOLUTION NO. P.C. 08-15

**RESOLUTION OF THE LODI PLANNING COMMISSION RECOMMENDING TO THE
LODI CITY COUNCIL THE ADOPTION OF AN AMENDMENT TO THE MUNICIPAL CODE
REGULATING THE CREATION OF FLAG LOTS**

WHEREAS, the Planning Commission of the City of Lodi has held a duly noticed public hearing, as required by law, on the requested Municipal Code Amendment in accordance with the Government Code and Lodi Municipal Code Chapter 17.84.010, Amendments; and,

WHEREAS, the Community Development Department has prepared a proposed Flag Lot amendment; and,

WHEREAS, the Planning Commission has reviewed said proposed Flag Lot amendment for conformance with the Lodi General Plan; and,

WHEREAS, in accordance with the Municipal Code, the Planning Commission may make a recommendation to the City Council regarding the proposed Flag Lot amendment; and,

NOW, THEREFORE, BE IT RESOLVED by the Lodi Planning Commission, that;

1. The Draft Flag Lot amendment is in conformance with, and consistent with, the Lodi General Plan.
2. The purpose and intent of the Flag Lot amendment conforms to the General Plan.
3. The proposed amendment will establish development standards for the flag lots thereby providing applicants with guidelines for the development of their property.
4. The proposed amendment will provide general design standards for the development of flag lots thereby helping to protect the integrity of the surrounding neighborhood.
5. The Planning Commission hereby recommends that the City Council approve the proposed Flag Lot amendment.
6. The Secretary of the Planning Commission is hereby authorized and directed to transmit a copy of this Resolution to the City Council.

Dated: June 25, 2008

I hereby certify that Resolution No. 08-15 was passed and adopted by the Planning Commission of the City of Lodi at a regular meeting held on June 25, 2008, by the following vote:

AYES: Commissioners:

NOES: Commissioners:

ABSTAIN: Commissioners:

ABSENT: Commissioners:

ATTEST:

Secretary, Planning Commission

Item 7b.

**CITY OF LODI
PLANNING COMMISSION
Staff Report**

MEETING DATE: June 25, 2008

REQUEST: Request the Planning Commission recommend adoption of amended regulations for Site Plan and Architectural Review within the City of Lodi to the City Council.

LOCATION: The regulations will apply Citywide for all projects requiring formal Site Plan and Architectural Review.

APPLICANT: Community Development Department – Planning Division

RECOMMENDATION

Staff recommends that the Planning Commission review and recommend for adoption by the City Council the proposed amended regulations for Site Plan and Architectural Review as shown in Exhibit A.

SUMMARY

Staff is preparing an amendment to the City's zoning ordinance that modifies the process for the review of site plans and architectural designs of development projects within the City of Lodi. If adopted, the amended language will modify an existing section of the City's Zoning Ordinance (Chapter 17.81, Site Plan and Architectural Approval).

BACKGROUND

The Site Plan and Architectural Review Committee (SPARC) was formed by the City Council in 1970. The Committee was formed to assist the Planning Commission by reviewing plans and architectural drawings to help improve the site design and architectural quality of projects proposed within the City. SPARC is made up of five members, four appointed by the City Council and one appointed by the Planning Commission. The Committee is staffed by the Planning Division and meets twice a month or as required.

SPARC reviews all multi-family projects; commercial projects; projects adjacent to residential or commercial zones; and projects referred by the Planning Commission or City Council. The number of projects that SPARC reviews varies according to the level of building activity in the City. In the past, SPARC has reviewed as many as 43 projects in one year and as few as 5 projects. It should be noted that SPARC does not determine whether a project is a permitted use on a particular piece of property or judge the appropriateness of a project; these determinations are made by the Community Development staff based on the Zoning Ordinance or by the Planning Commission through a discretionary review process. SPARC only reviews the design aspects of a project after the proposal has been determined to be a permitted use for a particular piece of property.

ANALYSIS

In recent years, there has been some discussion regarding the need for SPARC or whether there was a better process for reviewing the site plan and architectural merits of a new project. The issue has surfaced largely as a result of isolated incidents when conflicting conditions placed on projects that were reviewed by both the Planning Commission and SPARC. This situation can result when a project is reviewed by the Planning Commission for a Use Permit or other discretionary approval and the project is approved with a set of conditions. SPARC then reviews the project and based on their review establishes an additional set of conditions. A problem can result if there are conflicting conditions between the Planning Commission and SPARC. While this is an infrequent situation, the Planning Commission requested staff to

explore whether there might be a better process to review new building projects to avoid this situation.

