

<p>CARNEGIE FORUM 305 WEST PINE STREET LODI, CALIFORNIA</p>	<p>AGENDA LODI PLANNING COMMISSION</p>	<p>REGULAR SESSION WEDNESDAY, FEBRUARY 10, 2016 @ 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 – “January 13, 2016”
3. PUBLIC HEARINGS
 - a. Request for Planning Commission approval of a Use Permit to allow a Type-41 On-Site Beer and Wine sales at California Al’s restaurant at 601 West Lockeford Street. (Applicant: Mr. Albert Gamez; File 2016-02 U; CEQA Determination: Exempt per Section 15321)

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. Update of Downtown Police Service Calls
5. ANNOUNCEMENTS AND CORRESPONDENCE
6. ACTIONS OF THE CITY COUNCIL
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 to 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, JANUARY 13, 2016**

1. CALL TO ORDER / ROLL CALL

The Regular Planning Commission meeting of January 13, 2016 was called to order by Chair Heinitz at 7:00 p.m.

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

Absent: Planning Commissioners – Hennecke

Also Present: Senior Planner Craig Hoffman, Deputy City Attorney John Fukasawa and Administrative Secretary Kari Chadwick

2. MINUTES

“November 11, 2015”

MOTION / VOTE:

The Planning Commission, on motion of Commissioner Kirsten, Kiser second, approved the minutes of November 11, 2015 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 Heinitz called for the public hearing to consider the request of the Planning Commission for approval of a Use Permit to allow a charter school in an existing tenant space at 1110 Kettleman Lane. (Applicant: Bella Terra Plaza, LLC; File 2015-40 U; CEQA Determination: Exempt per Section 15303)

Senior Planner Craig Hoffman gave a brief PowerPoint presentation based on the staff report. Staff is recommending approval of the project as conditioned with the amended language provided to you on the Blue Sheet. He added that there is a letter provided on Blue Sheet that was received after the packet was produced.

Commissioner Kiser stated that he has been to the site and there are a number of problems with the roof leaking and structural issues with the second floor. A report was done by Mike Smith Engineering regarding the structural issues, but to his knowledge none of the items of concern have been taken care of to date. He wanted to mention it because of his concern for the students and possible mold problems due to the leaking. He is also concerned about the proximity of establishments that serve alcohol. Mr. Hoffman stated that he will defer to the applicant to address those concerns. He added that this project is classified as a learning center and does not have to adhere to the same requirements as a traditional school in regards to ABC regulations.

Commissioner Slater stated that mold can cause a number of health problems. He also added that he would like to hear from the applicant regarding the proximity of alcohol establishments.

Chair Heinitz stated that he also has a problem with a school going in near so many establishments serving alcohol.

Commissioner Olson stated that she would have had concerns regarding the proximity of alcohol if the students were being dropped off and left there all day, but that isn't the case with this type of learning center. She doesn't feel that this is the type of school that will promote loitering.

Hearing Opened to the Public

- Dr. Marcy Grill, Vice Principal for Rio Valley Charter School, came forward to answer questions. She gave a brief description of the style of school and the reason behind the move to this location. She added that they are looking to partner with Impact Sports, gymnastics business in the same area, for some of the student's physical exercise needs. Dr. Grill added that she worked at a different charter school at this location years ago. The school has been at their current location for four years and there have not been any complaints.
- Commissioner Kirsten asked if while walking around the location had Dr. Grill encountered any problems with leaky roofs or mold issues. Dr. Grill stated that she has not encountered these problems, but she acknowledged that she is an academic administrator not a contractor. If there are any issues with mold she would be adamant in having the property management fix them to avoid any health problems for the students and staff of the school.
- Commissioner Kiser stated that he has talked with the owner of the gymnastic establishment and he is very unhappy with response he has gotten from the management for the plaza. Commissioner Slater agreed with Commissioner Kiser and encouraged Dr. Grill to take a second look. Dr. Grill stated that she will look into the situation further.
- Chair Heinitz asked if the school has looked into the proximity to the service of alcohol. Dr. Grill stated that they have gotten all the necessary approvals.
- Commissioner Slater asked if the staff will be trained to look for alcohol abuse. Dr. Grill stated that staff does the regular training to look for signs of substance use and would not release a child to any parent that is showing signs of use. She added that all parents have to sign their student in and out at the reception desk.
- Rocky Bianchi, resident directly behind this location, came forward to express his concerns for the project. He has lived at this location since before Bella Terra Plaza was built and attended the meetings for the original approval. Mr. Bianchi stated that there have been many changes to the center and not all of them have been positive; for instance, the windows at the back of the plaza were supposed to be obscured glass with only the top portion of the windows able to open for ventilation, now there are clear glass windows and windows that completely open similar to a sliding glass door. He expressed a concern over the access to the alley way. The possible loitering of the students and parking may be an issue. The maintenance of the building has deteriorated over the years. He does not want to see any of the cars parking around the corner in the neighborhood. Mr. Kiser echoed some of Mr. Bianchi's concerns by stating that there are maintenance issues as well as some possible structural issues with the upstairs area. He added that he went by the location before this meeting to look at the parking and the lot was full. Mr. Kiser stated that he has spoken with the Building Office, Dennis Canright, regarding his concerns, but could not give any detail information regarding that discussion.
- Commissioner Olson asked for clarification from Mr. Bianchi regarding whether or not he objects to the school, since it sounds like his concerns were mainly focused on the condition of the center. Mr. Bianchi stated that he does have concerns with the parking and possible loitering that the school may cause. Ms. Olson asked if there is a problem with the gymnastic establish and the number of students they have. Mr. Bianchi stated that he does not have any concerns with that business. He stated that business is a contained situation. The kids are dropped off and picked up as soon as the classes are over or the parents stay at the location while the class is being conducted. Ms. Olson stated that is exactly what this type of school will be as well. The parents will drop off the student by checking them in at the reception desk, then come back and pick them up at that same location. Mr. Bianchi stated that because of the type of school there are concerns with the quality of student that will be attending. He added that these types of

schools are geared toward trouble students. Ms. Olson stated her appreciation for the comments, but disagreed with the sentiment.

