

<p>CARNEGIE FORUM 305 WEST PINE STREET LODI, CALIFORNIA</p>	<p>AGENDA LODI PLANNING COMMISSION</p>	<p>REGULAR SESSION WEDNESDAY, OCTOBER 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 – “May 11, 2011” & “July 13, 2011” & “September 14, 2011”
3. PUBLIC HEARINGS
 - a. Request for Planning Commission approval of a Use Permit to allow Type 47 Alcoholic Beverage Control license at 10 West Oak Street. (Applicant: Ruben Darro Larrazolo Perez; File Number: 11-U-18)

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
 - a. San Joaquin Council Of Governments Regional Smart Growth-Transit Oriented Development Plan Public Outreach Workshop
5. PLANNING MATTERS/FOLLOW-UP ITEMS
6. ANNOUNCEMENTS AND CORRESPONDENCE
7. ACTIONS OF THE CITY COUNCIL
 - a. Council Summary Memo
8. GENERAL PLAN UPDATE/DEVELOPMENT CODE UPDATE
9. ACTIONS OF THE SITE PLAN AND ARCHITECTURAL REVIEW COMMITTEE
10. ART IN PUBLIC PLACES
11. COMMENTS BY THE PUBLIC
12. COMMENTS BY THE PLANNING COMMISSIONERS & STAFF
13. ADJOURNMENT

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

****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: (explained on next page)

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, MAY 11, 2011**

1. CALL TO ORDER / ROLL CALL

The Regular Planning Commission meeting of May 11, 2011, was called to order by chair Hennecke at 7:00 p.m.

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

Absent: Planning Commissioners – Jones, Heinitz, and Olson

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

2. MINUTES

“January 12, 2011”

MOTION / VOTE:

No Motion made because there was not a quorum of Commissioners in attendance to make the motion. Item continued to the next meeting.

“April 13, 2011”

MOTION / VOTE:

No Motion made because there was not a quorum of Commissioners in attendance to make the motion. Item continued to the next 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 for a Use Permit to allow Type 21 off-Sale Alcoholic Beverage Control license at 2350 West Kettleman Lane. (Applicant: Miriam Montesinos, on behalf of Wal-Mart Stores, Inc. File Number: 11-U-09)

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

Hearing Opened to the Public

- Miriam Montesinos, applicant on behalf of Wal Mart, came forward to answer questions. Ms Montesinos stated that there have not been any protests filed with ABC to date.
- Chair Hennecke asked if this type of application was typical of other Wal Mart Stores. Ms. Montesinos stated that it is typical of other Wal Mart Stores.
- Troy Johnson, Store Manager in Lodi, came forward to answer questions. Mr. Johnson gave a brief statement regarding the ways that the Lodi Wal Mart Store has been a good neighbor to the City through various donations to local charity groups and fundraisers.

- Commissioner Kiser asked if local wines will be stocked. Mr. Johnson stated that they have already contacted Gallo and are also going to try to get more of the local area wines on the shelf.
- Pat Patrick, President of Lodi Chamber of Commerce, came forward to support this project.

Public Portion of Hearing Closed

MOTION / VOTE:

The Planning Commission, on motion of Commissioner Cummins, Kiser second, approved the request of the Planning Commission for a Use Permit to allow Type 21 off-Sale Alcoholic Beverage Control license at 2350 West Kettleman Lane subject to the conditions in the resolution. The motion carried by the following vote:

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

- b) 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 for a Use Permit to allow outdoor seating/standing and drinking area at California Street Pub (formerly Barking Dog bar) in conjunction with their existing Type-48 On-Sale General ABC license at 302 North California Street (Applicant: Christian Cole, ob behalf of Thirsty Inc., dba California Street Pub. File Number: 11-U-06.) – **Postponed to a future meeting.**
- c) 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 for an amendment to an existing Use Permit to allow expansion of an existing restaurant that serves beer, wine and distilled spirits at 400 East Kettleman Lane, Suites 5-8. (Applicant: Petra Flores Pena. File Number: 10-U-14)

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

Hearing Opened to the Public

- Octavio Cruses, representative of the applicant, came forward to answer questions.
- Commissioner Kiser asked if the small bar that is already there is the bar that is proposed to stay. Mr. Cruses stated that is accurate.
- Barbara Flockhart, Elgin Avenue property owner, came forward to state that loud music has been a problem in the past from the stereo store that used to occupy a space in the building and would like to know if live music or any other type of noise producing issues will be occurring. Chair Hennecke stated that if the applicant wished to do live music they would be required to submit a separate application with the Planning Division, and deferred to Director Bartlam for further explanation. Director Bartlam stated that at this time there isn't an application in the process for live music, but there is the ability for the applicant to come back and apply for one. He added that if at any time there are any noise issues a complaint can be filed with both the Police Department and directly with the Planning Division, so that staff can follow-up on the complaint.

Public Portion of Hearing Closed

MOTION / VOTE:

The Planning Commission, on motion of Commissioner Kirsten, Kiser second, approved the request of the Planning Commission for an amendment to an existing Use Permit to allow expansion of an existing restaurant that serves beer, wine and distilled spirits at 400 East Kettleman Lane, Suites 5-8 subject to the conditions in the resolution. The motion carried by the following vote:

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

- d) 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 for a Use Permit to allow Type 42 Alcoholic Beverage Control license (on-sale beer and wine – public premises) at 1110 West Kettleman Lane, Suites 9-10. (Applicant: Sean Bocardo and Nichole Pendley. File Number: 11-U-10)

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

Commissioner Kiser asked if this project is within three-hundred feet of the residences behind this building. Mr. Bereket stated that it is within three-hundred feet of the residences, but the item being heard tonight is for the Use Permit for the ABC License and the Live Entertainment will come back at a later date. The residences will be notified as part of the procedure for that application.

