

<p>CARNEGIE FORUM 305 WEST PINE STREET LODI, CALIFORNIA</p>	<p>AGENDA LODI PLANNING COMMISSION</p>	<p>REGULAR SESSION WEDNESDAY, MARCH 25, 2009 @ 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 28, 2009” & “February 11, 2009”
3. PUBLIC HEARINGS
 - a. Request for Planning Commission approval of a Use Permit to allow a Type-41 On-Sale Beer and Wine Alcoholic Beverage Control License at located at 550 South Cherokee Lane Suite C. (Applicant: Cindy Chan. File Number: 09-U-01)
 - b. Request for Planning Commission approval of a Use Permit to allow a Type 48 On-Sale General ABC license at 39 South Sacramento Street. (Applicant: Maureen Williams. File Number: 8-U-14) – **Withdrawn by Applicant**

NOTE: The above items are quasi-judicial hearings and require 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. Summary Memo Attached
7. GENERAL PLAN UPDATE/DEVELOPMENT CODE UPDATE
8. ACTIONS OF THE SITE PLAN AND ARCHITECTURAL REVIEW COMMITTEE
9. ART IN PUBLIC PLACES
10. COMMENTS BY THE PUBLIC
11. COMMENTS BY THE PLANNING COMMISSIONERS & STAFF
12. ADJOURNMENT

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

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

Right of Appeal:

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

Pursuant to Lodi Municipal Code Section 17.72.110, actions of the Planning Commission may be appealed to the City Council by filing, within ten (10) business days, a written appeal with the City Clerk and payment of \$300.00 appeal fee. The appeal shall be processed in accordance with Chapter 17.88, Appeals, of the Lodi Municipal Code. Contact: City Clerk, City Hall 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 28, 2009**

1. CALL TO ORDER / ROLL CALL

The Regular Planning Commission meeting of January 28, 2009, was called to order by Chair Kiser at 7:00 p.m.

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

Absent: Planning Commissioners –

Also Present: Interim Community Development Director Konradt Bartlam, Deputy City Attorney Janice Magdich, Senior Planner David Morimoto, Assistant Planner Immanuel Bereket, and Administrative Secretary Kari Chadwick

2. MINUTES

“December 18, 2008”

MOTION / VOTE:

The Planning Commission, on motion of Commissioner Olson, Kirsten second, approved the Minutes of December 18, 2008 as written. (Commissioner Heinitz abstained because he was not in attendance at the subject meeting)

3. PUBLIC HEARINGS

- a) Notice thereof having been published according to law, an affidavit of which publication is on file in the Community Development Department, Chair Kiser called for the public hearing to consider the request continued from September 10, 2008 for a Use Permit to allow conversion of four existing duplexes into residential condominiums; and

The request for a Tentative Parcel Map to divide four duplexes into eight residential condominiums. (Applicant: Baumbach and Piazza, Inc. on behalf of Fred Baker. File # 08-U-10 and 08-P-01, respectively).

Senior Planner David Morimoto gave a brief PowerPoint presentation based on the staff report.

Hearing Opened to the Public

- Steve Pechin, Baumbach & Piazza, came forward to answer any questions.
- Commissioner Heinitz asked if the duplexes were built with a party wall between the two units. Mr. Pechin stated that he believes they were built with a party wall.
- Fred Baker, applicant, came forward to state that within the CC&R's the look of the duplexes can be maintained.
- John Giannoni Jr. came forward to object to the project. Mr. Giannoni stated that the duplexes should never have been built in that area. He stated that when the maps were drawn and the environmental documents prepared there was no mention of duplexes for any of the lots in the development. Mr. Giannoni would like to see the duplexes converted back into single family residences not into condominiums.

Public Portion of Hearing Closed

- Commissioner Hennecke asked staff to clarify Mr. Giannoni's statements regarding the CC&R's. Mr. Bartlam stated that CC&R's are not governed by the City. Corner lots are viable lots for duplexes according to the zoning ordinance.

