

CARNEGIE FORUM 305 WEST PINE STREET LODI, CALIFORNIA	AGENDA LODI PLANNING COMMISSION	REGULAR SESSION WEDNESDAY, MAY 8, 2013 @ 7:00 PM
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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 – “April 10, 2013”
3. PUBLIC HEARINGS
 - a. Continued from the April 10, 2012 Planning Commission Meeting, the request for Planning Commission approval of a Use Permit to establish concrete recycling for onsite processing and outdoor storage facility for recycling materials at 1011 East Lockeford Street. (Applicant: David Burkhardt, on behalf of Lodi Aggregates, Inc; File Number: 13-U-03) - **Withdrawn by the Applicant**
 - b. Request for Planning Commission approval of a Use Permit to allow a Type-41 On-Sale Beer and Wine Alcoholic Beverage Control License located at 307 South Lower Sacramento Road, Suite D. (Applicant: Feng Min Zhao, on behalf of Komachi Sushi Restaurant; File Number: 13-U-06)

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. ACTIONS OF THE SITE PLAN AND ARCHITECTURAL REVIEW COMMITTEE
8. ART IN PUBLIC PLACES
9. COMMENTS BY THE PUBLIC (NON-AGENDA ITEMS)
10. COMMENTS BY THE PLANNING COMMISSIONERS & STAFF (NON-AGENDA ITEMS)
11. ADJOURNMENT

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

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

Right of Appeal:

If you disagree with the decision of the commission, you have a right of appeal. Only persons who participated in the review process by submitting written or oral testimony, or by attending the public hearing, may appeal.

Pursuant to Lodi Municipal Code Section 17.72.110, actions of the Planning Commission may be appealed to the City Council by filing, within ten (10) business days, a written appeal with the City Clerk and payment of \$300.00 appeal fee. The appeal shall be processed in accordance with Chapter 17.88, Appeals, of the Lodi Municipal Code. Contact: City Clerk, City Hall 2nd Floor, 221 West Pine Street, Lodi, California 95240 – Phone: (209) 333-6702.

**LODI PLANNING COMMISSION
REGULAR COMMISSION MEETING
CARNEGIE FORUM, 305 WEST PINE STREET
WEDNESDAY, APRIL 10, 2013**

1. CALL TO ORDER / ROLL CALL

The Regular Planning Commission meeting of April 10, 2013 was called to order by Chair Kirsten at 7:00 p.m.

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

Absent: Planning Commissioners – Heinitz and Olson

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

2. MINUTES

“September 12, 2012”

MOTION / VOTE:

The Planning Commission, on motion of Commissioner Cummins, Kiser second, approved the Minutes of September 12, 2012 as written. (Commissioner Jones abstained because he was not in attendance of the subject meeting)

“February 13, 2013”

MOTION / VOTE:

The Planning Commission, on motion of Commissioner Kiser, Jones second, approved the Minutes of February 13, 2013 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 Kirsten called for the public hearing to consider the request for Planning Commission approval of a Use Permit to operate a community care facility for non-ambulatory adults with developmental disabilities at 651 North Cherokee Lane, Suite E. (Applicant: Denise Lane, on behalf of Person Centered Services; File Number: 13-U-01)

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

Hearing Opened to the Public

- Denise Lane, representative for the applicant, came forward to answer questions. Ms. Lane stated that the adults are ambulatory.
- Commissioner Kiser asked if this is for an adult day care so that family can take care of other business. Ms. Lane stated that a number of the clients have their own apartments and are capable of taking care of themselves. The program is intended to further educate them with training type programs such as transit systems, vocational training, and other types of training items.

- Commissioner Cummins asked if this program was similar to the United Cerebral Palsy. Ms. Lane stated that the program is different but similar. The clients do not have Cerebral Palsy.

Public Portion of Hearing Closed

MOTION / VOTE:

The Planning Commission, on motion of Commissioner Kiser, Hennecke second, approved the request for a Use Permit to operate a community care facility for ambulatory adults with developmental disabilities at 651 North Cherokee Lane, Suite E subject to the conditions in the resolution. The motion carried by the following vote:

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

Vice Chair Jones recused himself from items b and c because he has property interest in the sphere of influence of the projects.

- b) Notice thereof having been published according to law, an affidavit of which publication is on file in the Community Development Department, Chair Kirsten called for the public hearing to consider the request of the Planning Commission for approval of a Use Permit to establish concrete recycling for onsite processing and outdoor storage facility for recycling materials at 1011 East Lockeford Street. (Applicant: David Burkhart, on behalf of Lodi Aggregates, Inc; File Number: 13-U-03)

Associate Planner Bereket gave a brief PowerPoint presentation based on the staff report. He pointed out several of the conditions, 3, 4, 9, 12, 17, 21, 30 & 31, in the Resolution that are being used to help mitigate possible concerns. Staff recommends approval of the project as conditioned.

Commissioner Cummins asked if the dust management was mainly being handled through water. Director Bartlam stated that typically that is how it is handled.

Commissioner Kiser asked if limiting the height of the sound wall to 8 feet will cause an enforcement problem. Director Bartlam stated that monitoring the site typically is done on a complaint basis and occasionally by staff members driving by the location.

Hearing Opened to the Public

- David Burkhart, applicant, came forward to answer questions.
- Chair Kirsten asked if condition number 17 limiting the weight of heavy equipment will be a concern. Mr. Burkhart stated that it depends what the definition of heavy is. Director Bartlam stated that the main concern is the noise and dust that occurs when crushing takes place. If there is such a thing as light crushing then light equipment can be used. Mr. Burkhart stated that the crusher is a light machine and efficient, but it is noisy. Kirsten asked if the Commission took out the crushing item would that be more beneficial for you then continuing the entire issue. Burkhart stated that he would like the entire item continued because the crushing is very important to the business. He also added that there is a beautiful office right next door to Mr. Alegre's crushing site and it does not seem to get dirty.
- Commissioner Kiser asked what kind of equipment will be used. Mr. Burkhart stated that he will not take anything that will not fit in the crusher which has a two to four foot crushing window. He also added that asphalt will be a part of the recycling process. Kiser asked what size skip loader was going to be used. Burkhart stated that it is a big machine, probably 80,000 pounds. Kiser asked to have pictures of the equipment that will be used supplied to the Commission.