Hearing Opened to the Public

- Nichole Pendley, co-applicant, came forward to answer questions. Ms. Pendley stated that they would like to be able to open up at 11:00 am or noon instead of 4:00 pm.
- Sean Bocardo, co-applicant, came forward to answer questions and stated that this will give local wineries that do not already have tasting rooms a place to highlight their wines.

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 Type 42 Alcoholic Beverage Control license (on-sale beer and wine – public premises) at 1110 West Kettleman Lane, Suites 9-10 subject to the conditions in the resolution. The motion carried by the following vote:

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

- e) 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 for a Use Permit to allow the establishment of a religious facility within an existing commercial building located at 651 North Cherokee Lane, Suite C. (Applicant: Pastor Willie McGill Sr., on behalf of Miracle Temple Church. File Number: 11-U-11)

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

Commissioner Kirsten asked if there are currently two other churches in that development. The property owner started to answer from the audience, but was asked to wait until the public hearing was opened up to the public.

Hearing Opened to the Public

- Christine Santana, representative for the applicant and owner of the property, came forward to answer questions. Ms. Santana stated that there is currently one church operating on the property. Commissioner Kirsten stated that that answered his question.

Public Portion of Hearing Closed

MOTION / VOTE:

The Planning Commission, on motion of Commissioner Cummins, Kiser second, approved the request of the Planning Commission for a Use Permit to allow the establishment of a religious facility within an existing commercial building located at 651 North Cherokee Lane, Suite C subject to the conditions in the resolution. The motion carried by the following vote:

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

- f) 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 for a Use Permit to allow storage and wholesale distribution of wine at 927 Industrial Way. (Applicant: Donald Parker; File Number: 11-U-13)

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

Hearing Opened to the Public

- Don Parker, applicant, came forward to answer questions.
- Chair Hennecke asked if a distribution company of this type is competitive, because the Commission has seen a few of these types of applications. Mr. Parker stated that it can be competitive, but not all of the distribution companies ship the same volumes or products.

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 storage and wholesale distribution of wine at 927 Industrial Way subject to the conditions in the resolution. The motion carried by the following vote:

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

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.

7. GENERAL PLAN UPDATE/DEVELOPMENT CODE UPDATE

None

8. ACTIONS OF THE SITE PLAN AND ARCHITECTURAL REVIEW COMMITTEE

Commissioner Kiser gave a brief report regarding the item that was brought before the Committee earlier this evening.

9. ART IN PUBLIC PLACES

None

10. COMMENTS BY THE PUBLIC

None

11. COMMENTS BY STAFF AND COMMISSIONERS

Commissioner Kiser asked about the email that went out regarding the use of electronic devices. City Attorney Schwabauer stated that during a quasi hearing the applicant has due process rights to have the full attention of the board that is hearing the item. If an email, text, or phone call is received during a hearing the applicant could assume that it might be about their item and therefore are not getting their due process.

12. ADJOURNMENT

There being no further business to come before the Planning Commission, the meeting was adjourned at 7:45 p.m.

ATTEST:

Konradt Bartlam
Planning Commission Secretary

**LODI PLANNING COMMISSION
REGULAR COMMISSION MEETING
CARNEGIE FORUM, 305 WEST PINE STREET
WEDNESDAY, JULY 13, 2011**

1. CALL TO ORDER / ROLL CALL

The Regular Planning Commission meeting of July 13, 2011, was called to order by Chair Hennecke at 7:00 p.m.

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

Absent: Planning Commissioners – Cummins 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

“May 11, 2011”

No Motion made because there was not a quorum of Commissioners in attendance to make the motion. Item continued to the next meeting.

“June 8, 2011”

MOTION / VOTE:

The Planning Commission, on motion of Commissioner Kiser, Jones second, approved the Minutes of June 8, 2011 as written.

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 for a variance to reduce rear yard setback to less than one foot at 500 West Vine Street. (Applicants: Valerie McFee. File No. 11-A-02)

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

Commissioner Kirsten asked if the similar cases mentioned are due to the proximity to the property line and asked if they were going to be coming before the Commission in the future. Mr. Bereket stated that the proximity to the property line is a common factor with the application and this should be the last of the items from this round of reporting.

Hearing Opened to the Public

- Valerie McFee, applicant, came forward to answer questions. Ms. McFee stated that several different plans have been gone through, but this is the only one that works.
- Commissioner Kirsten asked when the easement on Hutchins was donated to the City. Ms. McFee stated that her grandparents were required to grant the easement back in 1988.

Public Portion of Hearing Closed

MOTION / VOTE:

The Planning Commission, on motion of Commissioner Kiser, Olson second, approved the request of the Planning Commission for a variance to reduce rear yard setback to less than one foot at 500 West Vine Street subject to the conditions in the resolution.

Vice Chair Olson commended Ms. McFee for try to meet the zoning requirements.

The motion carried by the following vote:

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

- b) 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 for a Use Permit to allow a Type-41 On-Sale Beer and Wine Alcoholic Beverage Control License at Woodbridge Pizzeria located at 1110 W Kettleman Lane, Suite 2. (Applicant: Elizabeth Castillo. File Number: 11-U-14).

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

Hearing Opened to the Public

- Elizabeth Castillo, applicant, came forward to answer questions.

Public Portion of Hearing Closed

MOTION / VOTE:

The Planning Commission, on motion of Commissioner Kirsten, Kiser 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 Woodbridge Pizzeria located at 1110 W Kettleman Lane, Suite 2 subject to the conditions in the resolution. The motion carried by the following vote:

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

- c) 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 for a Use Permit to allow a Type-41 On-Sale Beer and Wine Alcoholic Beverage Control License at located at 550 South Cherokee Lane Suite J. (Applicant: Ernesto Rodriguez. File Number: 11-U-15)

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

Hearing Opened to the Public

- Alma Rodriguez, applicant’s daughter, came forward to answer questions.

