

<p>CARNEGIE FORUM 305 WEST PINE STREET LODI, CALIFORNIA</p>	<p><b>AGENDA</b> <b>LODI</b> <b>PLANNING COMMISSION</b></p>	<p>REGULAR SESSION WEDNESDAY, JANUARY 12, 2011 @ 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 – “December 8, 2010”
3. PUBLIC HEARINGS
  - a. Request for Planning Commission approval of a Use Permit to allow wholesale distribution of alcoholic beverages at 847 Cluff Avenue, Suite B-3. (Applicant: Alejandro Guerrero Hernandez Jr.; File Number: 10-U-17)

**NOTE: The above item is a quasi-judicial hearing and requires disclosure of ex parte communications as set forth in Resolution No. 2006-31**

4. PLANNING MATTERS/FOLLOW-UP ITEMS
5. ANNOUNCEMENTS AND CORRESPONDENCE
6. ACTIONS OF THE CITY COUNCIL
  - a. Council Summary Memo
7. GENERAL PLAN UPDATE/DEVELOPMENT CODE UPDATE
8. ACTIONS OF THE SITE PLAN AND ARCHITECTURAL REVIEW COMMITTEE
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 2<sup>nd</sup> 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, DECEMBER 8, 2010**

1. CALL TO ORDER / ROLL CALL

The Regular Planning Commission meeting of December 8, 2010, was called to order by Chair Hennecke at 7:00 p.m.

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

Absent: Planning Commissioners – Jones and Heinitz

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

2. MINUTES

“October 27, 2010”

MOTION / VOTE:

The Planning Commission, on motion of Commissioner Cummins, Kirsten second, approved the Minutes of October 27, 2010 as written. (Commissioner Olson abstained because she was not in attendance of the subject meeting)

“November 10, 2010”

MOTION / VOTE:

The Planning Commission, on motion of Commissioner Kirsten, Kiser second, approved the Minutes of November 10, 2010 as written. (Commissioner Cummins abstained because he was 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 Hennecke called for the public hearing to consider the request of a Use Permit to allow a Type-20 Off-Sale beer and wine Alcoholic Beverage Control License at 11 North School Street (Applicant: Cindy Della Monica. File Number: 10-U-15).

Commissioner Kirsten recused himself due to a conflict of having property interest within the 300 foot radius of this project.

Associate Planner Bereket gave a brief PowerPoint presentation based on the staff report. Staff recommends approval.

Hearing Opened to the Public

- John Della Monica, representative for the applicant, came forward to answer questions.
- Chair Hennecke stated his pleasure for this type of business for Lodi and the downtown area.

- Commissioner Kiser asked if the cheeses were going to be from all over. Mr. Della Monica stated that the cheeses will be coming from all over the world.

Public Portion of Hearing Closed

MOTION / VOTE:

The Planning Commission, on motion of Commissioner Kiser, Cummins second, approved the request of the Planning Commission for a Use Permit to allow a Type-20 Off-Sale beer and wine Alcoholic Beverage Control License at 11 North School Street subject to the conditions in the resolution. The motion carried by the following vote:

- Ayes: Commissioners – Cummins, Kiser, Olson, and Chair Hennecke
- Noes: Commissioners – None
- Abstain: Commissioners – Kirsten
- Absent: Commissioners – Heinitz and Jones

Commissioner Kirsten rejoined the Commission.

Director Bartlam stated that Mr. Della Monica and his partner are the architects responsible for the property improvements that are occurring across the street from City Hall, which is where they are relocating their office.

4. PLANNING MATTERS/FOLLOW-UP ITEMS

None

5. ANNOUNCEMENTS AND CORRESPONDENCE

None

6. ACTIONS OF THE CITY COUNCIL

Director Bartlam stated that there is a memo in the packet and staff is available to answer any questions.

Chair Hennecke stated on behalf of the Commission how pleased they are that Mr. Bartlam was chosen for the City Manager’s position on a permanent basis. The rest of the Commission concurred.

7. GENERAL PLAN UPDATE/DEVELOPMENT CODE UPDATE

Director Bartlam stated that there have been emails going back and forth with the State regarding the Housing Element and staff is hopeful that the document will be ready to be brought to the Commission in early February. He also added as a reminder that the City received grant funds that will be used to update the development code.

8. ACTIONS OF THE SITE PLAN AND ARCHITECTURAL REVIEW COMMITTEE

None

9. ART IN PUBLIC PLACES

None

10. COMMENTS BY THE PUBLIC

None

11. COMMENTS BY STAFF AND COMMISSIONERS

Deputy City Attorney Magdich reminded the Commissioners of the AB1234 Ethics Training that will be held here in Carnegie Forum on Monday, December 13, 2010 at 6:00pm.

12. ADJOURNMENT

There being no further business to come before the Planning Commission, the meeting was adjourned at 7:10 p.m.

ATTEST:

Konradt Bartlam  
Planning Commission Secretary

Use Permit for ABC License to allow Wholesale Distribution  
@ 847 Cluff Ave., Suite B-3 - Alejandro Guerrero Hernandez Jr.