- Commissioner Hennecke would like to know the definition of heavy equipment. He has been around the construction business for some time and that is important. He asked if the crusher is stationary. Mr. Burkhart stated that it is on tracks and will be on site for one week or a month depending on demand. Hennecke asked if the machine was small enough to put in a building. Mr. Burkhart stated that it is small enough to put in a building, but building the building is the issue.
- Chair Kirsten asked Mr. Burkhart to be thinking of what can be done to alleviate the Commissions concerns regarding the noise and the definition of heavy equipment.
- Mr. Burkhart stated that he has been very impressed and pleased with the interaction with City staff.
- Nick Jones, local business owner, came forward to ask some clarification questions. He would like to know what brand of machinery is being used, if a snow machine is being used to help with dust control, what the additional trips will do to the traffic index, and does Mr. Burkhart own or rent the equipment. Chair Kirsten asked how Mr. Jones would compare the noise for this business to the existing type of business in the area. Jones stated that it will depend on whether or not it is an impact or jaw type crusher, also if there will be a Hoe Ram on site.
- Frank Alegre, local aggregate crushing business owner, came forward to address some concerns. He asked if the surrounding businesses were notified because according to F & H they were not notified and they are right next door to this project. Mr. Bartlam stated that F & H was notified through the LLC and they submitted a letter that is in front of the Commission on blue sheet. Mr. Alegre stated that Lockeford Street can not handle the traffic that is being proposed with this project. He does not know of any light or quiet equipment in this type of business. He does not feel that a Jaw Crusher will make a finished product, so he will need to use an impact crusher. Commissioner Kiser stated that he has some of the same concerns. Chair Kirsten clarified that Mr. Alegre was there to oppose the project. Mr. Alegre confirmed that he was there to oppose the project. Kirsten asked if Mr. Alegre receives complaints from his neighbor to the east. Mr. Alegre stated that on occasion he will receive some complaints.
- Chair Kirsten asked Mr. Burkhart to come back to the podium to address some of the concerns. Kirsten asked what the brand of the excavator. Mr. Burkhart stated that he will have a CAT. Kirsten asked about the dust control equipment brand. Burkhart stated that he uses Terex. Kirsten asked specifically about snow blowers. Burkhart stated that he isn't familiar with using snow blowers for dust control. He has heard of them being used to keep plastic out of the aggregate. Kirsten asked if the 160 truck trips estimate is an accurate figure. Burkhart stated that that sounded accurate. He added that the number of trips is market driven. Kirsten asked if the equipment is owned or rented. Burkhart stated that the equipment is leased. Kirsten asked how Mr. Burkhart would respond to the statement that there is no such thing as a small crusher. Burkhart stated that there are small crushers, but they are not very efficient. Kirsten asked for clarification of the type of crusher being used. Burkhart stated that he will be using a Jaw Crusher with the cone. It is the most efficient way of crushing the material. Chair Kirsten asked how he proposed to make the Commission comfortable with condition number 17. Burkhart stated that he is comfortable with postponing the hearing to a future date, so that he can supply the information that will make the Commission comfortable.
- Commissioner Hennecke asked staff about the traffic. Director Bartlam stated that staff is not concerned about the street being able to handle the additional traffic. Hennecke asked if the Commission approved this project as written, without the crushing being allowed, would that be acceptable. Mr. Burkhart stated that he does not want to be limited since this is a crushing business. He also added that the best way to not impact the neighbors is to run the most efficient business possible. Hennecke asked if the project could go forward with out crushing as stated in condition 17. Burkhart stated that

the limitation in condition 17 is the use of heavy equipment. Director Bartlam stated that staff is not as concerned with condition 17 as they are with condition 31 regarding noise. The noise standard of 65 DBA is relatively quite. Staff can only give the applicant the requirements and it is up to them to know their business well enough to know if they can meet those standards. Mr. Burkhart stated that the location is ideal for this type of business. Bartlam would like to see time allowed for staff to be able to visit a site and measure the noise levels. Several Commissioners agreed.

- Mr. Burkhart stated that this is an asset to the community and the location couldn't be better to mitigate traffic.
- Commissioner Hennecke asked staff if the proper motion would be to table the item until the noise can be measured. Director Bartlam stated that staff would rather see the Commission continue the item to the May 8th meeting.

Public Portion of Hearing Closed

MOTION / VOTE:

The Planning Commission, on motion of Commissioner Hennecke, Kiser second, continued the request for a Use Permit to establish concrete recycling for onsite processing and outdoor storage facility for recycling materials at 1011 East Lockeford Street to the May 8, 2013 Planning Commission Meeting. The motion carried by the following vote:

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

- c) Notice thereof having been published according to law, an affidavit of which publication is on file in the Community Development Department, Chair Kirsten called for the public hearing to consider the request of the Planning Commission for approval of a Use Permit to establish a wine production facility at 1002 Black Diamond Way. (Applicant: Calwd, Inc., on behalf of Jeremy Wine Co.; File Number: 13-U-04)

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

Hearing Opened to the Public

- Jeremy Trettevik, applicant, came forward to answer questions.
- Commissioner Kiser asked if the condition in the resolution regarding the removal of waste with 24 hours is acceptable. Mr. Trettevik stated that all the conditions are acceptable.

Public Portion of Hearing Closed

MOTION / VOTE:

The Planning Commission, on motion of Commissioner Kiser, Hennecke second, approved the request for a Use Permit to establish a wine production facility at 1002 Black Diamond Way subject to the conditions in the resolution. The motion carried by the following vote:

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

Vice Chair Jones rejoined the Commission.

- d) Notice thereof having been published according to law, an affidavit of which publication is on file in the Community Development Department, Chair Kirsten called for the public hearing to consider the request of the Planning Commission for approval of a Use Permit to establish a wine production facility at 27 East Vine Street. (Applicant: Jeff Hansen, on behalf of AH Wines, Inc, DBA Lodi City Wines; File Number: 13-U-05)

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

Hearing Opened to the Public

- Jeff Hansen, applicant, came forward to answer questions. He added that bringing all of his production areas into one location will be a great benefit to the company.

Public Portion of Hearing Closed

MOTION / VOTE:

The Planning Commission, on motion of Commissioner Jones, Kiser second, approved the request for a Use Permit to establish a wine production facility at 27 East Vine Street subject to the conditions in the resolution. The motion carried by the following vote:

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

4. PLANNING MATTERS/FOLLOW-UP ITEMS

None

5. ANNOUNCEMENTS AND CORRESPONDENCE

Director Bartlam stated that the new Development Code is in full effect.