Public Portion of Hearing Closed

MOTION / VOTE:

The Planning Commission, on motion of Commissioner Kirsten, Kiser 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 located at 550 South Cherokee Lane Suite J subject to the conditions in the resolution. The motion carried by the following vote:

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

Commissioner Kirsten stated that he will have to recuse himself from the next item due to the project proximity to property he has a financial interest.

- d) 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 for Use Permit to allow outdoor seating and drinking area at Ollie’s Pub in conjunction with their existing Type-48 On-Sale General ABC license at 22 North School Street. (Applicant: Sean Guthrie, on behalf of Ollie’s Pub. File Number: 11-U-16)

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

Chair Hennecke asked if Officer Badel’s concerns were related to Ollie’s staff serving alcohol on the patio area. Mr. Bereket stated that the concern was related to visibility of customers on the patio and the requirement of installing cameras was the solution. There is also a requirement that a staff member be present whenever there is a sale of alcohol in that area.

Hearing Opened to the Public

- Sean Guthrie, applicant, came forward to answer questions. He stated that with the façade improvements that have been made the patio is a natural extension of the bar area.
- Chair Hennecke asked if there is a divider between Ollie’s and the space next door. Mr. Guthrie stated that there are wine barrels set up to work as a divider. This was a requirement of ABC.
- Commissioner Jones stated his approval of the façade improvements that have already been made and wanted to know if this is going to become a smoking area. Mr. Guthrie stated that it is not intended to be a smoking area. There is an area in the back for smoking.
- Chair Hennecke asked staff if smoking is allowed on the patio. Director Bartlam stated that the application has not been conditioned for no smoking and the City does not have an ordinance on the books at this time.

Public Portion of Hearing Closed

MOTION / VOTE:

The Planning Commission, on motion of Commissioner, second, approved the request of the Planning Commission for Use Permit to allow outdoor seating and drinking area at Ollie’s Pub in conjunction with their existing Type-48 On-Sale General ABC license at 22 North School Street subject to the conditions in the resolution. The motion carried by the following vote:

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

Continued

Commissioner Kirsten rejoined the Commission.

4. PLANNING MATTERS/FOLLOW-UP ITEMS

None

5. ANNOUNCEMENTS AND CORRESPONDENCE

Director Bartlam congratulated both Commissioners Hennecke and Kirsten on their reappointment to the Planning Commission.

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.

7. GENERAL PLAN UPDATE/DEVELOPMENT CODE UPDATE

Director Bartlam stated that there have been many conversions and staff is still hopeful in getting the issues resolved with the State regarding the Housing Element.

8. ACTIONS OF THE SITE PLAN AND ARCHITECTURAL REVIEW COMMITTEE

None

9. ART IN PUBLIC PLACES

Commissioner Kirsten gave a brief report regarding the last meeting. The Sculptures downtown have been removed and the experience seems to have been a positive one.

10. COMMENTS BY THE PUBLIC

None

11. COMMENTS BY STAFF AND COMMISSIONERS

Chair Hennecke thanked everyone for their support as Chair.

12. REORGANIZATION

a. Planning Commission Chair & Vice Chair

MOTION / VOTE:

The Planning Commission, on motion of Chair Hennecke, Kiser second, approved the nomination of Vice Chair Olson for the 2011/12 Planning Commission Chair position. There being no other nominations the motion carried by the following vote:

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

MOTION / VOTE:

The Planning Commission, on motion of Commissioner Kiser, Olson second, approved the nomination of Commissioner Kirsten for the 2011/12 Planning Commission Vice Chair position. There being no other nominations the motion carried by the following vote:

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

- b. Planning Commission Representatives to: SPARC, Greenbelt Taskforce, & Art In Public Places

MOTION / VOTE:

The Planning Commission, on motion of Commissioner Kirsten, Jones second, approved the nomination of Commissioner Kiser for the 2011/12 Planning Commission representative for the Site Plan and Architectural Review Committee position. There being no other nominations the motion carried by the following vote:

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

MOTION / VOTE:

The Planning Commission, on motion of Chair Hennecke, Jones second, approved the nomination of Commissioner Olson for the 2011/12 Planning Commission representative for the Greenbelt Taskforce position. There being no other nominations the motion carried by the following vote:

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

MOTION / VOTE:

The Planning Commission, on motion of Commissioner Kirsten, Kiser second, approved the nomination of Commissioner Kirsten for the 2011/12 Planning Commission representative for the Art In Public Places Committee position. There being no other nominations the motion carried by the following vote:

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

13. ADJOURNMENT

There being no further business to come before the Planning Commission, the meeting was adjourned at 7:33 p.m.

ATTEST:

Konradt Bartlam
 Planning Commission Secretary

**LODI PLANNING COMMISSION
REGULAR COMMISSION MEETING
CARNEGIE FORUM, 305 WEST PINE STREET
WEDNESDAY, SEPTEMBER 14, 2011**

1. CALL TO ORDER / ROLL CALL

The Regular Planning Commission meeting of September 14, 2011, was called to order by Vice Chair Kirsten at 7:00 p.m.

Present: Planning Commissioners – Cummins, Heinitz, Hennecke and Vice Chair Kirsten

Absent: Planning Commissioners – Jones, Kiser and Chair Olson

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

2. MINUTES

“May 11, 2011”

No Motion made because there was not a quorum of Commissioners in attendance to make the motion. Item continued to the next meeting.

“July 13, 2011”

No Motion made because there was not a quorum of Commissioners in attendance to make the motion. Item continued to the next 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, Vice Chair Kirsten called for the public hearing to consider the request for a Use Permit to allow Type 2, 14, and 19 and Alcoholic Beverage Control licenses at 27 East Locust Street. (Applicant: Olde Ice House Cellars LLC; File Number: 11-U-17)

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

Commissioner Heinitz stated that the item looks to parallel the existing wineries that have been approved for the downtown, is that correct? Mr. Bereket stated that it has the same aspects as previous applications and approvals.