# Item 3a

**CITY OF LODI  
PLANNING COMMISSION  
Staff Report**

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**MEETING DATE:** January 12, 2011

**APPLICATION NO:** Use Permit: 10-U-17

**REQUEST:** Request for Planning Commission approval of a Use Permit to allow wholesale distribution of alcoholic beverages at 847 Cluff Avenue, Suite B-3. (Applicant: Alejandro Guerrero Hernandez Jr.; File Number: 10-U-17)

**LOCATION:** 847 Cluff Avenue, Suite B-3  
APN: 049-350-09  
Lodi, CA 95240

**APPLICANT:** Alejandro Guerrero Hernandez Jr.  
2481 Pinkerton Way  
Lodi, CA 95242

**PROPERTY OWNER:** Reginald Katzakian  
P. O. Box 1230  
Linden, CA 95236

**RECOMMENDATION**

Staff recommends that the Planning Commission approve the request of Alejandro Guerrero Hernandez Jr. for a Use Permit to allow Type-9,12, 17 and Type 18 Alcoholic Beverage Control (ABC) licenses at 847 Cluff Avenue, Suite B-3, subject to the conditions in the attached resolution.

**PROJECT AREA DESCRIPTION**

**General Plan Designation:** Industrial

**Zoning Designation:** M-2, Heavy Industrial

**Property Size:** 1.5 acres. (The tenant space measures approximately 1,800 sq. ft.)

The adjacent zoning and land use characteristics:

	<b>General Plan</b>	<b>Zone</b>	<b>Land Use</b>
<b>North</b>	Industrial	M-2, Heavy Industrial	Warehouse/industrial use
<b>South</b>	Industrial	M-2, Heavy Industrial	Warehouse/industrial use
<b>East</b>	Industrial	M-2, Heavy Industrial	Warehouse/industrial use
<b>West</b>	Industrial	M-2, Heavy Industrial	Warehouse/industrial use

**SUMMARY**

The applicant, Mr. Alejandro Guerrero Hernandez Jr., is requesting approval of a Use Permit to allow Type-9, 12, 17 and Type 18 Alcoholic Beverage Control (ABC) licenses at an existing warehouse located at the 847 Cluff Avenue, within Heavy Industrial (M-2) zoning district. The applicant intends to import and export beer and distilled spirits (tequila). The City requires a Use Permit for the sale of alcoholic beverages. The census tract in which this business is located is over-concentrated and, therefore, the Commission needs to make a

finding of public necessity and/or need to approve additional ABC license. To date, staff has not received any letters in opposition to the request.

## **BACKGROUND**

The project site contains three buildings. Two buildings measure 8700 sq. ft. Each building contains four (4) individual suites. The third building measures 12,600 sq. ft. and contains six (6) suites. Building permits were issued in 2006 and construction was completed in 2007. The applicant petitioned the City in 2007 to allow conversion of each suite in to an industrial condominium and the petition was approved and recorded in the same year.

The applicant, Mr. Alejandro Guerrero Hernandez Jr., submitted tenant improvement building permit to allow the suite for the proposed distribution business. The tenant improvement permit has been issued and construction is pending.

## **ANALYSIS**

The applicant is requesting approval of a Use Permit to allow Type-9, 12, 17 and Type 18 Alcoholic Beverage Control (ABC) licenses at 847 Cluff Avenue, Suite B-3. The project site is zoned Heavy Industrial (M-2), which permits storage and distribution of alcoholic beverages for on and off-site consumption with the granting of a Use Permit by the Planning Commission pursuant to §17.72.040 of the Lodi Municipal Code. Type-9 ABC license is issued to businesses to import beer and wine. Type 12 ABC license issued to a licensee who has another type of non-retail distilled spirits license. These licenses do not have sale privileges. Type-17 (beer and wine) and Type-18 (distilled spirits) ABC licenses permit the wholesale distribution to retailers such as qualified liquor stores, grocery stores, restaurants etc.

The City established the Use Permit requirement to gain local control over whether or not a license is appropriate for a particular location. The Department of Alcoholic Beverage Control primarily controls issuance based on concentration of licenses within a particular Census Tract. The project belongs to Census Tract 45, which covers the area south of the Mokelumne River, north of Lodi Avenue, east of the Union Pacific Rail Road (U.P.R.R), and west of Guild Avenue. According to ABC, Census Tract 45 contains ten (10) existing ABC off-sale licenses with six (6) off-sale licenses allowed based on the ABC criteria. In order comply with ABC requirements regarding potential over-concentration of off-sale establishments, the Planning Commission must make a finding of public convenience and/or necessity in order to authorize more than six (6) off-sale permits in this census tract. In the past, the Planning Commission and the Planning staff have generally supported wholesale distributors who wish to acquire an ABC off-sale license, because typically, no retail sales or on-site consumption occurs.

Staff sent copies of the application to various City departments for comments and review. Their comments and requirements have been incorporated into the attached resolution. Staff has contacted the Lodi Police Department for their requirement for approval of the proposed Use Permit application and they do not anticipate alcohol related problems. The Lodi Police Department recommends approval subject to the conditions outlined in the attached resolution.

If approved, the project will be precluded from having external advertising of alcohol sales (e.g. window and wall displays) by Condition #3. Conditions #4 and #5 will assist in addressing issues commonly associated with alcohol sales, such as sales to transients, loitering, open containers, etc. Further, these conditions will assist in maintaining the appearance of the establishment as a wholesale distributor rather than a liquor store. Moreover, the proposed use will not result in an "undue concentration" of establishments

dispensing alcoholic beverages as defined by Section 23958 and 23958.4 of the California Business and Professional Code and giving consideration to the California Department of Alcoholic Beverage Control's guidelines related to number and proximity of such establishments within a 1,000-foot radius of the site. The principal purpose of the proposed business involves wholesale distribution and does not involve on-site consumption.