MOTION / VOTE:

The Planning Commission, on motion of Commissioner Kirsten, Olson second, approved the request for a Tentative Parcel Map to allow conversion of four existing duplexes into individual residential condominium units subject to the conditions in the resolution. The motion carried by the following vote:

Ayes: Commissioners – Cummins, Heinitz, Kirsten, Olson, Mattheis, and Chair Kiser
Noes: Commissioners – Hennecke

MOTION / VOTE:

The Planning Commission, on motion of Commissioner Mattheis, Heinitz second, approved the request for a Use Permit to allow conversion of four existing duplexes into residential condominiums subject to the conditions in the resolution. The motion carried by the following vote:

Ayes: Commissioners – Cummins, Heinitz, Kirsten, Olson, Mattheis, and Chair Kiser
Noes: Commissioners – Hennecke

- b) Notice thereof having been published according to law, an affidavit of which publication is on file in the Community Development Department, Chair Kiser called for the public hearing to consider the request for a Variance to reduce the side yard setback from the required 5-feet to 2-feet 9-inches for an existing detached bonus room located at 1021 S. Church Street. (Applicant: Matt Dobbins; File #: 08-A-01)

Assistant Planner Immanuel Bereket gave a brief PowerPoint presentation based on the staff report.

Commissioner Heinitz asked if this was going to be used as a second unit. Mr. Bereket stated that it was not going to be used as a second dwelling unit. Chair Kiser added that the property is fixed up to be an in-law quarters. Mr. Bartlam stated that one of the requirements of the variance is that the kitchen be removed.

Hearing Opened to the Public

- Matt Dobbins, applicant, came forward to answer questions.
- Commissioner Heinitz asked how much Mr. Dobbins has spent to go through this process. Mr. Dobbins stated about ten thousand dollars. Mr. Dobbins stated his appreciation to staff for all of their assistance.

Chair Kiser disclosed that he spoke with Mr. Dobbins regarding this project.

Commissioner Hennecke disclosed that he spoke with Mr. Dobbins regarding this project.

Public Portion of Hearing Closed

- Commissioner Heinitz stated that with all of the foreclosures on the market this will be happening more often. He would like to see the process more applicant friendly. Mr. Bartlam stated that he understands what Commissioner Heinitz is saying, and believes that Mr. Dobbins did his due diligence in checking the property out before buying it. It just happened that while Mr. Dobbins was making his offer for the property the code enforcement action was being processed.

MOTION / VOTE:

The Planning Commission, on motion of Commissioner Kirsten, Heinitz second, approved the request for a Variance to reduce the side yard setback from the required 5-feet to 2-feet 6-

Continued

inches for an existing detached bonus room located at 1021 S. Church Street subject to the conditions in the resolution. The motion carried by the following vote:

Ayes: Commissioners – Cummins, Heinitz, Hennecke, Kirsten, Olson, Mattheis, and Chair Kiser

Noes: Commissioners – None

Commissioner Olson stated that she concurred with Commissioner Heinitz and would like to see a friendlier process for people trying to purchase these types of homes. Mr. Bartlam stated that there is an Administrative Deviation process in place that allows the set back to go down to three feet, but because this application was two feet, six inches it had to go through the Variance process.

Commissioner Kirsten asked what the cost would have been to the applicant had he gone through the Administrative Deviation process. Mr. Bartlam stated that the filing fee would have been about two thousand dollars. He also added that he believes, but can not confirm, that the ten thousand dollars that Mr. Dobbins alluded to also includes various other fees such as building permits fees, and those fees will not change with the Administrative Deviation process.

Commissioner Hennecke stated that there are quite a few of these properties out there some with more code enforcement issues than others, and with so many bank owned there won't be the disclosure of those issues to potential buyers. He doesn't feel there is a way to streamline this process and suggests that people do there homework.

Chair Kiser asked why the banks don't have to disclose code enforcement issues. Commissioner Heinitz stated that they are exempt.

- c) Notice thereof having been published according to law, an affidavit of which publication is on file in the Community Development Department, Chair Kiser called for the public hearing to consider the request for a Use Permit to allow a Type 2 (Winery) Alcoholic Beverage Control License at 770 North Guild Avenue. (Applicant: Robert Mondavi Winery, Inc.; File Number: 08-U-17)

David Morimoto stated that staff has been informed from ABC that the type of license for this application is a type 17 not a type 2. Mr. Morimoto gave a brief PowerPoint presentation based on the staff report.

Hearing Opened to the Public

- Rick Anderson, Manager at the Mondavi facility, came forward to answer questions. Mr. Anderson stated that at this time this distribution center handles many wines from all over the world. Currently the employees have to travel to the individual wineries if they wish to purchase any to the wine that is handled on site. Mr. Anderson stated that by approving this application the employees will be able to purchase the wines that circulate through the facility and generate sales revenue for the City of Lodi.