6. ACTIONS OF THE CITY COUNCIL

Director Bartlam stated that a memo has been provided in the packet and staff is available to answer any questions. Chair Kirsten asked about the Sacramento Street Improvements. Bartlam stated that the project will be using Transportation monies to complete the improvements that are already done along Sacramento Street through Oak Street. Kirsten asked if the money has been awarded. Bartlam stated that it has not, but we are very hopefully about our chances. Kirsten asked how much money is being expected. Bartlam stated about one million dollars. Kirsten asked if there was any city participation money being required. Bartlam stated that the City will have money for utilities in the project, but the street improvements will be fully grant money. Kirsten asked what is going to be accomplished. Bartlam stated that what you see between Pine Street and Oak Street will be carried down to Lodi Avenue. Hennecke asked about the InShape appeal item. Bartlam stated that the appellant withdrew the appeal just before the meeting, so the project should be moving forward.

7. ACTIONS OF THE SITE PLAN AND ARCHITECTURAL REVIEW COMMITTEE

Commissioner Kiser gave a brief report regarding the two items on the agenda from today's meeting. The first item was regarding an outdoor patio cover at a restaurant on Lodi Avenue and the second item is a façade alteration to a building on School Street in the downtown.

ART IN PUBLIC PLACES

Chair Kirsten gave a brief report regarding the last two meetings. The bike racks in front of the Library will be removed and replaced.

8. COMMENTS BY THE PUBLIC (NON-AGENDA ITEMS)

None

9. COMMENTS BY STAFF AND COMMISSIONERS (NON-AGENDA ITEMS)

None

10. ADJOURNMENT

There being no further business to come before the Planning Commission, the meeting was adjourned at 8:20 p.m.

ATTEST:

Konradt Bartlam
Planning Commission Secretary

Item 3a

**CITY OF LODI
PLANNING COMMISSION
Staff Report**

MEETING DATE: May 8, 2013

APPLICATION NO: Use Permit: 13-U-06

REQUEST: Request for Planning Commission approval of a Use Permit to allow a Type-41 On-Sale Beer and Wine Alcoholic Beverage Control License located at 307 South Lower Sacramento Road, Suite D. (Applicant: Feng Min Zhao, on behalf of Komachi Restaurant; File Number: 13-U-06)

LOCATION: 307 South Lower Sacramento Road, Suite D
APN: 027-400-05
Lodi, CA 95240

APPLICANT: Feng Min Zhao, on behalf of Komachi Restaurant
1965 Sagebrush Way
Stockton, CA 95209

PROPERTY OWNER: Westgate Shopping Center LLC
7700 College Town Drive #101
Sacramento, CA 95826

RECOMMENDATION

Staff recommends the Planning Commission approve the request of Feng Min Zhao, on behalf of Komachi Restaurant for a Use Permit to allow Type-41 On-Sale Beer and Wine Alcoholic Beverage Control (ABC) license at 307 South Lower Sacramento Road, subject to conditions in the attached resolution.

PROJECT/AREA DESCRIPTION

General Plan Designation: Commercial
Zoning Designation: Planned Development (PD) - 35
Property Size: 8.51 acres (Restaurant measures approximately 2,000 sq. ft.)

The adjacent zoning and land use characteristics:

	ADJACENT ZONING DESIGNATIONS AND LAND USES		
	GENERAL PLAN	ZONING CLASSIFICATION	EXISTING LAND USE
North	Low Density Residential	Planned Development (PD) - 42	Vacant Land
South	Commercial	Planned Development (PD) - 35	Variety of stores
East	Low Density Residential	Low Density Residence	Residences
West	Low Density Residential	Planned Development (PD) - 42	Vacant Land

SUMMARY

The applicant, Feng Min Zhao, on behalf of Komachi Restaurant, is requesting approval of a Use Permit to allow a Type 41 On-Sale license for the proposed Komachi Japanese restaurant located at 307 South Lower Sacramento Road Suite D, the north end of the Raley's Shopping Center. The Type 41 license authorizes the sale of beer and wine for consumption on the premises in conjunction with a restaurant. In accordance with ABC requirements, receipts from food sales shall not be in excess of alcohol sales receipts.

BACKGROUND

Available City records indicate that the tenant space has been used by successive restaurants under different ownerships. The most recent restaurant closed July of 2011. Currently, there are no outstanding City or Building Code violations.

ANALYSIS

According to the applicant, the proposed restaurant will offer lunch and dinner menu. The proposed hours of operations will be from 11:30 a.m. —10:00 p.m., daily. The restaurant is 2,000 square-feet in size, will have approximately 6 employees, and seating for approximately 50 people (see floor plan). Onsite parking is provided within the shopping plaza. The applicant requests a Use Permit approval to allow 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 sprits and minors are allowed on the premise. In accordance with the State Department of Alcoholic Beverage Control (ABC) requirements, receipts from alcohol sale cannot be in excess of food sale receipts. ABC requires that restaurants with an alcohol license must operate and maintain the premise as a bona fide eating establishment.

Per Land Use Code Section 17.20.030, onsite consumption of alcohol beverages is permitted in the Commercial zoning designation subject to an approved use permit by the Planning Commission. The City established the Use Permit requirement to gain local control over whether or not a license is appropriate for a particular location. The State Department of Alcoholic Beverage Control primarily controls issuance based on concentration of licenses within a particular Census Tract. In this case the restaurant is within Census Tract 41.04, which encompasses the area south of Turner Road, east of Davis Road, west of Lower Sacramento Road, and north of Kettleman Lane. According to ABC regulations, this census tract is allowed four licenses According to ABC, Census Tract 41.04 contains five (5) existing ABC on- and off-sale licenses with only three (3) on- and three (3) off-sale sale licenses allowed based on the ABC criteria. The Planning Commission must make a finding of public need and necessity in order to approve additional ABC license. 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 discretionary Use Permit procedure enables the Planning and the city staff to impose conditions designed to avoid, minimize or mitigate potentially adverse effects of a certain use upon the community or other properties in the vicinity. Staff proposes operational conditions requiring orderly removal of wine waste within 24 hours, prohibition of public queuing, and noise and odor control mitigation measures. Staff believes that the Planning Commission can make the required findings to approve the requested Use Permit. The required findings are as followed:

1. *The proposed use is allowed with a Use Permit within the applicable zoning district and complies with all applicable provisions of this Development Code.* **Comment:** The Zoning designation for this property is PD-35, which permits on and off sale of alcohol beverages subject to a Use Permit. The sale of alcoholic beverages, as part of a restaurant operation, is the type of business permitted in the commercial centers. The sale of alcohol is ancillary to the bone fade restaurant operation.
2. *The proposed use is consistent with the General Plan and any applicable specific plan.* **Comment:** The General Plan land use designation for this area is Commercial, which provides for sale of alcohol. The proposed sale of beer and wine in conjunction with a restaurant operation is the type of business allowed by the General Plan. The sale of alcoholic beverages as part of a restaurant is required by the State Department of Alcoholic Beverage Control to be secondary to food sales. Sale of beer and wine in conjunction with a

restaurant is a common way to increase sales and is therefore, consistent, with the General Plan.