In staff's opinion, the proposed sale of alcohol for off-site consumption will not result in any adverse conditions and that the intent of the proposed use is wholesale distribution of beer and distilled spirits and sale of single-serving containers is not permitted. Staff recommends conditions of approval that will allow the City to reconsider the Use Permit if there is a significant increase in police or other public services provided to the site following the effective date of this Use Permit. The proposed project is consistent with the uses on the site and compatible with the General Plan and Zoning Ordinance land uses. Staff believes that the required findings necessary for the approval of a Use Permit have been made in the attached resolution. Therefore, recommends approval the Use Permit subject to the conditions outlined in the attached resolution.

**ENVIRONMENTAL ASSESSMENTS**

The project was found to be Categorically Exempt according to the California Environmental Quality Act, Article 19 §15321, Class 21 (a) (2). The project is classified as an "Enforcement action by regulatory agencies" because it is the "adoption of an administrative decision or order enforcing or revoking the lease, permit, license, certificate, or entitlement for use or enforcing the general rule, standard, or objective." No significant environmental impacts are anticipated and no mitigation measures have been required.

**PUBLIC HEARING NOTICE:**

Legal Notice for the Use Permit was published on December 29, 2010. Twenty-two (22) public hearing notices were sent to all property owners of record within a 300-foot radius of the subject property as required by California State Law §65091 (a) 3. No protest letter has been received.

**ALTERNATIVE PLANNING COMMISSION ACTIONS:**

- Approve the request with attached or alternate conditions
- Deny the request
- Continue the request