- Commissioner Cummins stated his agreement with Ms. Olson statement. He added that just because a parent chooses to send their child to an alternate learning facility does not mean that they are a troubled student.
- Commissioner Slater clarified that the yellow mats that are being installed in the rear area of the building are called truncated domes and they are installed for ADA path of travel. He is concerned with that area being a designated path of travel for the sight. He stated that he agrees with Commissioner Olson in that this type of school should not be an indication of trouble students. He added that he has concerns with the facility not the school.
- Commissioner Kirsten stated that staff has stated that the additional traffic at this location will not be an issue, so he is not sure if this should be a concern of the Commission. He added that the proximity of establishments that serve alcohol isn't necessarily a perfect fit, but the likelihood of this school having an alcohol related incident is remote. He is concerned about what he has heard here tonight regarding the condition of the facility. He is hoping that since this school will be an income generating business for them that they will be motivated to take some action to rectify the issues. Mr. Kirstin asked if the Commission could put conditions on the project mandating the property owner to bring it up to code and pass a mold test. Mr. Hoffman stated that the Commission cannot put those types of conditions in the resolution because it would put the Commission in between the tenant and the landowner, and that is not the role of the Commission. It will put the Commission in an awkward place. The Commission can put conditions in the resolution that would put back some of the original conditions that may have been undone by recent construction such as the windows at the rear of the building. Mr. Hoffman added that there are exits to the rear of the building because of the assembly use and with that there needs to be an unobstructed path of travel to the public right-of-way for any emergency exit doors. It is not intended to be a primary access point. He also added that there have not been any calls regarding disturbance for this school at its current location just down the street on Kettleman Lane. There is always a condition in the resolution that will allow the Use Permit to be brought back to the Commission if there are any issues with the project violating any of the conditions.
- James Burke, resident directly behind the facility, came forward to express his concerns for the project. He has had issues with kids smoking in the alley as well as the general maintenance of the facility. He added that they are already working in the space. He does not have a concern with the charter school, but more with the lack of facility maintenance and the affect it will have on the students.
- Commissioner Kiser asked staff to confirm if work has already begun without the permit being issued. Mr. Hoffman stated that there may be some demolition work being started.
- Carrie Hutmacher, resident directly behind the facility, came forward to express her concerns for the project. There have been fights, drug sales, young girls being picked up and she has had to call the police many times. This is not a safe development for kids. She and her grandkids tried to use the elevator and ran into a couple being intimate. Ms. Hutmacher added that all of her grandkids have gone to charter schools and she would not want them to attend a school at this site. This is not the right environment for children. Commissioner Kirstin asked if Ms. Hutmacher is familiar with the currently location of the school. Ms. Hutmacher stated that she is familiar with that location. Mr. Kirstin asked if the conditions at the current location are different than this one. Ms. Hutmacher stated that the current location is much better. The opportunity for people loitering around the school at the current location doesn't exist there like it does at this location. Mr. Kirstin asked if it could be possible that this use going into this space could clean up some of the concerns that the residence have with the clientele that may be causing some of the issues. Ms. Hutmacher stated that the conditions have really gone down pretty far at this location and she does not see that being possible. She added that maybe if they had security walking around the facility that might help.

Public Portion of Hearing Closed

MOTION / VOTE:

The Planning Commission, on motion of Commissioner Cummins, Kirsten second, finds that the project is exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15303, and denies the Use Permit to allow the Rio Valley Charter School in an existing tenant space at 1110 Kettleman Lane subject to the findings and conditions of approval contained in the draft resolution as amended on the Blue Sheet provided. The motion carried by the following vote:

Ayes: Commissioners – Cummins, Kirsten and Olson
Noes: Commissioners – Kiser, Slater and Chair Heinitz
Absent: Commissioners - Hennecke

The item was not approved or denied with a 3 to 3 undecided vote.

- b) Notice thereof having been published according to law, an affidavit of which publication is on file in the Community Development Department, Chair Heinitz called for the public hearing to consider the request of the Planning Commission for approval of a Use Permit to allow a Type-20 Off-Site Beer and Wine sales at the Buy 4 Less grocery store at 401 West Lockeford Street. (Applicant: Mr. Steven Fetzer; File 2015-41 U; CEQA Determination: Exempt per Section 15321)

Senior Planner Craig Hoffman gave a brief PowerPoint presentation based on the staff report. Staff is recommending approval of the project as conditioned.

Commissioner Slater asked given the issues with the Barking Dog if there were any calls from the neighborhood. Mr. Hoffman stated that there have not been any calls probably because of the difference in the type of businesses. There will not be anyone outside this business at the late hours like with the bar.

Hearing Opened to the Public

- Steven Fetzer, applicant, came forward to answer questions. He added that this is in response to customer requests.
- Chair Heinitz stated his appreciation for the store and the convenience of its location to his office.
- Commissioner Slater asked if there will be any special training to spot customers that are inebriated. Mr. Fetzer stated that all of the staff will be going through the training.
- Commissioner Kirsten stated his appreciation for the store. He echoed Mr. Hoffman's statement that this is not at all like the Barking Dog.

Public Portion of Hearing Closed

MOTION / VOTE:

The Planning Commission, on motion of Commissioner Kiser, Heinitz second, finds that the project is exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15321, and approves a Use Permit to allow a Type-20 Off-Site Beer and Wine sales at the Buy 4 Less grocery store at 401 West Lockeford Street subject to the findings and conditions of approval contained in the draft resolution provided. The motion carried by the following vote:

Ayes: Commissioners – Cummins, Kirsten, Kiser, Slater, Olson and Chair Heinitz
Noes: Commissioners – None

Absent: Commissioners - Hennecke

Commissioner Kirsten recused himself from item 3c because he owns property interest within the sphere of influence of the project.

- c) Notice thereof having been published according to law, an affidavit of which publication is on file in the Community Development Department, Chair Heinitz called for the public hearing to consider the request of the Planning Commission for approval of a Use Permit to allow a live entertainment and outside dining for Maguire's on Elm at 27 W. Elm Street. (Applicant: Gary Arnold; File 2015-42 U; CEQA Determination: Exempt per Section 15321)

Chair Heinitz asked Mr. Hoffman to explain the reason why this application is not going through an entirely new Use Permit application process. Mr. Hoffman stated that the Use Permit was established years ago with the establishment of Legends. The Live Entertainment and possible outdoor seating are the factors that are not a part of the original approval.

Senior Planner Craig Hoffman gave a brief PowerPoint presentation based on the staff report. Staff is recommending approval of the project as conditioned with the additional conditions provided on the blue sheet. Mr. Hoffman stated that staff did receive a letter expressing concerns regarding the project. The letter has been provided on blue sheet.

Chair Heinitz stated for clarification that this is the site that Legends occupied and it wouldn't be fair to punish this applicant for past mistakes.

Commissioner Slater asked how the outdoor seating will work in that area. Mr. Hoffman stated that there is plenty of room on Elm Street side. It will be similar to all of the outdoor spaces in the downtown area.

Commissioner Kiser asked about the music being amplified to the outside. Mr. Hoffman stated that they will not be allowed to put speakers outside.