3. *The location, size, design and operating characteristics of the use or development is compatible with and shall not adversely affect or be materially detrimental to the health, safety, or welfare of persons residing or working in the area, or be detrimental or injurious to public or private property or improvements.* **Comment:** The proposed sale of beer and wine in conjunction with a restaurant operation is compatible with existing and future land uses in the shopping center. The sale of beer and wine in a restaurant is consistent with the General Plan because commercial uses such as the one proposed are permitted to sell alcohol in accordance with Land Use Policy subject to a discretionary review. 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.
4. *The location, size, design, and operating characteristics of the proposed use would be compatible with the existing and future land uses in the vicinity.* **Comment:** The proposed use complies with all requirements as set forth for the issuance of this Use Permit, in that the site is adequate in size, shape and topography for the proposed use, consisting of an existing building. Second, restaurants with sale of alcohol license have operated at this location and did not create policing problems. Third, the proposed use, as conditioned, will not have an adverse effect upon the use, enjoyment or valuation of property in the neighborhood because the proposed use will be located within an existing building with no additions to the footprint of the building. Fourth, the characteristics of the proposed sale of alcohol in a restaurant operation are secondary to the sale of food. In accordance with ABC requirements, receipts from alcohol sales shall not be in excess of food sales receipts. Lastly, it is found that the sale of alcoholic beverages as part of a restaurant is a convenience that does not typically create alcohol related problems.
5. *The proposed project has been reviewed in compliance with the California Environmental Quality Act (CEQA) and the Lodi Environmental Review Guidelines.* **Comment:** The project is found to be categorically exempt from CEQA review under 14 CCR §15332. Class 32 consists of projects characterized as in-fill development meeting the following conditions: (a) the project is consistent with the applicable general plan designation and all applicable general plan policies as well as with the applicable zoning designation and regulations, (b) the proposed development occurs within city limits on a project site of no more than five (5) acres substantially surrounded by urban uses, (c) the project site has no value as habitat for endangered, rare or threatened species, (d) approval of the proposed project would not result in any significant effects relating to traffic, noise, air quality, or water quality, and (e) the site of the proposed project can be adequately served by all required utilities and public services.

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 and wine application and they do not anticipate alcohol related problems. The Lodi Police Department recommends approval 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 is found to be categorically exempt from CEQA review under 14 CCR §15332. Class 32 consists of projects characterized as in-fill development meeting the following conditions: (a) the project is consistent with the applicable general plan designation and all applicable general plan policies as well as with the applicable zoning designation and regulations, (b) the proposed development occurs within city limits on a project site of no more than five (5) acres substantially surrounded by urban uses, (c) the project site has no value as habitat for endangered, rare or threatened species, (d) approval of the proposed project would not result in any significant effects relating to traffic, noise, air quality, or water quality, and (e) the site of the proposed project can be adequately served by all required utilities and public services.

PUBLIC HEARING NOTICE:

Legal Notice for the Use Permit was published in the Lodi News Sentinel on Saturday, April 27, 2013. 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.

ALTERNATIVE PLANNING COMMISSION ACTIONS:

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

Respectfully Submitted,

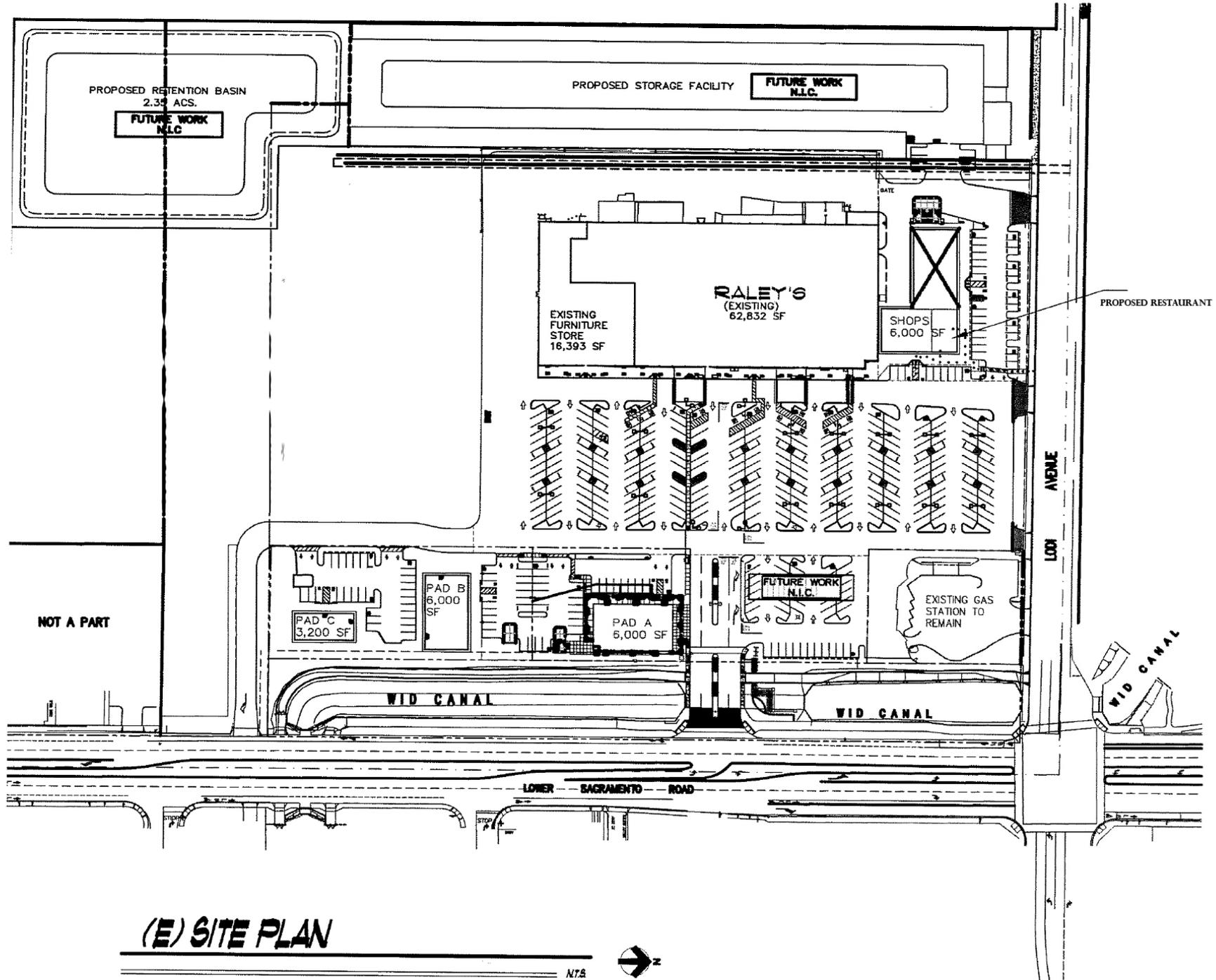
Concur,

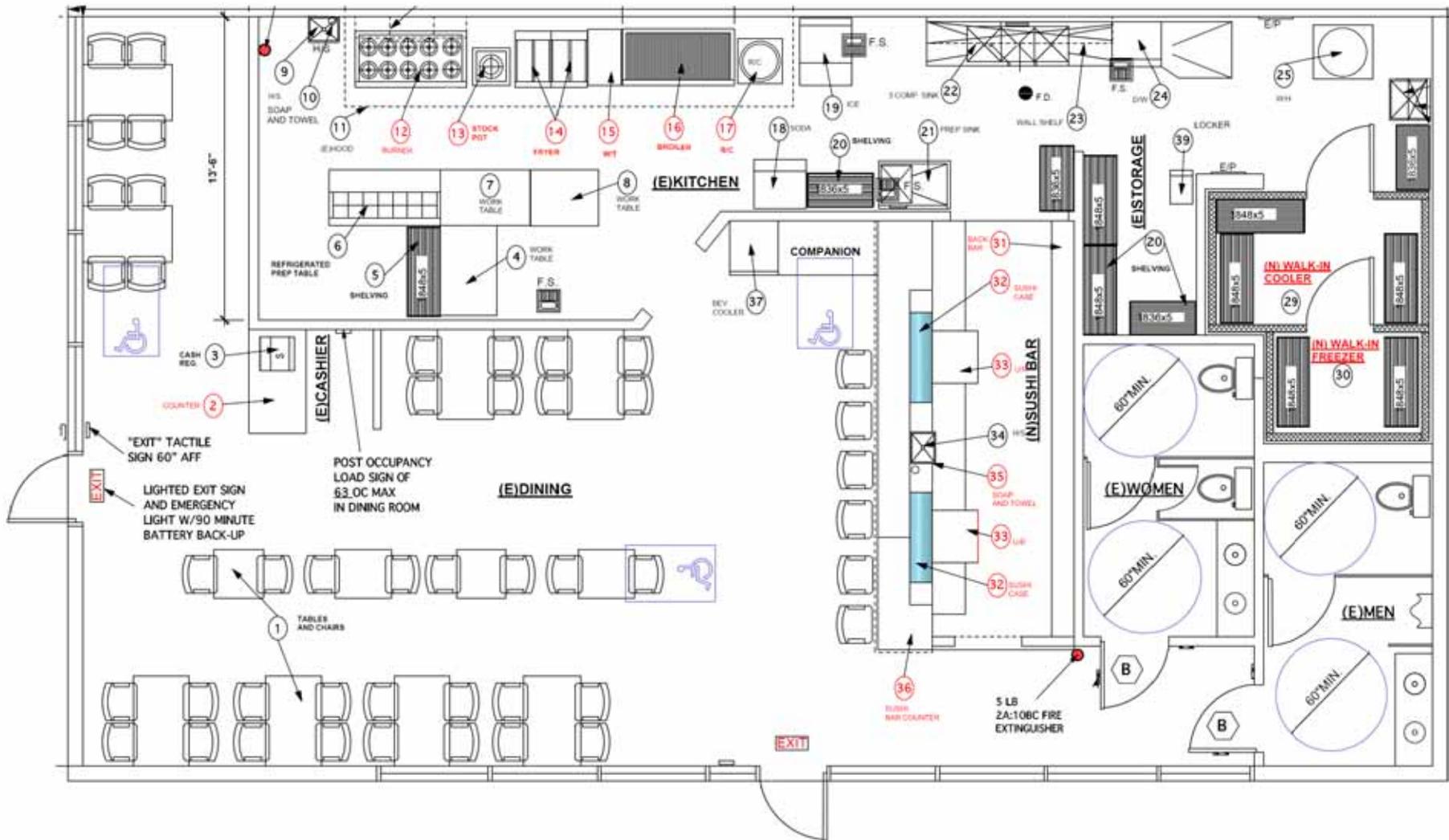
Immanuel Bereket
Associate Planner

Konradt Bartlam
Community Development Director

ATTACHMENTS:

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





FLOOR PLAN

Appetizer

Edamame	3.25
Boiled soybeans lightly salted	
Spicy Agedashi Tofu	5.95
Lightly fried tofu in our special garlic sauce	
Yudofu	5.50
Boiled tofu, napa cabbage and enoki mushrooms served with Ponzu dipping sauce	
Horenso Goma	3.50
Fresh cooked spinach drizzled with sesame paste	
Nasu Dengaku	4.95
Half an eggplant deep fried golden, then glazed with our own miso blend and sprinkled with kurogoma	
Karei Karaage	11.95
Lightly fried flounder served with ponzu dipping sauce	
Sake Karaage	4.95
Lightly fried salmon served with ponzu dipping sauce	
Mayomiso Broiled Mussel	4.95
Broiled mussel brushed with mayonnaise and tobiko	
Soft Shell Crab	5.95
Soft Shell Crab lightly battered and fried until golden, served with tempura dipping sauce	
Tempura	5.95
Small size tempura with assorted vegetable and shrimp	
Karubi	4.95
Grilled beef ribs in Japanese style	
Yakitori	3.95
Grilled skewered chicken with vegetables served with teriyaki sauce	
Beef Kushiyaki	4.25
Grilled skewered beef served with teriyaki sauce	
Beef Asparagus Roll	5.50
Asparagus wrapped with tender rib eyes topped with teriyaki sauce and sesame seed	