Respectfully Submitted,

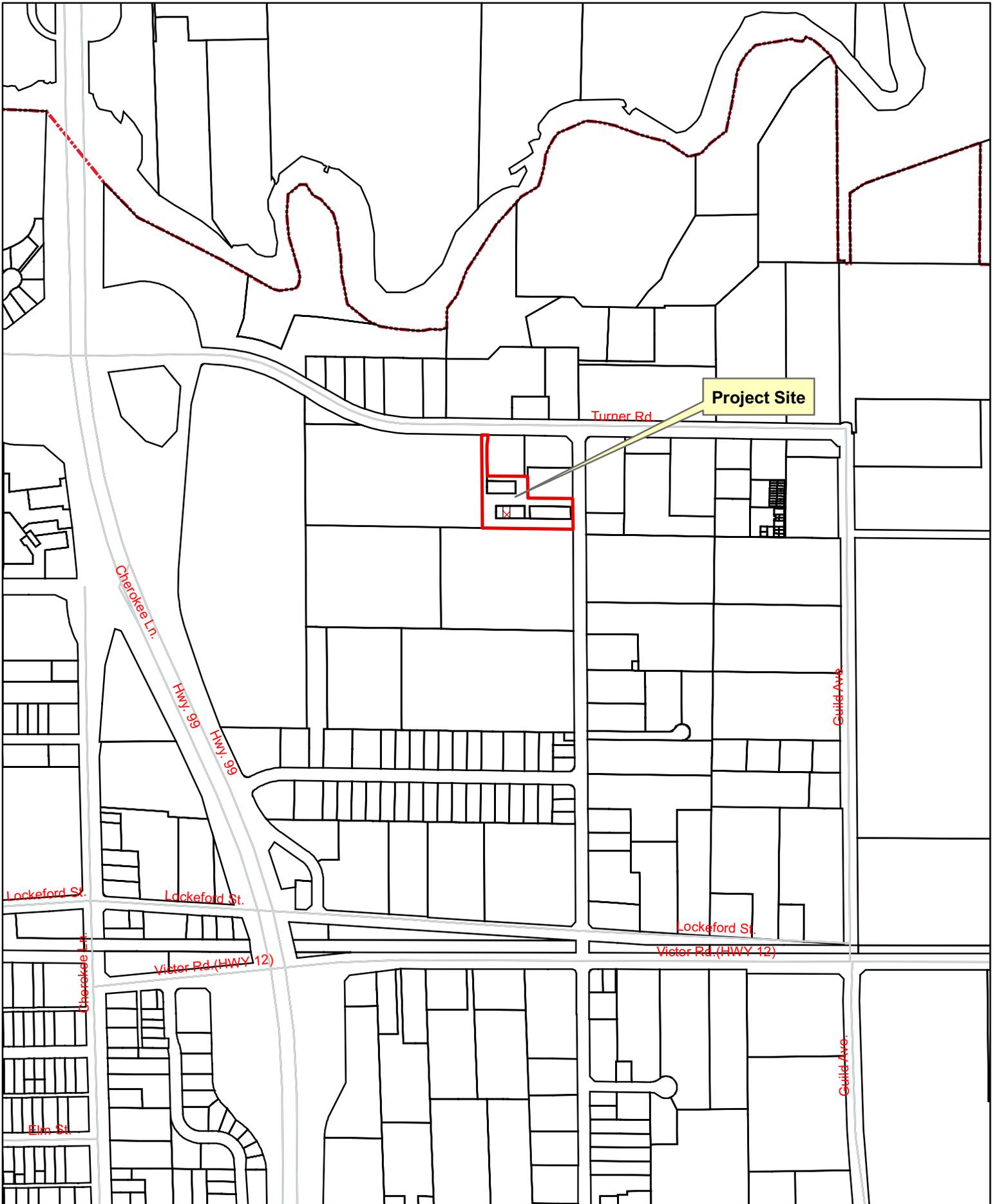
Concur,

Immanuel Bereket  
Associate Planner

Konradt Bartlam  
Community Development Director

**ATTACHMENTS:**

1. Vicinity Map
2. Aerial Photo
3. Site Plan and Floor Plan
4. Police Department Comment
5. Draft Resolution



**Project Site**

Turner Rd

Cherokee Ln

Hwy 99

Hwy 99

Guild Ave

Lockeford St

Lockeford St

Lockeford St

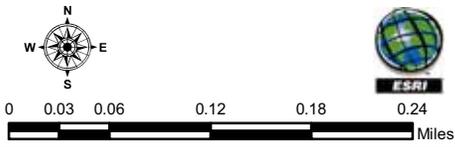
Victor Rd (HWY 12)

Victor Rd (HWY 12)

Guild Ave

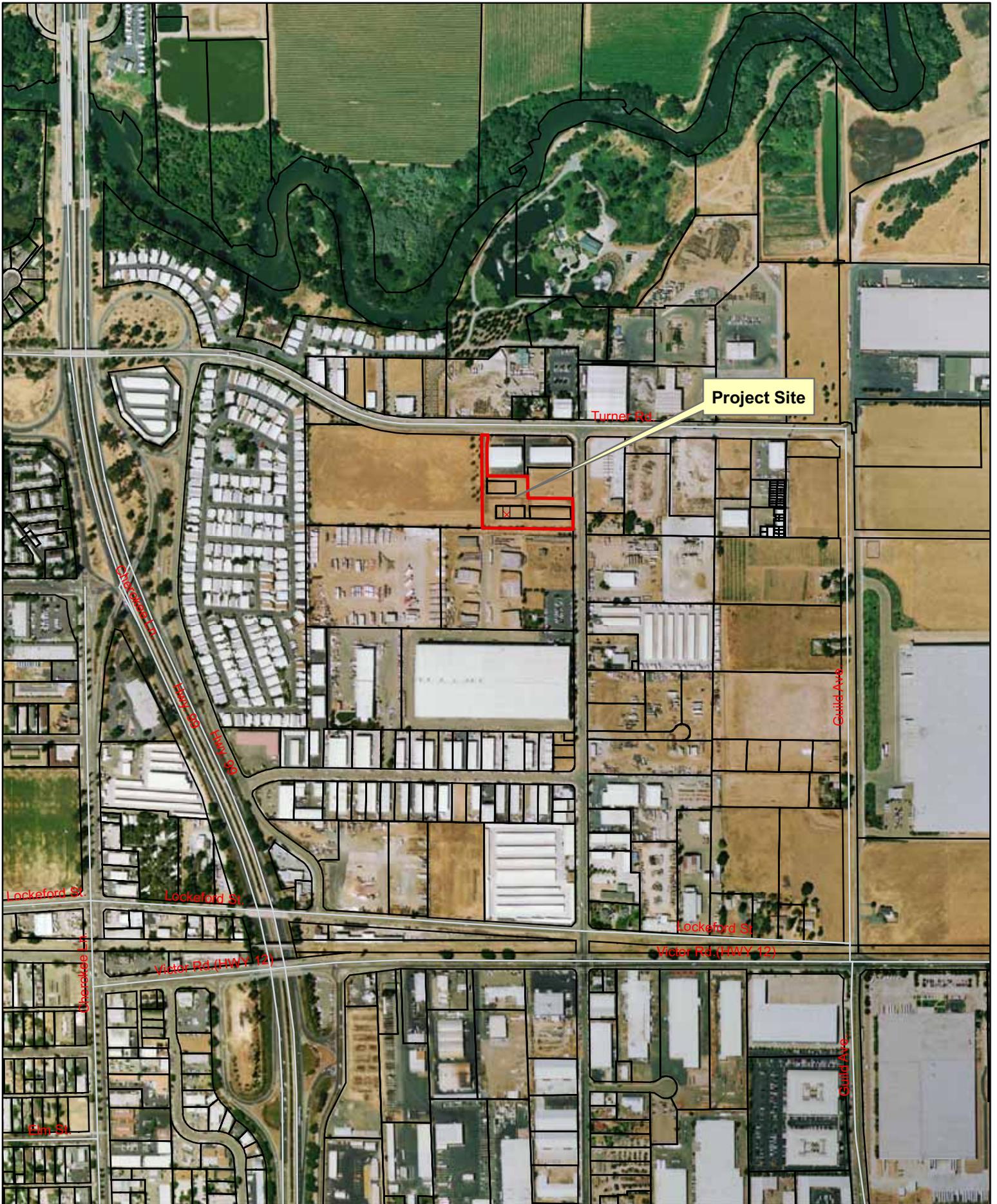
Elm St

Cherokee Ln



**Gromar Imports**  
 847 Cluff Avenue, Suite B-3  
 APN: 049-350-09  
 Lodi, CA 95240

-  Suite B-3
-  847 Cluff Avenue



**Project Site**

Turner Rd

Cluff Ave

Victor Rd (HWY 12)

Cluff Ave

Lockeford St

Lockeford St

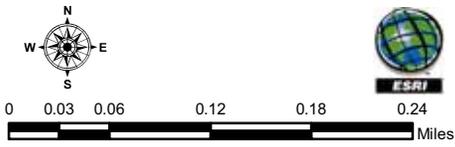
Lockeford St

Victor Rd (HWY 12)