Hearing Opened to the Public

- Dean Shibler, applicant, came forward to answer questions.
- Commissioner Heinitz asked if Mr. Shibler owned the property. Mr. Shibler stated that he, his wife, and Mr. and Mrs. Greg Lewis from the Dancing Fox are the owners of the property.
- Darrell Drummond, 114 S. Sacramento Street, came forward to support the project.

Public Portion of Hearing Closed

MOTION / VOTE:

The Planning Commission, on motion of Commissioner Hennecke, Heinitz second, approved the request of the Planning Commission for a Use Permit to allow Type 2, 14, and 19 and Alcoholic Beverage Control licenses at 27 East Locust Street subject to the conditions in the resolution. The motion carried by the following vote:

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

- b) Notice thereof having been published according to law, an affidavit of which publication is on file in the Community Development Department, Vice Chair Kirsten called for the public hearing to consider the request of the Planning Commission for a Recommendation to the City Council to Approve the 2010-2016 Housing Element and Adopt an Interim Ordinance

Director Bartlam gave a PowerPoint presentation based on the information presented in the staff report. Mr. Bartlam went through the background process that has brought the Housing Element before the Commission. The approval process with the State Housing and Community Development Department was very lengthy. The document is broken up into sections; 1 – Introduction, 2 – Housing Needs Assessment, 3 – Resource and Constraints, 4 – Housing Strategy, and A – Accomplishments. The housing needs are further broken into four income categories; Above Moderate, Moderate, Low, and Extremely Low. The Extremely Low category is the toughest need to meet without government subsidies. If the State requirements are not met they can withhold funds to help subsidize the possible project such as the Eden Housing Senior Housing Project which has already been approved by the City.

Commissioner Cummins asked how far away the Eden project is from starting. Director Bartlam stated that the project is a grant away.

Hearing Opened to the Public

- Anne Cerney, 900 West Vine Street, came forward to support the approval of the document. Ms. Cerney would like to know if there are any home buyers that are being funded through the FTHB Program. Mr. Bartlam stated that there is one family that has gone through the program and purchased a home with the funds. There are several applications sitting in the approval process. One of the problems that the applicants are running into is finding homes that meet the requirements of the program within the price range allowed. The City Council has recently adjusted the requirements of the program to allow the funds to be used for rehab purposes before the applicant moves into the home. Ms. Cerney asked if that was the reason for the goal for 2024 being 23 more. Mr. Bartlam stated that the goal is based on the funding that we have received. That is a goal that can be achieved if we can find the number of families that can qualify.
- Commissioner Hennecke added that there are so many hoops to jump through for the buyers that a lot of time these types of buyers lose the home to a buyer that does not have to jump through the same hoops. Mr. Bartlam added that staff noticed this as a problem and why the Council has chosen to loosen the requirements for the applicants opening up more options for them to choose from.
- Commission Heinitz added that the lenders are also putting ridiculous requirements on the applicants.

Public Portion of Hearing Closed

MOTION / VOTE:

The Planning Commission, on motion of Commissioner Cummins, Heinitz second, approved the request of the Planning Commission for a Recommendation to the City Council to Approve the 2010-2016 Housing Element and Adopt an Interim Ordinance subject to the conditions in the resolution. The motion carried by the following vote:

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

4. PLANNING MATTERS/FOLLOW-UP ITEMS

None

5. ANNOUNCEMENTS AND CORRESPONDENCE

Director Bartlam pointed out the letter from the Union Pacific Railroad regarding item 3a and commented on the ridiculousness for the letter and added that he has never seen the Railroad comment on any project.

6. ACTIONS OF THE CITY COUNCIL

Director Bartlam stated that a memo will be provided in the next packet, but if there are any questions regarding any Council items staff would be happy to answer them.

7. GENERAL PLAN UPDATE/DEVELOPMENT CODE UPDATE

Director Bartlam stated that the Housing Element is the last part of the General Plan update. The City Council at the last meeting approved a Request for Proposals to bring on a contract planner on an hourly basis for the specific purpose of updating the Development Code.

8. ACTIONS OF THE SITE PLAN AND ARCHITECTURAL REVIEW COMMITTEE

None

9. ART IN PUBLIC PLACES

Vice Chair Kirsten gave a brief report regarding the last meeting.

10. COMMENTS BY THE PUBLIC

None

11. COMMENTS BY STAFF AND COMMISSIONERS

None

12. ADJOURNMENT

There being no further business to come before the Planning Commission, the meeting was adjourned at 7:39 p.m.

ATTEST:

Konradt Bartlam
Planning Commission Secretary

Use Permit for a Type 47 ABC License @ 10 W. Oak St.
Ruben Larrazolo on Behalf of Alebrijes Mexican Bistro

Item 3a

**CITY OF LODI
PLANNING COMMISSION
Staff Report**

MEETING DATE: October 12, 2011

APPLICATION NO: Use Permit: 11-U-18

REQUEST: Request for Planning Commission approval of a Use Permit to allow a Type-47 On-Sale General Alcoholic Beverage Control License at 10 West Oak Street. (Applicant: Ruben Larrazolo. File Number: 11-U-18)

LOCATION: 10 West Oak Street
APN: 043-045-05
Lodi, CA 95240

APPLICANT: Ruben Larrazolo
368 Indiana Street
Woodbridge, CA 95258

PROPERTY OWNER: Edward Atwood
36 Pembroke Ct
Moraga, CA 94556

RECOMMENDATION

Staff recommends the Planning Commission approve the request of Ruben Larrazolo for a Use Permit to allow Type-47 On-Sale General Alcoholic Beverage Control (ABC) license at 10 West Oak Street, subject to the conditions in the attached resolution.

PROJECT/AREA DESCRIPTION

General Plan Designation: Downtown Mixed Use
Zoning Designation: C-M, Commercial Light Industrial
Property Size: 9,000 sq. ft. (Restaurant is approximately 2,800 sq. ft.)