Commissioner Olson is concerned that the noise from amplified music and the residents may not be conducive. Mr. Hoffman stated that the noise may be a hurdle that Mr. Arnold has to work to get over or the project will be right back here.

Hearing Opened to the Public

- Gary Arnold, applicant, came forward to answer questions. Mr. Arnold stated that McGuire's will be a family orientated establishment. He stated that McGuire's will be a positive influence to the downtown.
- Chair Heinitz asked about a designated smoking area in the outside seating. Mr. Arnold stated that smoking will always be an issue. Mr. Heinitz suggested that a couple of the cigarette disposal containers with the long necks be put out side near where people are encouraged to do their smoking. Mr. Arnold would like to see the smoking area moved to the west side of the business to try and keep it away from the entrance. McGuire's staff will be cleaning up outside every night.
- Commissioner Slater expressed his concern over the absence of the menu. Mr. Arnold stated that there will be a full service menu. They will carry everything from Shepard's Pie to hamburgers with all of the amenities. There will also be a salad bar for the lunch crowd.
- Commissioner Kiser stated for clarification that there will be security. Mr. Arnold stated that he will have security on the nights with live music as well as if there is ever a downtown group security started McGuire's will participate.
- Commissioner Slater asked about the alcohol training for staff. Mr. Arnold stated that all of the bar tenders will be certified, the security staff will have licensed guard cards, intoxicated patrons will not be allowed to enter the establishment and if someone is

found to be intoxicated inside they will no longer be given drinks and a ride will be called to take them home.

- Annette Beile, property owner, came forward to support the project. She is excited about the new business coming into the space.
- Russ Galagos, local resident, came forward to support the project. He has been working with Mr. Arnold to get this project headed in the right direction.

Public Portion of Hearing Closed

- Commissioner Olson encouraged Mr. Arnold to use local musicians.

MOTION / VOTE:

The Planning Commission, on motion of Commissioner Kiser, Olson second, finds that the approval of the project is exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15321, and approves a Use Permit to allow a live entertainment and outside dining for Maguire's on Elm at 27 W. Elm Street subject to the findings and conditions of approval contained in the draft resolution as amended on the provided Blue Sheet. The motion carried by the following vote:

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

4. PLANNING MATTERS/FOLLOW-UP ITEMS

a) Review of Downtown Police Service Calls

- Mr. Hoffman introduced Captain Griffin to address any questions or concerns the Commission may have.
- Captain Griffin stated that there has been an improvement in the types of calls that are made in the downtown. He does not believe that the calls will ever be mitigated to a zero call zone. The bars are being proactive when calling the Police out for assistance. He feels very positive with the direction that the activity is headed.
- Chair Heinitz stated that he has talked with several police officers that are seeing a shift of calls for service moving from Sacramento Street to School Street. Captain Griffin stated that he has not seen that based on the calls. Mr. Heinitz stated that he has had to report to his store several times because of the drunks falling against his doors or windows and setting off the alarm.
- Commissioner Kirsten asked for clarification on the number of officers that are designated to the downtown. Captain Griffin stated that there are no officers that are designated to just the downtown. There are officers that have taken it upon themselves to be there especially as the evening gets later. Mr. Kirsten stated that there is a new downtown alliance that is being formed and there may be a possibility that some pressure may be placed on the City Council to restore the designated officers.
- Captain Griffin stated his appreciation of the bar owners and their cooperation with fighting this issue.
- Commissioner Kirsten asked if there is a difference in the clientele from the bars to the wine tasting facility. Captain Griffin stated that would be his opinion based on what he saw when he was working the streets.

- Jerry Wolfe, local bar owner, came forward to express his disappointment over the fact that no one will really see what is going on and he is tired of fighting it. He went so far as to change the format of his establishment and couldn't keep going with it and had to change back even though the money was better. Putting up with that type of crowd was not worth the money for him or his staff.
- Commissioner Olson asked if music should be a concern. Mr. Wolfe stated that music isn't the issue; it is the type of music.
- Commissioner Kirsten commended Mr. Wolfe for taking the higher road.

b) Review of Downtown Vision and Concerns with some Direction and Comments to City Council

- Mr. Hoffman stated that there was a request to find out what is happening in other cities and their destination downtown areas. He stated that a list has been provided and staff can try to answer questions, but Lodi's downtown is different just based on the number of bars that are not wine bars. The actual number of ABC license in the downtown has decreased by a couple of licenses since 2014.
- Chair Heinitz stated that he is concerned that the downtown is losing retail. The balance of retail, bar, entertainment is lopsided.
- Commissioner Kirsten stated that there is a difference between bars, saloons and wineries. He acknowledged that isn't an answer to Chair Heinitz's concerns about losing retail. We need to address the problem of trouble makers not put a stop to new innovative businesses alcohol related or not. He does not want to see the Commission put rules in place that stop something that would be a benefit to the downtown. Lodi just won an internal award for being a wine region. Mr. Kirstin does not want to see restrictions put in place that will allow what is currently in place but not allow a business to come into the region that might give some of the undesirable businesses a bit of competition and possibly allow attrition to weed out the bad apples.
- Commissioner Slater stated his agreement with Commissioner Kirsten. He would like to see a bit more enforcement put down on the establishments that are conducting the illegal operations. Captain Griffin stated that he will put the ABC Grant into play as much as he can to help with this enforcement.
- Commissioner Kirsten stated that he is not going to sit back and allow these establishments that operate under a different rule. Captain Griffin stated that there is a special code given to calls for the downtown, so they can be pulled and sent to ABC more efficiently.
- Chair Heinitz asked why officers won't stop the patrons from smoking right outside the doors of these establishments. Officer Griffin stated that they should not be allowing it. Mr. Heinitz stated that they stated that they don't want to harass them.
- Commissioner Kirstin stated that he is getting cranky about a lot these establishments that believe they are above the law. Mr. Hoffman stated that he will put a call in to Mr. Fuentes and see what can be done to help facilitate a correction.

5. ANNOUNCEMENTS AND CORRESPONDENCE

Senior Planner Hoffman stated that the Tentative Looking Ahead Project List has been provided and staff is available to answer any questions.

6. ACTIONS OF THE CITY COUNCIL

None

7. ACTIONS OF THE SITE PLAN AND ARCHITECTURAL REVIEW COMMITTEE

None

8. ART IN PUBLIC PLACES

None

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

None

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

Commissioner Slater stated that he will be interviewing with LAFCo Board and has been told that he can serve on both, but wanted to let everyone know that he would gladly give up that one to keep his seat on the Commission. He also added that he will be not at the March 9th meeting.