Cluff Ave

Em St

Uberoklee Ln



**Gromar Imports**  
 847 Cluff Avenue, Suite B-3  
 APN: 049-350-09  
 Lodi, CA 95240

-  Suite B-3
-  847 Cluff Avenue

# GROMAR IMPORTATIONS

847 N CLUFF AVE & 1020 E. TURNER ROAD  
LODI, CA

REVISIONS	BY
△ PLAN CHECK 2/25/06	GSB
△ PLAN CHECK 2/25/06	GSB

**MIKE SMITH ENGINEERING, INC.**  
 4 NORTH MAIN STREET  
 LODI, CALIFORNIA 95240  
 PHONE (209) 334-2332

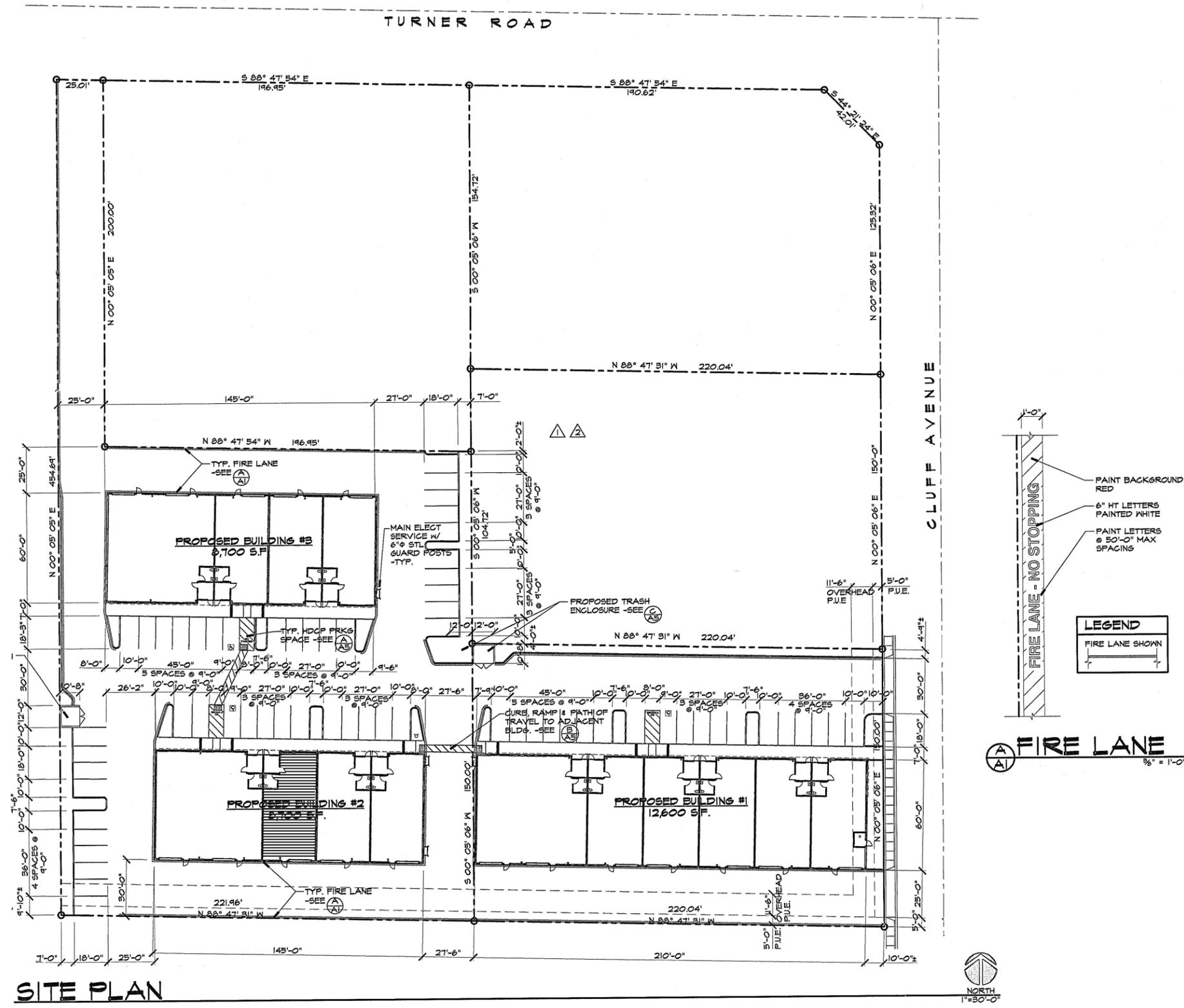
RECEIVED  
 MAY 01 2006  
 COMMUNITY DEVELOPMENT DEPT  
 CITY OF LODI

TITLE:  
**SITE PLAN**

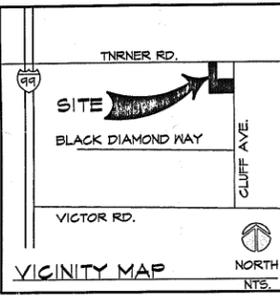
PROJECT:  
 PROPOSED SHELL COMMERCIAL BUILDINGS FOR:  
**REGGIE KATZKIAN**  
 847 N CLUFF AVE & 1020 E. TURNER ROAD  
 LODI, CA

STAMP  
 REGISTERED PROFESSIONAL ENGINEER  
 MICHAEL W. SMITH  
 NO. 004483  
 EXP. 3-31-08  
 CIVIL  
 STATE OF CALIFORNIA

DRAWN  
 GAC/RLP  
 CHECKED  
 MS  
 DATE  
 6/23/05  
 SCALE  
 AS NOTED  
 JOB NO.  
 04049  
 SHEET  
**A1**  
 1 OF 14 SHEETS



THIS PROJECT SHALL COMPLY WITH THE REQUIREMENTS OF TITLE-24, THE 2001 C.B.C., 2001 C.M.C., 2001 U.P.C. AND 2001 N.E.C., AND ALL LOCAL ORDINANCES.