Staff concluded that there were three possible alternatives. They are as follows:

1. Eliminate SPARC

In this alternative, SPARC would cease to exist and all site plan and architectural reviews would be handled by the Planning Commission. This would mean that the PC would review the site plans and architectural elevations for building projects that come before the Commission for a discretionary review such as a Use Permit or Variance. The PC would review the design aspects of a project as well as reviewing the land use aspects of a project. In addition, this would mean that the PC would review projects that do not require a discretionary approval that requires PC approval, but fall within a category that would have required SPARC review, such as multi-family or commercial projects. As an alternative, non-discretionary projects could be reviewed by City staff.

2. Divide the current duties of SPARC between the Planning Commission and SPARC

In this alternative, the duties of the site plan and architectural review would be split between the Planning Commission and SPARC. The PC would review the site and architectural design of all building projects that come before the PC for discretionary review. This would mean that the applicant would review both their discretionary land use approval and their site plan and architectural review approval from the PC and would get a single set of conditions from the PC for their project. All other projects that do not require discretionary approval would continue to go to SPARC for site plan and architectural review and SPARC would develop the conditions of approval for the particular project.

3. Maintain the current SPARC system with better guidelines

In this alternative, the current duties of SPARC would remain largely unchanged. Instead, SPARC would be provided with a more extensive set of guidelines to assist their review of building plans. In addition to updated and more extensive design and site plan guidelines, a provision could be included that would restrict the ability of SPARC to modify any prior Planning Commission conditions on a project without the consent of the PC. For projects that do not go to the Planning Commission, SPARC would be free to use their discretion on crafting conditions of approval based on the new guidelines.

In addition to the proposed text change to the Zoning Ordinance, the Community Development Department is also proposing a change to the regular meeting date for the Site Plan and Architectural Review Committee meetings. Currently, SPARC meets on the first and third Monday of each month. Staff is proposing to change the regular meeting date to the second and fourth Wednesday of each month. The meetings will be held at 5:15 pm, prior to the Planning Commission meetings, which are held on the same days. The Planning Commission meetings will be held at 7:00 pm. If the Planning Commission concurs, the proposed change in SPARC meeting dates will be presented to the City Council for their approval.

CONCLUSION

Based on direction that staff has received from the Planning Commission, staff has determined the best alternative is Option 2, dividing the duties of design review between the Planning Commission and SPARC. We have modified the existing language regarding Site Plan and Architectural Review (LMC, Chapter 17.81) of the Zoning Ordinance to reflect the proposed change (See Exhibit A).

ALTERNATIVE PLANNING COMMISSION ACTIONS:

- Approve the Request with Alternate Conditions
- Deny the Request
- Continue the Request

Respectfully Submitted,

Concur,

David Morimoto
Senior Planner

Peter Pirnejad
Planning Manager

ATTACHMENTS:

1. Exhibit A – proposed ordinance
2. Draft Resolution

Exhibit A

Chapter 17.81 SITE PLAN AND ARCHITECTURAL APPROVAL

[17.81.010 Purpose.](#)

[17.81.020 Committee established.](#)

[17.81.030 Required.](#)

[17.81.040 Application.](#)

[17.81.050 Maps and drawings.](#)

[17.81.060 Committee action.](#)

[17.81.070 Appeal from committee.](#)

17.81.010 Purpose.

The purpose of site plan and architectural review and approval is to ensure compliance with this title (i.e. zoning ordinance) and to promote the orderly development of the City; the stability of land values; investment and the general welfare; and to help prevent the impairment or depreciation of land values and development by the erection of structures, additions or alterations thereto without proper attention to good site planning and architectural appearance. (Prior code § 27-18(a))

17.81.020 Committee established.

There is established a site plan and architectural review committee (SPARC) to assist the planning commission in reviewing site plans and architectural drawings. The membership of the committee shall consist of five members. Four of the members shall be appointed to four-year, overlapping terms by the Mayor with the approval of the City Council. The fifth member shall be a member of the Planning Commission and appointed by the Planning Commission to serve a one year term on the committee. (Prior code § 27-18(b))

17.81.030 Required.

Site plan and architectural approval is required for the following uses:

A. Residential building proposed to be erected in areas zoned R-GA, R-MD, R-HD, R-C-P, C-1 and C-2, except single-family dwellings, duplexes and triplexes.

B. Commercial-professional offices and institutional buildings proposed to be erected in areas zoned R-C-P and C-1.

C. Nonresidential buildings proposed to be erected in areas zoned C-1, C-2 and C-M.

D. Nonresidential buildings proposed to be erected in areas zones M-1 and M-2 which abut upon areas zones R-1, R-2, R-GA, R-MD, R-HD, R-C-P, C-1 and C-2.

E. Any use requiring a use permit (Ord. 1353 § 1, 1985: prior code § 27-18(c)); or when the Planning Commission or City Council requires a site plan and architectural review as a condition of a discretionary permit.