The adjacent zoning and land use characteristics:

	General Plan	Zone	Land Use
North	Downtown Mixed Use	C-M, Commercial Light Industrial	Hotel, Retail and commercial uses
South	Downtown Mixed Use	C-M, Commercial Light Industrial	Retail and commercial uses
East	Downtown Mixed Use	C-M, Commercial Light Industrial	Multi-Model Station, commercial uses
West	Downtown Mixed Use	C-2, General Commercial	US Post Office

SUMMARY

The applicant, Ruben Larrazolo is requesting approval of a Use Permit to allow a Type-47 Alcoholic Beverage Control (ABC) License. Mr. Larrazolo currently operates Alebrijes Mexican Bistro located at 1301 West Lockeford St, Suite D Lodi, CA 95242. The restaurant serves beer and wine for on-site consumption. The applicant proposes to relocate to the Downtown District and up grade their current ABC license to include distilled spirits. In addition, the applicant is requesting that the Planning Commission make a finding that the sale of alcohol at the restaurant is a public convenience or necessity, in accordance with the requirements of the State Department of Alcoholic Beverage Control (ABC). The applicant is in the process of upgrading his license through the California Department of Alcoholic Beverage Control (ABC). The project site is Downtown

Business District, which permits the sale of alcohol for on-site or off-site consumption with approval of a Use Permit. Approval of this Use Permit does not entitle the restaurant to live entertainment or a bar, but only allows beer, wine and distilled spirits to be served in addition to the food.

BACKGROUND

Alebrijes Mexican Bistro has been serving the City of Lodi with authentic Mexican favorites since 2007. At its meeting of February 13, 2008, the Planning Commission approved the applicant's Use Permit application for a Type-41 ABC license located at 1301 West Lockeford Street. The restaurant has not been a source of any policing problem. The project is located within Downtown District at the southwest corner of Oak Street and Sacramento Street. Prior to Alebrijes, a number of restaurants, under different ownership, occupied the site. Available City records indicate there are no outstanding code violations.

ANALYSIS

According to the applicant, Alebrijes Mexican Bistro offers lunch and dinner menu. The restaurant will open from the hours of 10:00 a.m. to 10:00 p.m. daily. The restaurant measures approximately 2,800 square feet in size and provides seating for approximately 45-50 guests. Because the restaurant is within the Downtown Parking District, it is not required to provide onsite parking. Parking is provided at the parking structure or on nearby streets. In accordance with the State Department of Alcoholic Beverage Control (ABC) requirements, the applicant has submitted an application to upgrade and relocate their ABC license to the project site. The applicant currently holds a Type-41 (Eating Place) ABC license, which authorizes the sale of beer and wine for consumption on or off the premise where sold. Type 41 prohibits the sale of distilled spirits and minors are allowed on the premise. The applicants would like to upgrade their ABC License to Type 47, which authorizes the sale of beer, wine, and distilled spirits for on-site consumption. In accordance with the State Department of Alcoholic Beverage Control (ABC) requirements, receipts from alcohol sale cannot be in excess of food sales receipts. ABC requires that restaurants with an alcohol license must operate and maintain the premise as a bona fide eating establishment.

The Municipal Code of the City of Lodi requires the approval of a Use Permit by the Planning Commission for retail businesses and restaurants which sell alcoholic beverages (LMC § 17.72.040). 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 area is located on Census Tract 42.04, which covers the area south of Lockeford Street, north of Lodi Avenue, east of Ham Lane and west of Union Pacific Rail Road Company (UPRR) rail-line. This census tract encompasses the Downtown District and is over-concentrated. According to ABC, Census Tract 42.04 contains twenty-six (26) existing ABC on-sale licenses with only three (3) on-sale licenses allowed based on the ABC criteria. Because the project area is within the downtown district, there is an existing over concentration of ABC licenses. In order to authorize additional licenses in this census tract, the Planning Commission must make a finding of public convenience and/or necessity.

While this is the highest concentration in Lodi, it would not be unexpected in a downtown location. Generally downtowns have a high concentration of eating and drinking establishments. Many of the licenses are in conjunction with eating establishments. The City's Downtown Guidelines specifically call out drinking and eating establishments as the type of businesses that are encouraged in the Downtown area. The proposed relocation and ABC license upgrade is consistent with the City's vision of making Lodi tourist destination point. The applicant already offers locally produced wines for sale, which promotes local wineries and viticulture. The applicants will be required to cancel their current Type 41 License in order to upgrade to a Type 47 License. The net result will be the same. However, the Commission should review the application to ensure that sale of alcohol will not adversely affect surrounding residents, businesses, and

institutions and to ensure that any such use operates in a manner compatible with existing and future adjacent uses. In the past, the Planning Commission and the Planning staff have generally supported restaurants that wish to acquire an ABC on-sale license, because typically, restaurants that serve alcohol in conjunction with food sales do not create alcohol related problems. The Community Development Department has determined that the applicant's request for a Use Permit can meet the criteria for the finding of public convenience.

Staff sent copies of the application to various City departments for comment 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 on-sale beer, wine and distilled spirits application and they do not anticipate alcohol related problems. The Lodi Police Department recommends approval (Attachment E) subject to the conditions outlined in the attached resolution. Because the applicant's request is for a Use Permit to allow sale of alcohol in conjunction with a full service restaurant, staff does not anticipate the alcohol sales portion of the business to create any problems. This operation would be similar to other restaurants within Lodi. The Planning Commission and the Planning staff have generally supported restaurants that wish to acquire an ABC license. If problems or concerns related to the sale of alcoholic beverages occur in the future, staff and/or the Planning Commission may initiate a public hearing where the Commission would have the ability to amend conditions or revoke the Use Permit.

ENVIRONMENTAL ASSESSMENT

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 in the Lodi News Sentinel on October 1, 2011. Twenty-nine (29) 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.