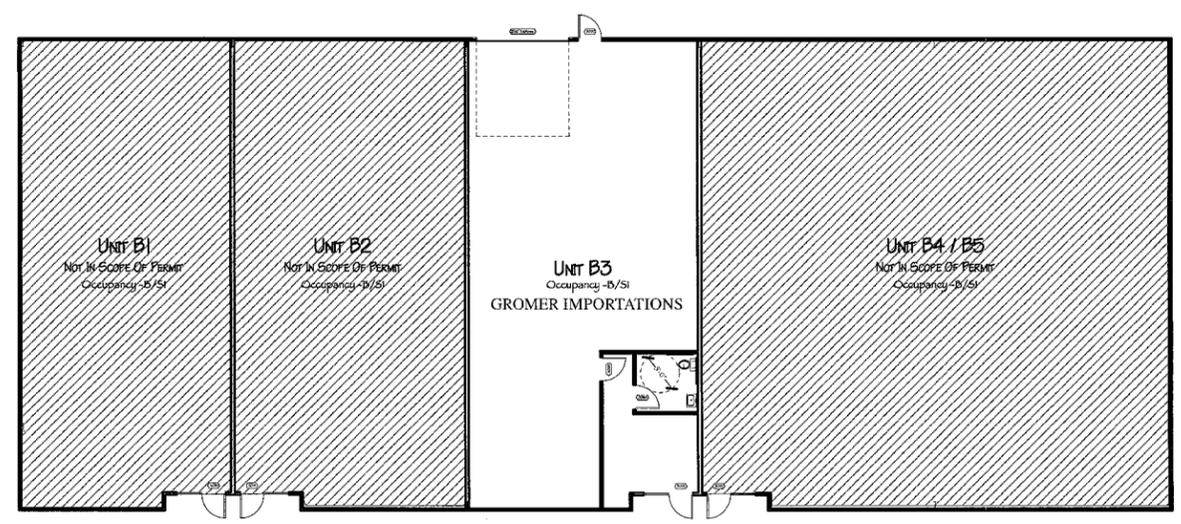


**SITE PLAN**

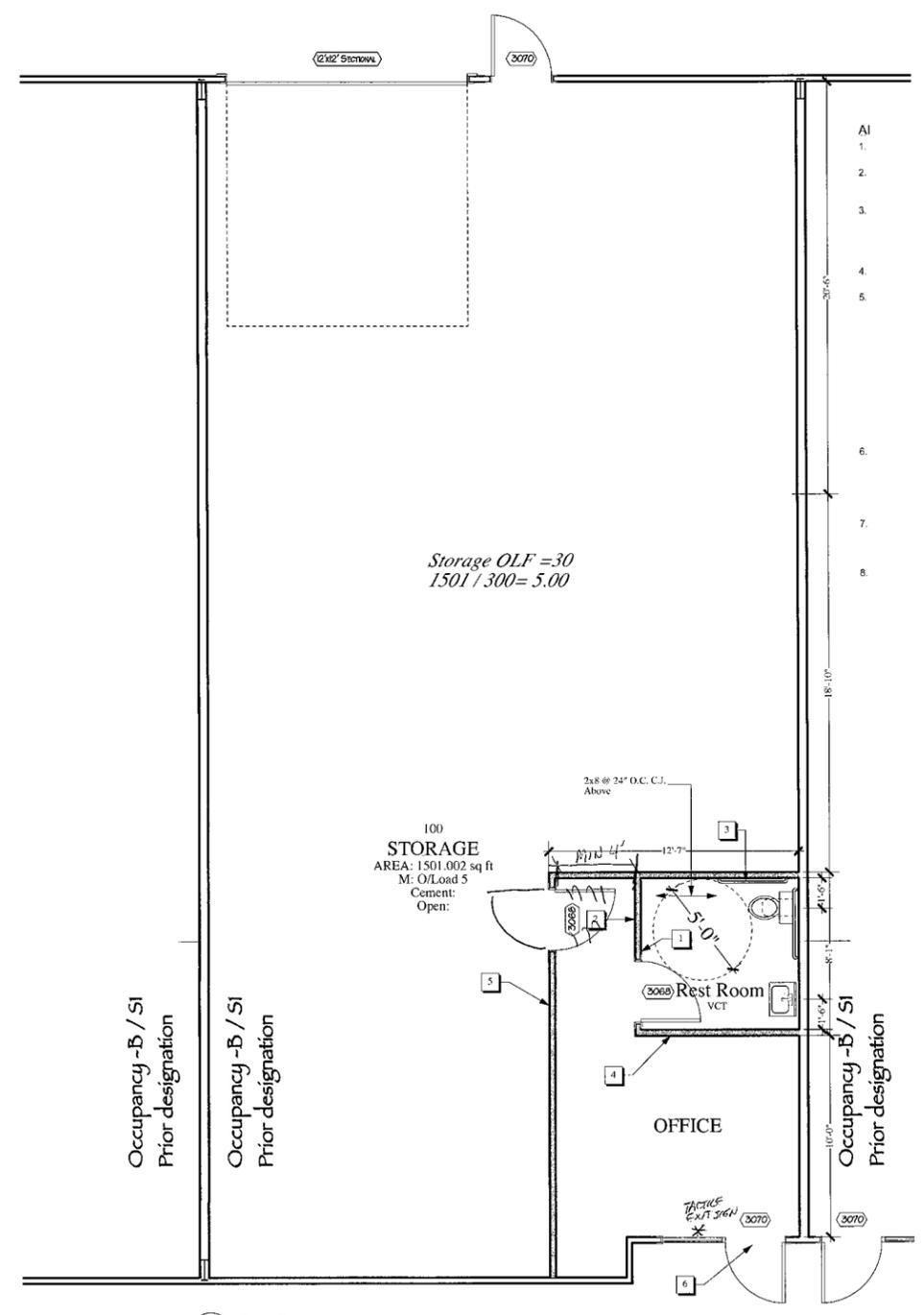
03/22/2006

1 2 3 4 5 6 7

A  
B  
C  
D  
E



1 Building Plan  
Scale: 3/32" = 1'-0"



3 FLOOR PLAN  
Scale: 1/4" = 1'-0"

No.	Date	Issue Notes		Design Firm:	<b>Timothy Katzakian Company</b> 777 South Ham Lane Ste. E Lodi, CA 95242 tim22@comcast.net	Project Title:	<b>Gromar Importations</b> 847 N. Cluff Suite B3 Lodi, California	Project Manager:	Reggie Katzakian	Project ID:	Gromar Importations
				Drawn By:	TK	Scale:					
				Reviewed By:	TK/RK	Drawing No.:	<b>A2.0</b>				
				Date:	12/29/2009	CAD File Name:	Reggie-Gromar				

## Immanuel Bereket

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**From:** JP Badel  
**Sent:** Friday, December 17, 2010 11:26 AM  
**To:** Immanuel Bereket  
**Subject:** 847 Cluff Project

Manny

The Police Department has no concerns regarding the proposed project at 847 Cluff.

JP

*Captain J.P. Badel*  
**Operations & Support Services Commander**  
**Lodi Police Department**  
215 W. Elm St.  
Lodi, California 95240  
Office: 209-333-5501  
[www.lodi.gov/police](http://www.lodi.gov/police)

**RESOLUTION NO. P.C. 11-**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LODI FOR THE APPROVAL OF THE REQUEST OF ALEJANDRO GUERRERO HERNANDEZ JR. FOR A USE PERMIT TO ALLOW FOR STORAGE AND DISTRIBUTION OF ALCOHOLIC BEVERAGE CONTROL LICENSE AT 847 CLUFF AVENUE, SUITE B-3**

**WHEREAS**, the Planning Commission of the City of Lodi has heretofore held a duly noticed public hearing, as required by law, on the requested Use Permit, in accordance with the Lodi Municipal Code, Section 17.72.070; and

**WHEREAS**, the project site is located at 847 Cluff Avenue, Suite B-3, Lodi, CA 95240 (APN: 049-350-09); and

**WHEREAS**, the project site has a General Plan designation of Industrial and is zoned M-2, Heavy Industrial; and

**WHEREAS**, the project property owner is Reginald Katzakian, P. O. Box 1230, CA, 95236; and

**WHEREAS**, the project proponent is Alejandro Guerrero Hernandez Jr., 2481 Pinkerton Way, Lodi, CA 95242; and

**WHEREAS**, the requested Use Permit to allow the storage and wholesale distribution of beer and distilled