17.81.040 Application.

An application for site plan and architectural review shall be made by the property owner or agent on an application form provided by the City. (Prior code § 27-18(d))

17.81.050 Maps and drawings.

The following maps and drawings, in duplicate, shall be submitted that show the following:

- A. A site plan of the proposed structures that compliment the neighborhood and preserve light and air on adjoining properties;
- B. Landscaping and/or fencing of yards and setback area, use of landscaping and/or wall or fencing for screening purposes;
- C. Design of ingress and egress;
- D. Off-street parking and loading facilities;
- E. Drawings or sketches of the exterior elevations;
- F. Designation of location of existing fire hydrants. (Prior code § 27-18(e))

17.81.060 Site Plan and Architectural Review.

A. If a project falls into one of the categories of projects listed in Section 17.81.030 and requires site plan and architectural review, the review of the proposed building project will be done in the following manner:

1. Planning staff shall review the Site Plan and Architectural Review application to determine if the project requires a discretionary approval (use permit, variance, etc.) from the Planning Commission in addition to the site plan and architectural review.
2. If a project is determined to require a discretionary approval from the Planning Commission, the Planning Commission shall also be the body that reviews and approves the site plan and architectural design of the project.
3. If a project falls into one of the categories listed in Section 17.81.030 but does not require a discretionary approval from the Planning Commission, the required review and approval of the site plan and architectural review shall be done by the Site Plan and Architectural Review Committee (SPARC).

The approval body, whether the Planning Commission or SPARC shall have the function, duty and power to approve or disapprove; or to approve subject to compliance with such modifications or conditions as it may deem necessary to carry out the purpose of these regulations, the external design and site plan of all proposed new buildings or structures for which site plan and architectural approval are required. The approval body shall impose such conditions as are necessary to carry out policies adopted by ordinance or resolution of the City Council.

B. Upon approval of submitted plans or at the expiration of twenty-one days, the building inspector can issue a permit for such building; provided that all other provisions of law have been complied with and except as otherwise herein provided for buildings requiring use permits or on items appealed to the planning commission and/or city council. (Prior code § 27-18(f))

17.81.070 Appeals.

Any actions of the Site Plan and Architectural Review Committee on matters referred to in this chapter may be appealed to the Planning Commission by filing, within ten business days, a written appeal to the Community Development Director. Any action of the Planning Commission on matters referred to in this chapter may be appealed to the City Council by filing, within ten business days, a written appeal to the City Clerk. The appeal shall be processed in accordance with Chapter 17.88, Appeals, of the Lodi Municipal Code. (Ord. 1757 § 1 (part), 2005)

RESOLUTION NO. P.C. 08-16

RESOLUTION OF THE LODI PLANNING COMMISSION RECOMMENDING THAT THE
LODI CITY COUNCIL ADOPT AN AMENDMENT TO THE MUNICIPAL CODE REGULATING
SITE PLAN AND ARCHITECTURAL REVIEWS

WHEREAS, the Planning Commission of the City of Lodi has held a duly noticed public hearing, as required by law, on the requested Municipal Code Amendment in accordance with the Government Code and Lodi Municipal Code Chapter 17.84.010, Amendments; and,

WHEREAS, the Community Development Department has prepared a Draft Site Plan and Architectural Review amendment to the Zoning Ordinance; and,

WHEREAS, the Planning Commission has reviewed said Draft Site Plan and Architectural Review amendment for conformance with the Lodi General Plan; and,

WHEREAS, in accordance with the Municipal Code, the Planning Commission may make a recommendation to the City Council regarding the Draft Site Plan and Architectural Review amendment.

NOW, THEREFORE, BE IT RESOLVED by the Lodi Planning Commission, that:

1. The Draft Site Plan and Architectural Review amendment is in conformance with, and consistent with, the Lodi General Plan.
2. The purpose and intent of the Draft Site Plan and Architectural Review amendment conforms to the General Plan.
3. The proposed amendment will redefine the responsibilities of City agencies for the review and approval of the Site Plan and Architectural Design of new development projects.
5. The Planning Commission recommends that the City Council approve the proposed Site Plan and Architectural Review amendment to the Municipal Code.
6. The Secretary of the Planning Commission is hereby authorized and directed to transmit a copy of this Resolution to the City Council.

Dated: June 25, 2008

I hereby certify that Resolution No. 08-16 was passed and adopted by the Planning Commission of the City of Lodi at a regular meeting held on June 25, 2008, by the following vote:

AYES: Commissioners:

NOES: Commissioners:

ABSTAIN: Commissioners:

ABSENT: Commissioners:

ATTEST:

Secretary, Planning Commission