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

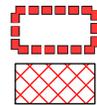
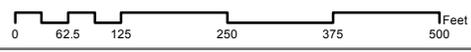
Konradt Bartlam
Community Development Director

ATTACHMENTS:

- A. Site Vicinity Map
- B. Site Aerial Map
- C. Site Plan and Floor Plan
- D. Menu
- E. Police Department Approval
- F. Draft Resolution



Vicinity Map
 10 West Oak Street
 APN: 043-045-05
 Lodi, CA 95240



Dashed red line: Downtown Parking District
 Red cross-hatched box: Project Site



Aerial Map

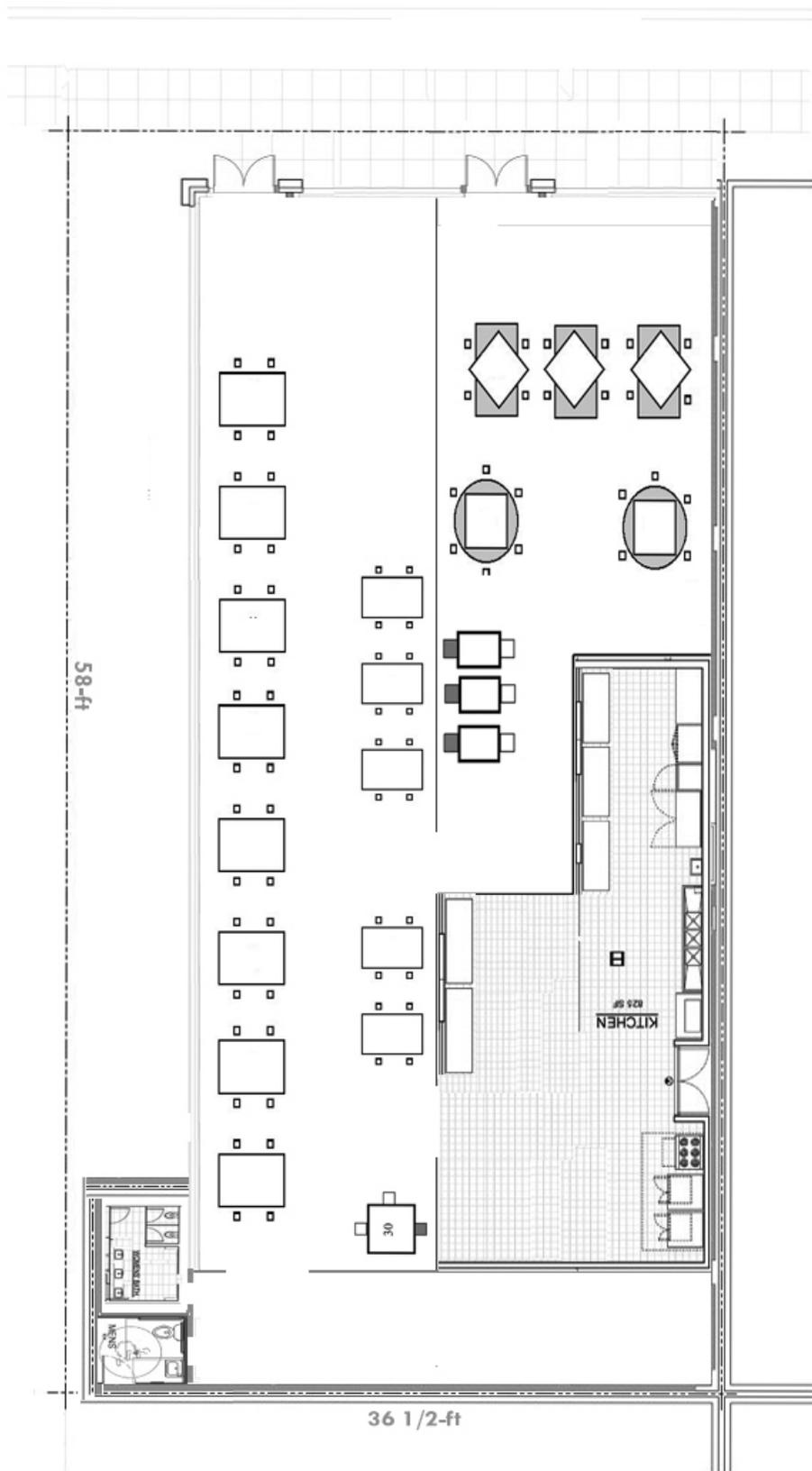
10 West Oak Street
APN: 043-045-05
Lodi, CA 95240



 Project Site



10 West Oak Street



**Antojitos
Starters
Guacamole**

Made fresh at your table and serve with our home made chip. Tell us how spicy you want it
\$6.50

Shrimp Ceviche

*Tiger shrimp, marinated in lime juice, onion, cilantro, tomato sauce, olive oil and hot sauce .
Serve with jicama and avocado.*
\$9.99

Mini Sopitos Surtidos

Sope (masa boat) assortment, with beans, topped with chicken, beef or pork, cheese, sour cream and guacamole . \$6.50

Burritas

Grilled Chicken, veggies and jack cheese wrapped in a crispy flour tortilla, topped with sauce. \$ 6.50

Nachos

Homemade chips with nacho cheese beans , guacamole, sour cream and our Salsa picada. \$6.99

Grilled Meat Nachos

Choice of grilled chicken, steak or carnitas on top of chips, refried beans, nacho cheese, topped with guacamole, salsa and sour cream. \$8.99

Sopas y Ensaladas

Soup and Salads

Ensalada Mixta

Mixed greens , tomatos and our smoky chipotle balsamic dressing. \$6.99

Cazuelas

Taco Salad (Lg/Sm)

*Crispy flour shell filled with your choice of chicken, ground beef or pork, rice, refried beans, fresh lettuce, cabbage, cheese, sour cream, guacamole and salsa. Grilled meats
Small 6.49 Large 7.49 Shrimp add \$1.00*

Tortilla soup

A robust pasilla chile and spice puree with tortilla strip, avocado chicken and cheese 5.99

Alebrijes Birritos

Our meats: Asada , Al Pastor, Carnitas, Chicken Burrito, Chile Verde, Pollo Verde, Pollo asado. \$6.49

Our vegetarian burritos : Beans .Rice cheese 3.99

Vegetarian

*Grilled onions, chile pasilla
and mushrooms with whole beans, rice and cheese. 4.99*

Special Burrito: this adds fresh lettuce, cabbage, cheese and sour cream \$.50

Super Burrito: this adds fresh lettuce, cabbage and cheese inside, topped with melted cheese, our homemade red or green sauce and sour cream \$ 1.00

Ask for your burrito to be topped with our homemade red or green sauce at no additional charge.