Kinoko Foil Yaki	5.95
Enoki, shimeji, shiitake mushrooms in a butter sauce	
Yaki Shiitake	4.95
Broiled Shiitake mushroom served with ground radish and lemon	
Agedashi Tofu	4.95
Lightly fried tofu with tempura sauce	
Hiyayakko	3.25
Chilled tofu topped with green onion and ginger	
Oshitashi	3.00
Fresh cooked spinach served with bonito shavings	
Nasu Shiitake	3.95
Sliced and deep fried eggplant served with tempura sauce and bonito shavings	
Yoneda's Salmon Namban	6.50
Medallions of fresh Atlantic salmon cooked in a sweet and sour sauce	
Koroke	5.95
Beef and Potato Croquettes	

Ika Tempura	5.95
Squid lightly fried served with tempura sauce	
Scallop Shimeji	4.95
Baby scallop with shimeji mushroom sauteed in garlic butter sauce	
Fried Oyster	4.95
Breaded oyster deep fried until golden served with tonkatsu sauce	
Yoneda's Fried Calamari	5.25
Breaded calamari deep fried and topped with Yoneda's special sauce	
Gyoza	4.50
Japanese pot sticker served with gyoza sauce	
Chicken Karaage	5.50
Seasoned chicken pieces lightly fried	

Sashimi Appetizer

Maguro Sashimi	7.95
Fresh sliced raw tuna, 5pcs	
Hamachi Sashimi	7.95
Fresh sliced raw yellow tail, 5pcs	
Salmon Sashimi	7.95
Fresh sliced raw salmon, 5pcs	
Albacore Sashimi	7.95
Fresh sliced raw white tuna, 5pcs	

Albacore Tataki	5.95
Seared white tuna sliced served on sliced onion in ponzu sauce	
Maguro Negiyae	5.95
Sliced fresh tuna served in ponzu sauce topped with green onion	
Poki Sashimi	7.95
Hawaiian style spicy tuna sashimi	
Combination Sashimi	9.95
Assorted fresh sliced raw fish 9pcs	

Soup & Salad

Prawn Soup	4.50
Prawns in clear broth	
Miso Soup	1.50
Soybean soup	
Chawanmushi	4.50
Steamed egg custard with vegetable and shrimp (Please allow 20 min.)	
Seafood Dobinmushi	6.95
Assorted seafood in clear broth served in tea pot	

House Salad	3.25
Seaweed Salad	3.95
Tako Sunomono	4.50
Octopus slices and cucumber slices served in vinegar sauce	
Ebi Sunomono	4.50
Cooked shrimp and cucumber slices served in vinegar sauce	
Kani Sunomono	4.50
Crab meat and cucumber slices served in vinegar sauce	
Cucumber Sunomono	3.50
Cucumber slices served in vinegar sauce	

Nigiri Sushi

2 pieces per 1 order

Aji	Spanish Mackerel	Seasonal
Albacore	Seared White Tuna	3.95
Amaebi	Raw Sweet Shrimp	5.95
Ebi	Cooked Shrimp	3.50
Hamachi	Yellow Tail	3.95
Hirame	Halibut	3.95
Hokki	Surf Clam	3.95
Ika	Squid	3.50
Ikura	Salmon Roe	4.25
Inari	Fried Tofu Skin w/ Sushi Rice	2.75
Kaibashira	Scallop	4.50
Kani	Crab Meat	3.95
Karasugai	Green Mussel	3.50
Katsuo	Seared Bonito	Seasonal
Kazunoko	Herring Roe	3.95
Maguro	Tuna	3.95
Mirugai	Giant Clam	Seasonal
Saba	Mackerel	3.50
Sake	Fresh Salmon	3.95
Smoked Salmon	Smoked Salmon	3.95
Suzuki	Sea Bass	3.95
Tai	Red Snapper	3.95
Tako	Octopus	3.50
Tamago	Egg omelet	3.25
Tobiko	Flying Fish Roe	3.95
Toro	Fatty Tuna	Market \$
Unagi	Fresh Water Eel	3.95
Uni	Sea Urchin	5.50

Spicy Rolls

Dynamite Roll	8.50
Spicy Crispy Roll	
Spicy Albacore Roll	4.95
Spicy White Tuna Roll	
Spicy California Roll	4.95
Spicy Kani Roll	5.25
Spicy Crab Meat Roll	
Spicy Negi-Hama Maki	4.95
Spicy Hamachi w/ Green Onion Roll	
Spicy Poki Roll	5.95
Spicy Tuna topped w/ Seaweed Salad	
Spicy Sake Maki	4.95
Spicy Fresh Salmon Skin Roll	
Spicy Salmon Skin Roll	5.50
Spicy Grilled Salmon Skin Roll	
Spicy Scallop Maki	5.95
Spicy Scallop w/ Tobiko Roll	
Spicy Shrimp Temp. Roll	7.25
Spicy Shrimp Temp., Cucumber, Avocado Roll	
Spicy Smoked Salmon Roll	4.95
Spicy Smoked Salmon Roll	
Spicy Spider Roll	8.50
Spicy Soft Shell Crab, Avocado, Cucumber Roll	
Spicy Tuna Roll	4.95
Spicy Tuna, Cucumber Roll	
Volcano Roll	6.95
Deep Fried Spicy Tuna Roll	