11. ADJOURNMENT

There being no further business to come before the Planning Commission, the meeting was adjourned at 9:04 p.m.

ATTEST:

Kari Chadwick
Planning Commission Secretary

DRAFT

Item 3a



**CITY OF LODI
PLANNING COMMISSION
Staff Report**

MEETING DATE: February 10, 2016

APPLICATION NO: Use Permit: 2016-02 U

REQUEST: Request for Planning Commission approval of a Use Permit to allow a Type-41 On-Site Beer and Wine sales at California Al's restaurant at 601 West Lockeford Street. (Applicant: Mr. Albert Gamez; File 2016-02 U; CEQA Determination: Exempt per Section 15321)

LOCATION: 601 West Lockeford Street
APN 037-120-55

APPLICANT: California Al's
Mr. Albert Gamez
1000 Downing Drive
Lodi, CA 95242

PROPERTY OWNER: Mr. Juan Vazquez
19690 North Highway 99 Unit 87
Acampo, CA 95220

RECOMMENDATION

Staff recommends that the Planning Commission approve the Use Permit request of Mr. Albert Gamez for the sale of beer and wine Alcoholic Beverage Control (ABC) Type 41 license (eating place) for a restaurant at 601 West Lockeford Street, subject to the conditions in the attached resolution.

PROJECT/AREA DESCRIPTION

General Plan Designation: Mixed Use Corridor
Zoning Designation: MCO – Mixed Use Corridor
Property Size: 0.2 acres – 8,582 sq. ft.

The adjacent zoning and land use characteristics:

	ADJACENT ZONING DESIGNATIONS AND LAND USES		
	GENERAL PLAN	ZONING CLASSIFICATION	EXISTING LAND USE
North	Mixed Use Corridor	MCO – Mixed Use Corridor	Medical office
South	Mixed Use Corridor	MCO – Mixed Use Corridor	Vacant commercial buildings
East	Mixed Use Corridor	MCO – Mixed Use Corridor	City Thrift and Nail Salon
West	Low Density Residential	RLD - Low Density Residential	residence

BACKGROUND / REQUEST

In December of 2012 the Planning Commission granted a Use Permit to allow Type-41 On-Sale Alcoholic Beverage Control (ABC) license for the La Tarraza restaurant.

In 2013, the current applicant took over the building and started California Al's. The ABC license was not transferred. The applicant is now requesting a new Use Permit for a Type 41 beer and wine license. The restaurant is 1,600 sq ft in size.

There are no active violations on the property and no complaints or police service calls.

The applicant is responding to customer's requests to provide beer and wine during meals. A previous restaurant at this location had a beer and wine license.

The restaurant is open:

- Monday – Saturday from 7:00 am to 8:00 pm
- Sunday from 6:00 am to 2:00 pm

The restaurant is not open late and the applicant is not looking to change hours of operation. This is a breakfast, lunch and dinner restaurant.

Washington Elementary School is located 770 feet to the west.

ANALYSIS

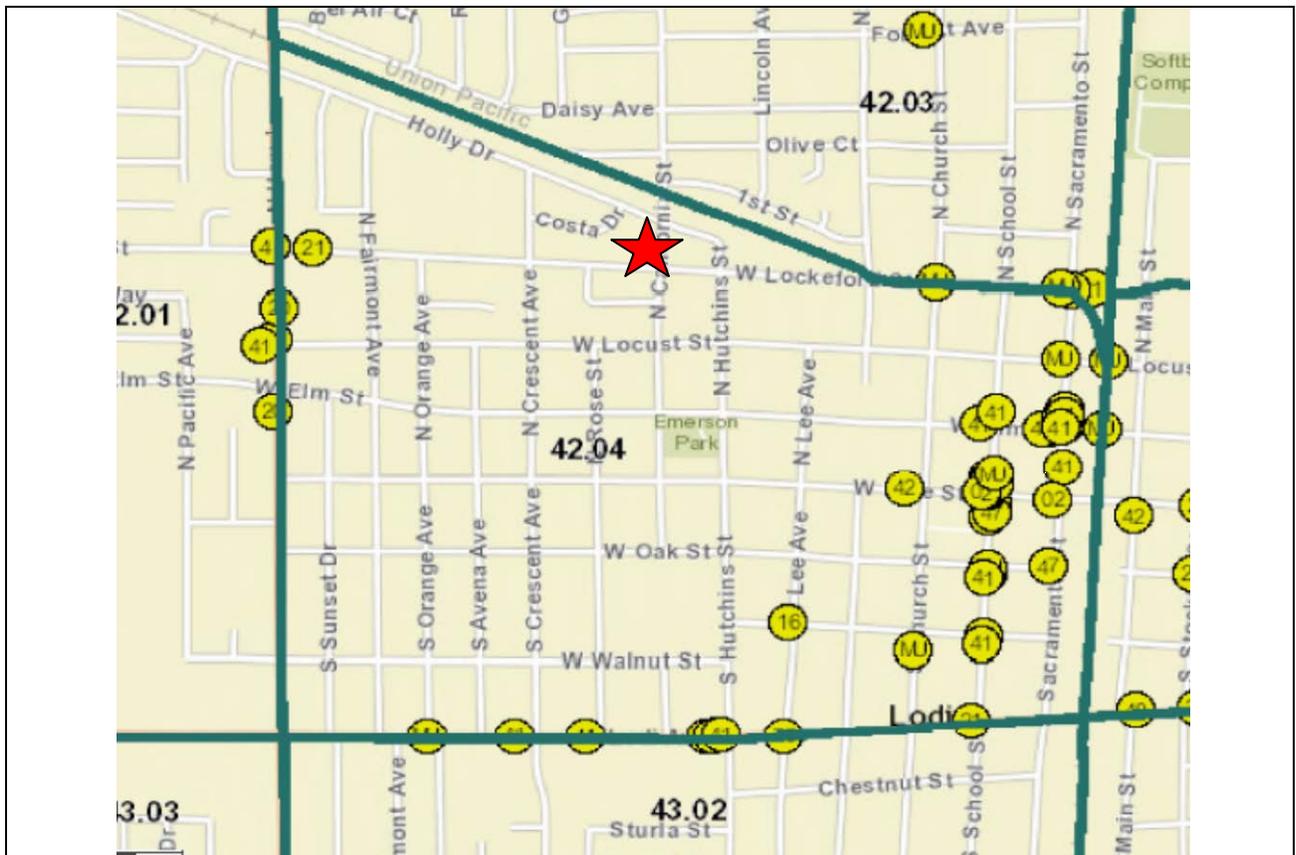


Figure 1 - Census Tract 42.04

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 site belongs to 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. In order to authorize additional licenses in this census tract, the Planning Commission must make a finding of public convenience and/or necessity. Generally downtowns have a high concentration of eating and drinking establishments. Many of the licenses are in conjunction with eating establishments.