For parties of 6 or more a 18% gratuity may be added to the total bill

Especialidades

served with rice, refried beans and choice of flour or corn tortillas.

Mole poblano

A legendary blend of spices, chiles, nuts and chocolate made into a rich and flavorful sauce in the traditional puebla style, serve over chicken \$9.99

Camarones a la diablo or Al mojo de ajo

Whole prawns sauteed in very spicy sauce or not spicy at all, \$10.99

Gaviotas

Flour tortilla enchiladas filled with prawns (sauteed with garlic, tomatoes and onion) topped with green sauce and jack cheese, \$9.49

Tacos de Pescado

Sauteed talapia filet wrapped in corn tortillas with cabbage dressing, topped with pico de gallo salsa, 7.99

Carnitas

Pork simmered for hours with spices to create a tender succulent taste serve with arbol salsa, \$9.99

Fajitas

Choice of chicken or steak, grilled with mushrooms, onion and chile pasilla \$ 10.99

Traditional Favorites

served with rice, refried beans and a salad garnish

1 Item \$ 6.99 2 Items \$ 8.99 3 items 9.99

Enchilada

Your choice of meat (or cheese) wrapped in a corn tortilla, topped with homemade red sauce

Hard or Soft Shell Taco

Your choice of meat

Sopito

Sope (masa boat) assortment, with beans, topped with chicken, beef or pork, cheese, sour cream and guacamole

Chile Relleno

An Anaheim pepper stuffed with jack cheese, dipped in an egg batter, topped with homemade sauce

Chicken Flautas

Sides

Rice and Beans.....sm \$1.25 lg \$2.50	Sour Cream	\$1.00
Cheese	Guacamole	\$1.75

For parties of 6 or more a 18% gratuity may be added to the total bill

Immanuel Bereket

From: JP Badel
Sent: Tuesday, September 13, 2011 3:54 PM
To: Immanuel Bereket
Subject: RE: Alebrijes

No concerns

Captain J.P. Badel
Operations/Support Services Division Commander
Lodi Police Department
215 W. Elm Street
Lodi, CA 95240
209-333-5501

RESOLUTION NO. P.C. 11-

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LODI FOR THE APPROVAL OF THE REQUEST OF RUBEN LARRAZOLO, ON BEHALF OF ALEBRIJES MEXICAN BISTRO, FOR A USE PERMIT TO ALLOW FOR AN ON-SALE BEER, WINE AND DISTILLED SPIRITS ALCOHOLIC BEVERAGE CONTROL LICENSE AT 10 WEST OAK STREET

- 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 proponent is Ruben Larrazolo, on behalf of Alebrijes Mexican Bistro, 368 Indiana Street, Woodbridge, CA 95258; and
- WHEREAS,** the project is located at 10 West Oak Street, Lodi, CA 95240 (APN: 043-045-05); and
- WHEREAS,** the property has a General Plan designation of Downtown Mixed Use and is zoned C-M, Commercial-Light Industrial; and
- WHEREAS,** the requested Use Permit to allow the selling of beer, wine and distilled spirits for on-site consumption within a restaurant is an enforcement action in accordance with the City of Lodi Zoning Ordinance; and
- WHEREAS,** Census Tract 42.04 in which the proposed restaurant is to be located is over concentrated of licenses allowing on premise consumption of alcoholic beverages; and
- WHEREAS,** because Census Tract 42.04 has an over-concentration of On-sale beer, wine and distilled spirits alcohol licenses, the Planning Commission must make a finding of necessity and/or public convenience in order to permit the issuance of an additional Alcohol Beverage Control license in this tract; and
- 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 on-premise consumption as part of a restaurant is a permitted use in the C-M Zoning District. The site is suitable and adequate for the proposed use because establishment of a restaurant on this site would not create negative impacts on businesses, residents and instructional uses in the vicinity.
3. The on-sale of beer, wine and distilled spirits, in accordance with a Type 47 Alcoholic Beverage Control License and with the conditions attached herein, would be consistent and in harmony with the Downtown Mixed Use General Plan Land Use Designation and C-M 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 restaurant 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 of alcoholic beverages for on-premise consumption is a normal part of business operations for a restaurant and provides a convenience for customers of the business.

7. The sale and consumption of alcohol can sometimes result in customer behavior problems that can require police intervention.
8. 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 serving alcohol; the careful screening of IDs of customers to avoid sales to under-aged individuals; limiting the number of drinks sold to individual customers to avoid over-consumption; 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.
9. 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.
10. The proposed use would not be detrimental to the general welfare of persons residing and working in the immediate vicinity, the neighborhood or the community at large because the sale of alcohol with a restaurant operation is not associated with detrimental impacts to the community.
11. The sale of alcoholic beverages at this location can meet the intent of the C-M 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. 11-U-18 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 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.
4. The Applicant/Operator shall operate and abide by the requirements and conditions of the State of California Department of Alcoholic Beverage Control License Type 47. The Type 47 License shall be limited to on-site sale and consumption of beer, wine and distilled spirits during the hours that the restaurant is open for business or as otherwise modified by the Community Development Director.
5. The City reserves the right to periodically review the area for potential problems. If problems (on-site or within the immediate area) including, but not limited to, public drunkenness, the illegal sale or use of narcotics, drugs or alcohol, disturbing the peace and disorderly conduct result from the proposed land use, the Use Permit may be subject to review and revocation by the City of Lodi after a public hearing and following the procedures outlined in the City of Lodi Municipal Code. Additional reviews may be prescribed by the Community Development Director, the Police Department and/or Planning Commission as needed during and after the first two years of probationary period. Further, starting from the effective date the business commences the sale of beer, wine and distilled spirits, this Use Permit shall be subject to a one year, and two year review by Community Development Director. If the Director determines it

necessary, the Director shall forward the review to the Planning Commission to review the business's operation for compliance with the conditions of the Use Permit, and in response to any complaints thereafter.