Maki Sushi

49ers Roll	8.95
salmon over unagi roll w/ tobiko	
Alaska Roll	5.95
grilled salmon skin rolled w/ cucumber, avocado kaiware	
Baked Scallop Maki	8.95
crab meat, avocado, scallop topped w/ tobiko then baked	
Boston Roll	5.95
crab meat	
California Roll	3.95
crab meat and avocado	
Caterpillar Roll	7.95
avocado over unagi roll w/ tobiko	
Cherry Blossom Roll	8.95
tuna, salmon and avocado w/ tobiko	
Crazy Horse Roll	7.95
tuna, yellow tail, salmon and albacore w/ tobiko	
Crispy Roll	7.95
tuna, salmon, hamachi and albacore then deep fried	
Crunchy Roll	6.95
crab meat, ebi, cucumber w/ tempura batter bits	
Dragon Roll	8.95
unagi, avocado, crab meat, cucumber and shrimp tempura	
Futo Maki	6.95
assorted vegetables and egg	
Giants Roll	8.95
unagi, cucumber, avocado topped w/ tuna and tobiko	
Hawaii Roll	4.75
tuna and avocado	
Lion King Roll	7.95
california roll w/ salmon wrapped and baked	
Negi-Hama Roll	3.95
green onion and hamachi	
New York Roll	5.50
shrimp, avocado and cucumber	
Ninja Roll	8.50
cream cheese w/ crispy roll	
Oregon Roll	4.50
salmon and avocado	
Philadelphia Roll	5.50
salmon, cream cheese and avocado	
Raiders Roll	8.95
california roll topped w/ hamachi and black tobiko	
Rainbow Roll	8.95
assorted fresh sliced fish over california roll	
Red Dragon Roll	9.50
unagi, cucumber, avocado, spicy tuna and tobiko	
Rock-n-Roll	5.95
unagi, avocado and tobiko	
Sake Lover Roll	7.95
sake and avocado topped w/ sake and tobiko	
Sake Maki	3.95
salmon roll	
San Francisco Roll	9.50
ebi tempura, avocado, cucumber, crab meat, salmon w/ tobiko	
Shrimp Temp. Roll	6.25
shrimp tempura, cucumber, avocado and kaiware	
Spider Roll	7.95
soft shell crab, kaiware, avocado and cucumber	
Super California Roll	7.95
crabmeat, avocado and unagi	
Tekka Maki	4.25
tuna roll	
Truffled Hamachi Roll	8.25
hamachi, green onion, truffle oil topped w/ avocado	
Unagi Lover Roll	7.95
unagi and avocado topped w/ unagi and tobiko	
Unakyu Maki	4.50
unagi and cucumber	

Vegetable Rolls

Asparagus Roll	3.50
Avocado Roll	3.50
Inari Goma Roll	6.95
Kampyo Maki	3.50
Kappa Maki	3.50
Natto Maki	3.95
Oshinko Maki	3.25
Shiitake Maki	3.95
Yamagobo Maki	3.95

Hana Sushi's Boat Special

Boat A	35.00
Soup	Salad
Rice	Gyoza
California Roll	Tempura
Beef Teriyaki	Sesame Chicken

Boat B	39.95
Soup	Salad
Rice	Sashimi
California Roll	Tempura
Chicken Teriyaki	Salmon Teriyaki

 For two or Three people

Sashimi Dinner

Combination Sashimi	14.95
Salmon Sashimi	13.95
Maguro Sashimi	13.95

Hamachi Sashimi	13.95
Albacore Sashimi	13.95
Maguro & Hamachi Sashimi	13.95

 Served with rice, miso soup and salad

Chef's Special Sashimi

Small \$28.95 Medium \$44.95 Large \$59.95

Sushi Dinner

Mixed Rolls	9.95
California roll, Tekka maki and Kappa maki	
Sashimi & Sushi	14.95
Assorted sashimi with 4pcs. Nigiri and California roll	
Chirashi	13.95
Assorted sashimi served over sushi rice	

Sushi Combination	13.95
6pcs. Nigiri, 6pcs. California roll	
Sushi Combination, Deluxe	14.95
Chef's choice of the day, 12pcs. Nigiri sushi	

 Served with rice, miso soup and salad

Combination Dinner

..... 14.95

Sashimi
Sushi
Tonkatsu
Tempura
Yakitori

Chicken Teriyaki
Beef Teriyaki
Saba Shioyaki
Salmon Teriyaki
Sesame Chicken

 You may select any two items from below
Served with rice, miso soup and salad

Entree / Teishoku

Beef Teriyaki	12.95
Grilled beef (Rib eye) with teriyaki sauce	
Chicken Teriyaki	10.95
Grilled chicken with teriyaki sauce	
Sake Shioyaki or Teriyaki	12.95
Grilled salmon lightly seasoned with salt or with teriyaki sauce	
Saba Shioyaki	9.95
Grilled mackerel lightly salted or with teriyaki sauce	
Hamachi Kama Shioyaki or Teriyaki	11.95
Yellowtail neck broiled, lightly salted or with teriyaki sauce	
Ika Shioyaki or Teriyaki	9.95
Grilled squid lightly salted or with teriyaki sauce	
Yakitori Dinner	9.50
Skewered chicken and vegetable topped with teriyaki sauce	

Ebi Tempura	12.95
Shrimp Tempura	
Seafood Tempura	12.95
Assorted seafood tempura	
Combination Tempura	10.95
Assorted vegetable and shrimp tempura	
Vegetable Tempura	8.95
Assorted vegetable tempura	
Tonkatsu	10.95
Breaded pork cutlet fried until golden brown and served w/ katsu sauce	
Spicy Pork	11.95
Grilled pork slices in spicy house sauce served on sizzling plate	
Bulgogi	12.95
Grilled beef slices in special house sauce served on sizzling plate	

 Served with rice, miso soup and salad

Sukiyaki

10.95

 Cooked in sweet soy broth with assorted vegetables and yam noodle served with salad and rice

Chicken Sukiyaki
Beef Sukiyaki

Vegetarian Sukiyaki
Seafood Sukiyaki

Nabemono

 Must be 2 or more person
Served with salad

Yosenabe 17.50/Person

Chicken, shellfish, tofu and assorted vegetables cooked in a fish and seaweed broth

Chanko Nabe 15.00/Person

Vegetables, meat and seafood cooked in miso soup

Shabu Shabu 17.50/Person

Tender slices of beef and a variety of vegetables in seaweed broth Served with ponzu sauce and sesame dipping sauce