spirits for off-site consumption is an enforcement action in accordance with the City of Lodi Zoning Ordinance; and

**WHEREAS**, Census Tract 45 in which the business is located currently is over-concentrated with ABC licenses allowing the sale of beer, wine and distilled spirits for consumption on- and off-site the premise where sold; and

**WHEREAS**, the Planning Commission makes a finding of necessity and public convenience for the request of Alejandro Guerrero Hernandez Jr. for a Use Permit to allow issuance of an additional Alcohol Beverage Control license in this tract;

**WHEREAS**, the State Department of Alcoholic Beverage Control has training available that clearly communicates State law concerning the sale of alcoholic beverages.

**WHEREAS**, all legal prerequisites to the adoption of this Resolution have occurred; and

Based upon the evidence within the staff report and project file the Planning Commission finds:

1. The project was found to be Categorical Exempt according to the California Environmental Quality Act, Article 19 §15321, Class 21 (a) (2). The project is classified as an "Enforcement action by regulatory agencies" because it is the "adoption of an administrative decision or order enforcing or revoking the lease, permit, license, certificate, or entitlement for use or enforcing the general rule, standard, or objective." No significant environmental impacts are anticipated and no mitigation measures have been required.
2. The sale of alcoholic beverages for off-premise consumption as part of a general store is a permitted use in the Heavy Industrial (M-2) zoning District. The site is suitable and adequate for the proposed.
3. The distribution of beer and distilled spirits for off-sale consumption, in accordance with a Type 9,12, 17 and Type 18 Alcoholic Beverage Control licenses and with the conditions attached herein, would be consistent and in harmony with the Industrial use General Plan Land Use Designation and M-2 zoning district.
4. The proposed use is consistent with the General Plan because commercial uses such as the one proposed are permitted in accordance with Land Use Policy subject to a discretionary review.