6. 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.
7. The Use Permit shall require the Applicant/Operator and/or successors in interest and management to secure an ABC Type 47 license, On Sale Beer, Wine and Distilled Spirits – Eating Place.
8. Prior to the issuance of a Type 47 ABC license, 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.
9. Any changes to the interior layout of the business operation shall be subject to review and approval by the Planning Department and shall require appropriate City permits.
10. No person who is in a state of intoxication shall be permitted within the restaurant nor shall an intoxicated patron already in the establishment be served additional alcoholic beverages. It is the responsibility of the business owner/operator to ensure no patron in state of intoxication is allowed into the building.
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. Approval of this Use Permit shall be subject to revocation procedures contained in Section 17.72 LMC in the event any of the terms of this approval are violated or if the sale of beer, wine and distilled spirits is conducted or carried out in a manner so as to adversely affect the health, welfare or safety of persons residing or working in the neighborhood.
13. 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.
14. No variance from any City of Lodi adopted code, policy or specification is granted or implied by this approval.

Dated: October 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 October 12, 2012 by the following vote:

AYES: Commissioners:

NOES: Commissioners:

ABSENT: Commissioners:

ATTEST _____
Secretary, Planning Commission

Item 4a.



MEMORANDUM, City of Lodi, Community Development Department

To: Planning Commissioners
From: Konradt Bartlam, Community Development Director
Date: October 12, 2011
Subject: Regional Smart Growth | Transit -Oriented Development Plan Workshop

Project Introduction

San Joaquin County faces a variety of challenges as it accommodates new growth and development. With increased scrutiny of growth patterns under AB 32 and the need to create a Sustainable Communities Strategy (SCS) under SB 375, SJCOG will be focusing on opportunities to decrease vehicle miles traveled (VMT) and the emission of greenhouse gases (GHG). To help shape future growth throughout the region, the San Joaquin Council of Governments (SJCOG) is in the process of preparing a Regional Smart Growth/Transit-Oriented Development (TOD) Plan. The Plan will help SJCOG identify appropriate sites throughout the County for infill development. It will also result in tools that SJCOG and partner agencies can use in the future to evaluate potential infill sites and specific development proposals; and it will review policies, research, and outreach, to provide recommendations specific to the communities in San Joaquin County. These recommendations will identify appropriate types of TOD and infill development that can be created throughout the county in the years to come. The Plan will also include a demographic and economic analysis and a Vehicle Miles Travelled (VMT) and Greenhouse Gas Inventory (GHG). The Plan will inform SJCOG's ongoing efforts to develop a Sustainable Communities Strategy (SCS) for the region.

SJCOG will work in close partnership with local jurisdictions and community members to develop a Plan that will provide a roadmap to target local and private investments to those improvements. It will also identify the types of investments that yield the greatest benefit for San Joaquin County now and in the future.

Draft Infill Opportunity Sites

The aspect of the Plan to be discussed at the upcoming Planning Commission meeting is the Draft Infill Opportunity Site selection. Draft Infill Opportunity Sites were identified based upon specific criteria, including identified vacant or underutilized sites, land use designations, location, and context. A more thorough description of the site selection criteria will be presented during the meeting. A preliminary set of Opportunity Sites was presented to local jurisdictions at a recent SJCOG Smart Growth Committee meeting. Since that presentation, local jurisdictions have had the opportunity to review and revise the Draft Infill Opportunity Sites.

Fifty (50) test sites have been identified throughout San Joaquin County for use in testing the Infill Site Evaluation Model, which will be developed as the next step of the planning process. The number of test sites selected per community is based upon the proportion of the total County population each community represents.

Regional Meetings

The presentation for the Lodi Planning Commission is the fourth of a series of four regional meetings that are being held at separate locations throughout San Joaquin County and will inform participants about this planning process and give them the opportunity to provide valuable input. Specifically, the meetings will provide a background on the project and review the Draft Infill Opportunity Sites that have been identified. At the Lodi Planning Commission meeting participants will have an opportunity to review the sites identified for the City of Lodi. The meeting will provide an opportunity for participants to provide their input on the Plan and the sites selected.

Next Steps

Once the Draft Infill Opportunity Sites have been vetted by the community, the next step in this planning process will be to analyze the 50 test sites with a draft version of the Infill Site Evaluation Model that is currently being developed. This model and the other components of the Plan will be discussed at additional meetings to be held toward the end of 2011 and early in 2012.

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 10/12/2011
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
August 3, 2011	Regular	Adopt Resolution Authorizing the City Manager to Submit a Joint Application with Eden Housing Inc. to the State of California Department of Housing and Community Development for HOME Investment Partnerships Program Funding; and if Selected, the Execution of a Standard Agreement, any Amendments Thereto, and of any Related Documents Necessary to Participate in the HOME Investment Partnerships Program (CD)
September 7, 2011	Regular	Approve Request for Proposals and Authorize Advertisement for Contract Services for the Update and Implementation of the Development Code (CD)
		Adopt Resolution Authorizing the City Manager to Submit Application to the U.S. Department of Housing and Urban Development for the 2011 Community Challenge Planning Grant and Execute the Agreement, any Amendments Thereto, and Any Related Documents Necessary to Participate in the Program (CD)