The discretionary Use Permit procedure enables the Planning Commission 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 believes the Planning Commission can make the required findings to approve the requested Use Permit. The required findings are supported as follows:

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. **Evidence:*** The requested permit would allow an existing restaurant, within the Mixed Use Corridor Zoning District, to sell alcohol in accordance with Development Code Section 17.22.030. Conditions of Approval have been prepared that will provide appropriate rules for the alcohol sales and the needed review of the operation to ensure the sales do not become a neighborhood problem.
2. *The proposed use is consistent with the General Plan and any applicable specific plan. **Evidence:*** The General Plan land use designation and Zoning for this area is Mixed Use Corridor, which provides for sale of alcohol. The proposed sale of beer and wine is allowed in conjunction with a restaurant operation. The sale of alcoholic beverages as part of a restaurant is an acceptable and customary convenience to the local residence. The project is not within a Specific Plan or Planned Development, which would have additional rules on the sale of alcohol different from the properties base Zoning.
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. **Evidence:*** The proposed sale of alcohol in conjunction with the restaurant operation is compatible with existing and future land uses in the immediate vicinity of the project area. The sale of alcohol in the restaurant is consistent with other similar retail commercial uses in the census tract. The sales of alcohol will not increase the existing floor area of the building and therefore the current on-site parking will be adequate to support the restaurant.
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. **Evidence:*** 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. The proposed sale of alcohol in a restaurant is customary for these types of businesses. Lastly, the restaurant hours will be a limiting feature in the control of alcohol sales, in that the restaurant will be closed by 8:00 PM reducing the probability of late night loitering in the neighborhood.
5. *The proposed project has been reviewed in compliance with the California Environmental Quality Act (CEQA) and the Lodi Environmental Review Guidelines. **Evidence:*** The project was found to be Categorical Exempt according to the California Environmental Quality Act, §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 are required.

Staff sent a copy of the application to various City departments for comment and review. Their comments and requirements have been incorporated into the attached resolution. Staff believes the Commission can make the required findings to approve the Use Permit Amendment as proposed. The existing property use does not have any complaints over the use and operations. In staff's opinion, the proposed modification would not produce any adverse impacts on the adjacent properties in terms of noise, parking, litter, disorderly behavior, or other objectionable influences. The permit is conditioned to mitigate typical concerns related to noise and nuisance related to late night activities. If, in the future, concerns arise, and the Director/Police Department determines it necessary, the Use Permit can be subject to review by the Planning Commission to consider the business's operation for compliance with the conditions of 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 are required.

PUBLIC HEARING NOTICE:

Legal Notice for the Use Permit was published in the Lodi News Sentinel on Saturday, January 30 2016. Forty-Six (46) public hearing notices were sent to all property owners of record within a 300-foot radius of the project site as required by California State Law §65091 (a) 3. Public notice also was mailed to interested parties who expressed their interest of the project.

RECOMMENDED MOTIONS

Should the Planning Commission agree with staff's recommendation, the following motion is suggested:

"I move that the Planning Commission adopt a Resolution finding that the project is exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15321, and adopt a Resolution approving the Use Permit to allow the sale of beer and wine Alcoholic Beverage Control Type 41 license for a restaurant at 601 West Lockeford Street, subject to the findings and conditions of approval contained in the draft Resolution."

ALTERNATIVE PLANNING COMMISSION ACTIONS:

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

Respectfully Submitted,

Concur,

Craig Hoffman
Senior Planner

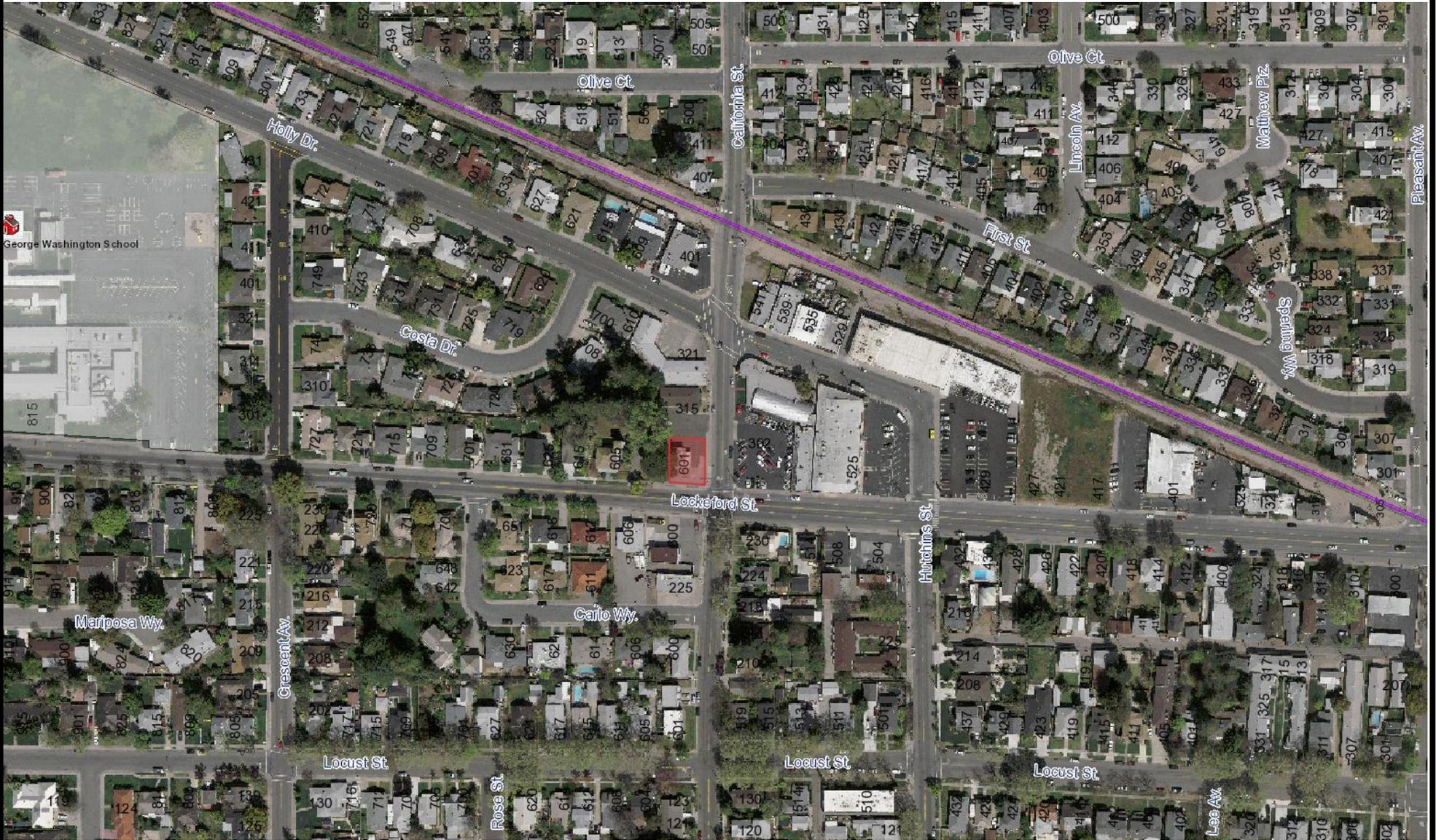
Stephen Schwabauer
Community Development Director