5. The proposed use would not have a substantial adverse economic effect on nearby uses because operation of a wholesale distribution center in accordance with applicable laws and under the conditions of this Use Permit is anticipated to be an economic benefit to the community.
6. The sale and consumption of alcohol can sometimes result in customer behavior problems that can require police intervention.
7. Steps can be taken by the Applicant/Operator to reduce the number of incidents resulting from the over-consumption of alcohol including the proper training and monitoring of employees handling alcohol; the careful screening of IDs of customers to avoid sales to under-aged individuals; providing properly trained on-site security to monitor customer behavior both in and outside of the establishment; and working with the Lodi Police Dept. to resolve any problems that may arise.
8. The proposed use can be compatible with the surrounding use and neighborhood if the business is conducted properly and if the Applicant/Operator works with neighboring businesses and residents to resolve any problems that may occur.
9. The sale of alcoholic beverages at this location can meet the intent of the General Commercial zoning district and can provide a public convenience or necessity for customers of the business.

**NOW, THEREFORE, BE IT DETERMINED AND RESOLVED** by the Planning Commission of the City of Lodi that Use Permit Application No. 10-U-17 is hereby approved, subject to the following conditions:

1. The applicant/Operator and/or successors in interest and management shall defend, indemnify, and hold the City, its agents, officers, and employees harmless of any claim, action, or proceeding to attack, set aside, void, or annul this Use Permit, so long as the City promptly notifies the developer of any claim, action, or proceedings, and the City cooperates fully in defense of the action or proceedings.
2. The Applicant/Operator and/or successors in interest and management shall insure that the sale of alcohol does not cause any condition that will cause or result in repeated activities that are harmful to the health, peace or safety of persons residing or working in the surrounding area. This includes, but is not limited to: disturbances of the peace, illegal drug activity, public intoxication, drinking in public, harassment of people passing by, assaults, batteries, acts of vandalism, loitering, excessive littering, illegal parking, excessive loud noises, traffic violations or traffic safety based upon last drink statistics, curfew violations, lewd conduct, or police detention and arrests.
3. The applicant/Operator and/or successors in interest and management shall be prohibited from externally advertising or promoting beer & wine and/or distilled spirits, including but not limited to, window and wall signage.
4. The Applicant/Operator and/or successors in interest and management shall operate the project in strict compliance with the approvals granted herein, City standards, laws, and ordinances, and in compliance with all State and Federal laws, regulations, and standards. In the event of a conflict between City laws and standards and a State or Federal law, regulation, or standard, the stricter or higher standard shall control.
5. The Lodi Police Department may, at any time, request that the Planning Commission conduct a hearing on the Use Permit for the purpose of amending or adding new conditions to the Use Permit or to consider revocation of the Use Permit if the Use Permit becomes a serious policing problem.
6. The Use Permit shall require the Applicant/Operator and/or successors in interest and management to secure Type 12 and Type 18 Alcoholic Beverage Control licenses.

7. Prior to the issuance of a Type 12 and Type 18 ABC licenses, the Applicant/Operator and/or successors in interest and management shall complete Licensee Education on Alcohol and Drugs as provided by the State Department of Alcoholic Beverage Control.
8. Any changes to the interior layout of the business operation shall be subject to review and approval by the Community Development Department and shall require appropriate City permits.
9. The operator/applicant and/or successors in interest and management shall comply with all the Municipal Codes relating to loitering, open container laws and other nuisance-related issues.
10. The operator/applicant and/or successors in interest and management shall ensure noise emanating from the property shall be within the limitations prescribed by the City's Noise Ordinance and shall not create a nuisance to surrounding residential neighborhoods, and/or commercial establishments.
11. The exterior of all the premises shall be maintained in a neat and clean manner, and maintained free of graffiti at all times.
12. Any fees due the City of Lodi for processing this Project shall be paid to the City within thirty (30) calendar days of final action by the approval authority. Failure to pay such outstanding fees within the time specified shall invalidate any approval or conditional approval granted. No permits, site work, or other actions authorized by this action shall be processed by the City, nor permitted, authorized or commenced until all outstanding fees are paid to the City.
13. No variance from any City of Lodi adopted code, policy or specification is granted or implied by this approval.

**Dated: January 12, 2011**

I certify that Resolution No. 11-was passed and adopted by the Planning Commission of the City of Lodi at a regular meeting held on January 12, 2011 by the following vote:

AYES: Commissioners:

NOES: Commissioners:

ABSENT: Commissioners:

**ATTEST** \_\_\_\_\_  
Secretary, Planning Commission

# Item 6a.



**MEMORANDUM, City of Lodi, Community Development Department**

**To:** City of Lodi Planning Commissioners  
**From:** Rad Bartlam, Community Development Director  
**Date:** Planning Commission Meeting of 01/12/2011  
**Subject:** Past meetings of the City Council and other meetings pertinent to the Planning Commission

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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
December 21, 2010	Shirtsleeve	Review and Discuss Options for Regulating Medical Marijuana in the City of Lodi (CA)
January 5, 2011	Regular	Adopt Resolution Approving the Joint Use Agreement Between the Lodi Unified School District and the City of Lodi for Reciprocal Use of Facilities for the Term of July 1, 2010 Through June 30, 2020 (PR)