Porridge / Zosui

 All porridge contains egg, green onion and seaweed

Nameko Zosui 8.95

Rice porridge with mushroom

Kaki Zosui 8.95

Rice porridge with oyster

Kani Zosui 8.95

Rice porridge with crab meat

Chicken Zosui 8.95

Rice porridge with chicken

Udon or Soba

 Served with salad

Yasai Udon 7.95

Thick white noodle in broth with assorted vegetable

Nabeyaki Udon 8.95

Thick white noodle in broth with tempura and fish cake

Seafood Udon 10.95

Thick white noodle in broth with assorted seafood

Beef Udon 8.95

Thick white noodle in broth with beef

Chicken Udon 8.95

Thick white noodle in broth with chicken

Tempura Udon 8.95

Thick white noodle in broth with tempura

Zaru Soba 7.50

Plain buckwheat noodle served cold

Ten Zaru Soba (Hot or Cold) 8.95

Choice of hot or cold buckwheat noodle with tempura

Yaki Udon

 Served with salad

Yaki Udon 7.95

Stir fried noodle with chicken and vegetables

Yasai Yaki Udon 6.95

Stir fried noodle with vegetable

Seafood Yaki Udon 9.95

Stir fried noodle with assorted seafood

Beverage

Coke 1.50

Diet Coke 1.50

Sprite 1.50

Orange Juice 2.00

San Pellegrino Sparkling 1.75

Root Beer 1.50

Ice Tea 1.50

Lemonade 1.50

Milk 1.75

Budwieser 2.95

Bud Light 2.95

O'douls (non-alcohol) 2.95

Sapporo Sm: 3.50 Lg: 4.95

Asahi Dry Sm: 3.50 Lg: 4.95

Kirin Ichiban Sm: 3.50 Lg: 4.95

Dessert

Green Tea Ice Cream 1.75

Mochi Ice Cream 3.50

Lychee Sherbet 1.75

Tempura Ice Cream 4.95

Banana Tempura 4.95

RESOLUTION NO. P.C. 13-

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LODI FOR THE APPROVAL OF THE REQUEST OF FENG MIN ZHAO, ON BEHALF OF KOMACHI SUSHI RESTAURANT, FOR A USE PERMIT TO ALLOW A TYPE-41 ON-SALE BEER AND WINE ALCOHOLIC BEVERAGE CONTROL LICENSE LOCATED AT 307 SOUTH LOWER SACRAMENTO ROAD, SUITE D

- 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 17.74; and
- WHEREAS,** the project proponent is Feng Min Zhao, on behalf of Komachi Sushi Restaurant , 1965 Sagebrush Way, Stockton, CA 95209; and
- WHEREAS,** the project is located at 307 South Lower Sacramento Road, Suite D., Lodi, CA 95240 (APN: 027-400-05) and
- WHEREAS,** the property has a General Plan designation of Commercial and is zoned Planned Development (PD) – 35; and
- WHEREAS,** the requested Use Permit to allow the sale of beer and wine for on-site consumption within a restaurant is an enforcement action in accordance with the City of Lodi Zoning Ordinance; and
- WHEREAS,** Census Tract 41.04 in which the business is located currently is over-concentrated with ABC licenses allowing the sale of beer and wine for consumption on- and off- the license premised where sold; and
- WHEREAS,** because Census Tract 41.04 has an over-concentration of On-sale beer and wine alcohol licenses, the Planning Commission makes 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 is found to be categorically exempt from CEQA review under 14 CCR §15332. Class 32 consists of projects characterized as in-fill development meeting the following conditions: (a) the project is consistent with the applicable general plan designation and all applicable general plan policies as well as with the applicable zoning designation and regulations, (b) the proposed development occurs within city limits on a project site of no more than five (5) acres substantially surrounded by urban uses, (c) the project site has no value as habitat for endangered, rare or threatened species, (d) approval of the proposed project would not result in any significant effects relating to traffic, noise, air quality, or water quality, and (e) the site of the proposed project can be adequately served by all required utilities and public services.
2. It is found that the sale of alcoholic beverages as part of a restaurant is required by the State Department of Alcoholic Beverage Control to be secondary to food sales.
3. It is found that the sale of alcoholic beverages as part of a restaurant is a convenience that does not typically create alcohol related problems.
4. 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.
5. 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.

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 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.
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 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.

NOW, THEREFORE, BE IT DETERMINED AND RESOLVED by the Planning Commission of the City of Lodi that Use Permit Application No. 13-U-06 is hereby approved, subject to the following conditions:

1. The property owner and/or developer and/or successors in interest and management shall, at their sole expense, defend, indemnify and hold harmless the City of Lodi, its agents, officers, directors and employees, from and against all claims, actions, damages, losses, or expenses of every type and description, including but not limited to payment of attorneys' fees and costs, by reason of, or arising out of, this development approval. The obligation to defend, indemnify and hold harmless shall include, but is not limited to, any action to arbitrate, attack, review, set aside, void or annul this development approval on any grounds whatsoever. The City of Lodi shall promptly notify the developer of any such claim, action, or proceeding and shall cooperate fully in the defense.
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 41. The Type 41 License shall be limited to on-site sale and consumption of beer and wine 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 41 license, On Sale Beer and Wine – Eating Place.
8. Use Permit Application No. 13-U-06 is granted for restaurant serving beer and wine both indoor and within an outdoor patio dining area for the property located at 307 South Lower Sacramento Road, Ste D.
9. Prior to the issuance of a Type 41 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.
10. 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.
11. 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.
12. The exterior of all the premises shall be maintained in a neat and clean manner, and maintained free of graffiti at all times.
13. The applicant/project proponent and/or developer and/or successors in interest and management shall obtain annual Operational Permit issued by the Lodi Fire Department, and meet all the conditions outlined in therein. The Fire Department may be contact at the Lodi Fire Department, 25 East Pine Street, Lodi, CA 95240-2127. Phone Number (209) 333-6739.
14. Tenant Improvement plan submittal required for the project. All plan submittals shall be based on the City of Lodi Building Regulations and currently adopted 2010 California Building code.
15. 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.
16. 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.
17. No variance from any City of Lodi adopted code, policy or specification is granted or implied by this approval.

Dated: May 8, 2013

I certify that Resolution No. 13- was passed and adopted by the Planning Commission of the City of Lodi at a regular meeting held on Wednesday, May 8, 2013 by the following vote:

AYES: Commissioners:

NOES: Commissioners:

ABSENT: Commissioners:

ATTEST _____
Secretary, Planning Commission

Application Withdrawn by the Applicant

Item 3b.

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 05/08/13
Subject: Past meetings of the City Council and other meetings pertinent to the Planning Commission

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

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

Date	Meeting	Title
May 1, 2013	Regular	Set Public Hearing for May 15, 2013, to Consider Revisions to the Growth Management Ordinance by Expiring Unused Allocations and Suspending the Required Schedule (CM)
		Post for Expiring Terms on the Library Board of Trustees, Lodi Arts Commission, and Planning Commission (CLK)