ATTACHMENTS:

- A. Vicinity / Aerial Map
- B. Menu
- C. Draft Resolution

VICINITY MAP

North



South

601 West Lockeford Street

SALADS-SENIOR MENU-APPETIZERS-DRINKS

SALADS W/DRESSINGS

BUFFALO CHICKEN SALAD
CRISPY CHICKEN, BLUE CHEESE,
AVOCADO, TOMATO, ONION, BACON
BITS, PICKLES, CROUTONS &
HARDBOILED EGG

10.95

CHEF SALAD

HAM, TURKEY, AMERICAN & SWISS
CHEESE, TOMATO, ONION,
CROUTONS, EGG & PICKLES

10.95

CHICKEN CAESAR

GRILLED CHICKEN, PARMESAN
CHEESE & CROUTONS

10.95

FAJITA CHICKEN

GRILLED CHICKEN, ONIONS & BELL
PEPPERS, W/CHEDDAR CHEESE,
TOMATO, AVOCADO & CRISPY
TORTILLA STRIPS

10.95

VEGGIE SUPREME

SPINACH, TOMATO, ONION,
MUSHROOM, BELL PEPPER,
CROUTONS, AVOCADO & PICKLES

9.95

SENIOR BREAKFAST MENU (60 & UP)

1-PANCAKE, BACON OR SAUSAGE & 1-EGG 6.25
1-FRENCH TOAST, BACON OR SAUSAGE & 1-EGG 6.25
1/2 WAFFLE, BACON OR SAUSAGE & 1-EGG 6.25
POTATOES, TOAST, BACON OR SAUSAGE & 1-EGG 6.25
2-EGG CHEESE OMELET, HASH BROWN & TOAST 6.25
1/2 HAM, POTATOES, TOAST & 1-EGG 6.25

SENIOR LUNCH MENU (60 & UP)

1/2 SANDWICH & SOUP (TURKEY, HAM OR ROAST BEEF) 6.95
CRISPY CHICKEN SANDWICH W/SIDE 6.95
HAMBURGER W/SIDE 6.95
FISH & CHIPS (2-PIECE) 6.95
TUNA SALAD W/TOMATO, ONION, PICKLES 6.95
CHICKEN BREAST SALAD
TOMATO, EGG & CHEESE 6.95
B.L.T. SANDWICH W/SIDE 6.95
GRILLED CHEESE SANDWICH W/SIDE 6.95

APPETIZERS

CHIPS/SALSA 3.95
QUESADILLA 4.95
QUESADILLA
W/CHICKEN 6.50
QUESADILLA
W/VEGGIES 6.50
CHICKEN STRIPS
W/SAUCE 6.50
FRENCH FRIES
SMALL 2.50
LARGE 3.95
ONION RINGS
SMALL 3.95
LARGE 5.95
BEEF NACHOS
MELTED CHEESE,
TOMATO, ONION,
JALAPEÑO W/SALSA &
SOUR CREAM 7.95



BEVERAGES

FOUNTAIN DRINKS: 2.00
COKE
DIET COKE
SPRITE
BARQS ROOTBEER
RASPBERRY ICE TEA
LEMONADE
COFFEE 2.00
HOT/COLD TEA 2.00
HOT CHOCOLATE 2.25
MILK 2.50
JUICE (ASK FOR CHOICES) 2.50
MILK SHAKE 3.50
ROOTBEER FLOAT 3.00



California AL'S Restaurant

CALIFORNIAALS.COM

Best Breakfast
& Burgers!



DINE IN OR TAKE OUT

601 W. Lockeford St, Lodi, CA 95240

(209)365-1805

BREAKFAST SERVED ALL DAY

<u>BREAKFAST ORIGINALS</u>	
TWO EGGS & POTATOE:	5.95
W/BACON	7.50
W/SAUSAGE	7.50
W/HAM	7.50
W/CHORIZO	7.50
W/LINGUICA	8.50
(CHOICE OF TOAST OR BISCUIT)	



<u>OMELETS</u>	
(W/POTATOES OR FRUIT)	
CHEESE	6.95
JALAPEÑO/CHEESE	7.95
HAM/CHEESE	7.95
VEGGIE/CHEESE	7.95
DENVER/CHEESE	7.95
(CHOICE OF TOAST OR BISCUIT)	

<u>PANCAKE STACKS</u>	
(BUTTER & SYRUP)	
SINGLE (1)	2.95
SHORT STACK (2)	4.95
TRIPLE STACK (3)	5.95
<u>PANCAKE COMBO</u>	
2-PANCAKES, 2-EGGS & CHOICE	
BACON OR SAUSAGE	7.95
ADD BLUEBERRIES	1.50
ADD STRAWBERRIES	1.50



<u>BREAKFAST CLASSICS</u>	
<u>CHICKEN FRIED STEAK</u>	
EGGS & POTATOES	
W/COUNTRY GRAVY	9.95
<u>SIRLOIN GROUND BEEF</u>	
EGGS & POTATOES	9.95
<u>NEW YORK STEAK</u>	
EGGS & POTATOES	12.95
<u>CHICKEN FRIED CHICKEN</u>	
EGGS & POTATOES	
W/COUNTRY GRAVY	9.95
(CHOICE OF TOAST OR BISCUIT)	



<u>MONICA'S FAVORITE</u>	
BISCUITS N' GRAVY, 2 EGGS & CHOICE	
OF BACON OR SAUSAGE	
	8.50



<u>FRENCH TOAST</u>	
2-PC FRENCH TOAST	4.95
<u>2-PC FRENCH TOAST COMBO</u>	
W/2-EGGS, & CHOICE OF BACON	
OR SAUSAGE	7.95
ADD STRAWBERRIES	
W/WHIPPED CREAM	1.50

<u>SIDES N' STUFF</u>	
BOWL/FRUIT	5.50
CUP/FRUIT	3.50
BOWL/OATS	3.75
TOAST (2)	1.95
SIDE OF HAM, BACON	
OR SAUSAGE	2.95
2-BISCUITS N' GRAVY	
	3.95
COUNTRY POTATOES OR	
HASH BROWN	2.25
1-LRG EGG	1.50

<u>BREAKFAST BURRITO</u>	
EGGS, POTATOES, CHEESE, & CHOICE	
OF HAM, SAUSAGE, BACON, LINGUICA	
OR CHORIZO	
(INCLUDES SALSA & SOUR CREAM)	
	6.50

<u>BELGIAN WAFFLE COMBOS*</u>	
(BUTTER & SYRUP)	
#1. WAFFLE (1)	5.95
#2. WAFFLE, EGGS & CHOICE OF	
BACON OR SAUSAGE	7.95
#3. WAFFLE & CHICKEN	8.95
ADD BLUEBERRIES	1.50
ADD STRAWBERRIES	1.50

<u>SCRAMBLES</u>	
<u>MEX</u> 3-EGGS, JALAPEÑO, TOMATO,	
ONION, BELL PEPPER & TOPPED	
W/CHEESE	8.25
<u>JOES</u> 3-EGGS MIXED W/GROUND	
BEEF, ONIONS, CHEESE, SPINACH,	
& MUSHROOMS	8.50

LUNCH AND MORE

<u>BURGERS W/SIDE</u>	
MUSHROOM SWISS	7.50
JALAPEÑO JACK	7.50
BACON CHEDDAR	7.50
AMERICAN	6.95
DOUBLE CHEESY	7.95
BURGER	6.25
VEGGIE BURGER	6.25
INCLUDES: LETTUCE, TOMATO,	
ONION, PICKLES & MAYO.	

<u>SIDE CHOICES:</u>	
FRENCH FRIES	
POTATO SALAD	
GREEN SALAD	
CUP OF FRUIT	
SOUP OF THE DAY	
ONION RINGS	.50C

<u>SPECIALTY BURGERS W/SIDE</u>	
<u>SOURDOUGH CHEESEBURGER</u>	
W/AVOCADO, SWISS CHEESE,	
TOMATO & MAYO	8.95
<u>PATTY MELT</u>	
GRILLED RYE BREAD, ONIONS	
& AMERICAN CHEESE	8.95
<u>WESTERN BBQ CHEESEBURGER</u>	
W/ONION RINGS & BACON	8.95
<u>BIG BOY</u>	
2-PATTIES, GRILLED ONIONS & CHEESE	
ON A FRENCH ROLL	9.95



<u>CHICKEN SANDWICHES W/SIDE</u>	
<u>BARBECUE</u>	
BACON, AMERICAN CHEESE,	
& MAYO	8.95
<u>CALIFORNIA</u>	
CHEDDAR CHEESE, BACON,	
AVOCADO & RANCH	8.95
<u>MONTEREY</u>	
W/JALAPEÑO, JACK CHEESE,	
& MAYO	8.95
<u>BUFFALO SUPREME</u>	
CRISPY CHICKEN SMOTHERED IN	
IN BUFFALO HOT SAUCE &	
JACK CHEESE	8.95
INCLUDES: LETTUCE, TOMATO,	
PICKLES ON A FRENCH ROLL	



<u>SOUP/A LA CARTE</u>	
<u>SOUP OF THE DAY</u>	
CUP	2.25
BOWL	3.25
<u>POTATO SALAD</u>	2.25
<u>GREEN SALAD</u>	2.25
<u>SOUP & SALAD</u>	
W/GARLIC BREAD	6.95

<u>CAFÉ SANDWICHES W/SIDE</u>	
<u>FRENCH DIP</u>	
W/AU JUS	7.95
<u>FISH SANDWICH</u>	
FRIED FISH, TARTER SAUCE, LETTUCE	
TOMATO ON FRENCH ROLL	8.95
<u>STEAK SANDWICH</u>	
LETTUCE, TOMATO & MAYO	
ON FRENCH ROLL	12.95
<u>PHILLY CHEESE STEAK</u>	
SAUTEED ONIONS & BELL	
TOPPED W/JACK CHEESE	8.95
<u>TURKEY MELT</u>	
GRILLED SOURDOUGH, TOMATO,	
BACON & AMERICAN CHEESE	7.95
<u>CLUBHOUSE SANDWICH</u>	
TRIPLE DECKER OF TOAST W/TURKEY	
TOMATO, LETTUCE, BACON	
AND MAYO	7.95
<u>VEGMELT</u>	
GRILLED SOURDOUGH W/SPINACH,	
TOMATO, MUSHROOM & SWISS	7.95
<u>BBQ BEEF SANDWICH</u>	
HOT BBQ ROAST BEEF ON FRENCH ROLL	
LETTUCE, TOMATO & PICKLE	8.50



RESOLUTION NO. P.C. 16-03

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LODI APPROVING THE REQUEST OF ALBERT GAMEZ FOR A USE PERMIT FOR THE SALE OF BEER AND WINE ALCOHOLIC BEVERAGE CONTROL (ABC) TYPE 41 LICENSE (EATING PLACE) FOR A RESTAURANT AT 601 WEST LOCKEFORD 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 17.74; and

WHEREAS, the project proponents are California Al's, Mr. Albert Gamez, 1000 Downing Drive, Lodi, CA 95242; and

WHEREAS, the project parcel is owned by Mr. Juan Vazquez, 19690 North Highway 99 Unit 87 Acampo, CA 95220; and

WHEREAS, the project is located at 601 West Lockeford Street, Lodi, CA 95240 (APN: 037-120-55); and

WHEREAS, the property has a General Plan designation of Mixed Use Corridor and is zoned Mixed Use Corridor (MCO); and

WHEREAS, based upon the facts and analysis presented in the staff report, and public testimony received and subject to the conditions of approval listed below, the Planning Commission finds that the establishment, maintenance or operation for the requested use or building applied for, will not, under the circumstances of this particular case, be detrimental to the health, safety, morals, comfort, convenience and general welfare of the persons residing or working in the neighborhood of such proposed use, or be injurious or detrimental to property and improvements in the neighborhood or to the general welfare of the City; and

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 Categorically Exempt according to the California Environmental Quality Act Section 15321, Class 21. 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 are required.
2. The requested permit would allow an existing restaurant, within the Mixed Use Corridor Zoning District, to sell alcohol in accordance with Development Code Section 17.22.030. Conditions of Approval have been prepared that will provide appropriate rules for the alcohol sales and the needed review of the operation to ensure the sales do not become a neighborhood problem.
3. The proposed sale of alcohol in conjunction with the restaurant operation is compatible with existing and future land uses in the immediate vicinity of the project area. The sale of alcohol in the restaurant is consistent with other similar retail commercial uses in the census tract.
4. The sales of alcohol will not increase the existing floor area of the building and therefore the current on-site parking will be adequate to support the restaurant.
5. 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.
6. The proposed sale of alcohol in a restaurant is customary for these types of businesses. Lastly, the restaurant hours will be a limiting feature in the control of alcohol sales, in that the

restaurant will be closed by 8:00 PM reducing the probability of late night loitering in the neighborhood.

7. 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.
8. 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 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. 2016-02 is hereby approved, subject to the following conditions:

Community Development-Planning

1. The applicant/project proponent and/or 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 Use Permit 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 Use Permit 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/project proponent and/or property owner and/or developer 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. Material violation of any of those laws in connection with the use may be cause for revocation of this Use Permit.
3. Starting from the effective date the business commences this Use Permit shall be subject to a three-month, six-month and one-year review by Community Development Department and/or the Police Department. If the Community Development Department/Police Department determines it necessary, the Use Permit shall be subject to review by the Planning Commission to consider the business's operation for compliance with the conditions of the Use Permit, and in response to any legitimate complaints thereafter. Further, 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 Department, the Police Department and/or Planning Commission as needed during and after the one year probationary period.
4. If operation of this use results in conflicts pertaining to parking, noise, traffic, loitering, public safety or other impacts, at the discretion of the Community Development Department, this conditional use permit may be referred to the Planning Commission for subsequent review at a public hearing. If necessary, the Commission may modify or add conditions of approval to mitigate such impacts, or may revoke said conditional use permit bound upon applicable findings.
5. The City Council, Lodi Police Department, the Planning Commission and City staff may, at any time, request that the Planning Commission conduct a hearing on this Use Permit for the purpose of amending or adding new conditions to the Use Permit or to consider revocation of the Use Permit if the Use Permit becomes a serious policing problem.

6. The 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.
7. The business shall have interior security video cameras operating during all hours that the business is open. The videotapes of the security video cameras shall be maintained for a minimum period of 30 days, and the videotapes must be made immediately available for any law enforcement officer who is making the request as a result of official law enforcement business. The video cameras must be positioned in a way to capture the facial features of anyone entering the business and include cameras that capture all money handling areas. If the Chief of Police determines that there is a necessity to have additional security cameras installed, the owner of the business must comply with the request within 7 calendar days. The Chief of Police can also require that the business change the position of the video cameras if it is determined that the position of the cameras do not meet security needs. The owner of the business must comply with the request within 7 calendar days. The said security video camera shall be installed and approved prior to business opening.
8. All owners, managers and employees selling alcoholic beverages shall undergo and successfully complete a certified training program in responsible methods and skills for selling alcoholic beverages. The certified program must meet the standards of the California Coordinating Council on Responsible Beverage Service or other certifying/licensing body, which the State may designate. The establishment shall comply with the requirements of this section within 30 calendar days of effective date of this Use Permit. Records of each owner's, manager's and employee's successful completion of the required certified training program shall be maintained on the premises and shall be presented upon request by a representative of the City of Lodi. The business owner shall be responsible for on-going training to accommodate changes in personnel.
9. No alcoholic beverages shall be consumed on any property adjacent to the licensed premises under the control of ABC license issued to California Al's.
10. No person who is in a state of intoxication shall be permitted within the business nor shall an intoxicated patron be sold additional alcoholic beverages. It is the responsibility of the business owner/operator to ensure no patron in state of intoxication is allowed into the premise.
11. Prior to commencement of the use, the applicant shall prepare and submit a practical program for controlling litter, spills, and stains resulting from the use on the site to the Community Development Department for review and approval. Failure to comply with that program shall be considered a violation of the Use Permit and shall be subject to administrative remedy in accordance with Chapter 17.72 and Chapter 17.88 of the City of Lodi Municipal Code.
12. The subject property and its immediate surrounding shall be maintained neat and clean at all times. The subject property and its immediate surrounding shall be maintained free from debris and graffiti at all times. The property owner shall remove any debris or graffiti within 24-hours upon notification by the City. Litter on the site and any litter scattered on nearby property, streets, and sidewalks shall be removed daily. If necessary, the applicant shall steam clean the project site and its immediate surrounding premises as often as needed.
13. In the event of graffiti or other extraneous markings occurring, the applicant/operator and/or successors in interest and management shall remove or cover said markings, drawings, or signage within 24 hours of such occurrence, weather permitting. Paint utilized in covering such markings shall be of a color that matches, as closely as possible, the color of the adjacent surfaces.

14. Any change in operational characteristics, expansion in area or other modification to the approved plans shall require an amendment to this Use Permit or the processing of a new Use Permit.
15. The Type 41 ABC license requires that food sales be a substantial activity of the business. Staff reserves the ability to monitor food sales as a portion of the business and audit inventory books. A Type 41 license required food to be available during all hours of operation.
16. The Use Permit is for a restaurant business that is consistent with these hours of operation. The restaurant is open: Monday – Saturday from 7:00 am to 8:00 pm and Sunday from 6:00 am to 2:00 pm
17. The applicant shall obtain Operational Permits from the Lodi Fire Department, Fire Prevention Bureau. The Operational Permits shall be obtained prior to commencement of sale of alcohol. The Fire Department may be contacted at 25 East Pine Street, Lodi, CA 95240-2127. Phone Number (209) 333-6739.
18. The applicant shall obtain a tenant improvement permit prior to occupancy. All plan submittals shall be based on the City of Lodi Building Regulations and currently adopted 2013 California Building Code. Please review our policy handouts for specific submittal procedures. The Building and Safety Division may be contacted at 221 West Pine Street, Lodi, CA 95240-2127. Phone number (209)333-6714.
19. The applicant shall obtain all required permits and licenses from the California Department of Alcoholic Beverage Control and the San Joaquin County Health Department prior to commencement of the use and maintain said permits at all times while the use is operating. Copies of all permits and licenses shall be submitted to the Community Development Department prior to commencement of the use.
20. 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.
21. No variance from any City of Lodi adopted code, policy or specification is granted or implied by this approval.

I certify that Resolution No. 16-XX was passed and adopted by the Planning Commission of the City of Lodi at a regular meeting held on February 10, 2016 by the following vote:

AYES: Commissioners:

NOES: Commissioners:

ABSENT: Commissioners:

ATTEST _____
Secretary, Planning Commission