Public Portion of Hearing Closed

MOTION / VOTE:

The Planning Commission, on motion of Commissioner Olson, Hennecke second, approved the request for a Use Permit to allow a Type 17 Alcoholic Beverage Control License at 770 North Guild Avenue subject to the conditions in the resolution. The motion carried by the following vote:

Ayes: Commissioners – Cummins, Heinitz, Hennecke, Kirsten, Olson, Mattheis, and Chair Kiser

Continued

Noes: Commissioners – None

- d) Notice thereof having been published according to law, an affidavit of which publication is on file in the Community Development Department, Chair Kiser called for the public hearing to consider the request of a Use Permit to allow a Type 48 on-sale General ABC license at 114 North Sacramento Street. (Applicant: Darrell Drummond. File Number: 08-U-15)

Immanuel Bereket gave a brief PowerPoint presentation based on the staff report.

Chair Kiser asked about the days and hours of operation and how that affects the days and hours of operation for the other establishments referenced in the staff report. Will they be coming back to alter their permit? Mr. Bartlam stated that the three establishments that are referenced in the staff report pre-date the City's Use Permit requirements and can alter their hours without coming to the Planning Commission.

Commissioner Kirsten disclosed that he spoke with the applicant regarding this project.

Hearing Opened to the Public

- Darrell Drummond, applicant, came forward to answer questions. Mr. Drummond stated that he has been in constant communications with City Staff.
- Commissioner Hennecke asked why Mr. Drummond is applying for the Use Permit if he isn't going to be using or applying for the ABC License. Mr. Drummond stated that he understood from City Staff that he needed to get the Use Permit.
- Commissioner Heinitz asked staff if the Use Permit and the ABC license could be in separate names. Mr. Bartlam stated that it can be, but it isn't how it has typically been done. The Use Permit runs with the land so having Mr. Drummond holding that permit will give him more incentive to maintain responsible tenants.
- Commissioner Mattheis asked if the language in the Resolution should be altered to reflect that it is the applicant or tenant that will need to meet the requirements of ABC? Mr. Bartlam stated that it would be his preference to have it read operator if the Commission chooses to go forward with the application.
- Mr. Drummond stated that he is in favor of holding the Use Permit because it will give him more control over the tenant and will allow him to work more closely with the Police Department to maintain good tenants.
- Pat Patrick, Chamber of Commerce Representative, came forward in support of the project.

Public Portion of Hearing Closed

- Commissioner Kirsten stated that he spoke with the Police Department and the Police feel that Mr. Drummond will be a diligent landlord.
- Vice Chair Cummins stated that he also spoke with the Police Department and got the same answer as Commissioner Kirsten.

MOTION / VOTE:

The Planning Commission, on motion of Commissioner Kirsten, Cummins second, approved the request for a Use Permit to allow a Type 48 on-sale General ABC license at 114 North Sacramento Street subject to the conditions in the resolution. The motion carried by the following vote:

Ayes: Commissioners – Cummins, Heinitz, Hennecke, Kirsten, Olson, Mattheis, and
Chair Kiser

Noes: Commissioners – None

Continued

Chair Kiser called for a short break (8:07)
Chair Kiser called the meeting back to order (8:13)

4. PLANNING MATTERS/FOLLOW-UP ITEMS

None

5. ANNOUNCEMENTS AND CORRESPONDENCE

Mr. Bartlam stated that at the next City Council meeting the Council will be taking action concerning the letter received by the Lawyer representing the Citizens for Open Government regarding the City Council meeting held on December 10, 2008 for the Lodi Shopping Center REIR Certification.

6. ACTIONS OF THE CITY COUNCIL

Mr. Bartlam stated that the City Council and the Planning Commission will be holding a joint meeting on February 11, 2009 regarding the General Plan Preferred Alternative.

7. GENERAL PLAN UPDATE/DEVELOPMENT CODE UPDATE

None

8. ACTIONS OF THE SITE PLAN AND ARCHITECTURAL REVIEW COMMITTEE

None

9. ART IN PUBLIC PLACES

Commissioner Kirsten gave a brief report on the latest meeting.

10. COMMENTS BY THE PUBLIC

None

11. COMMENTS BY STAFF AND COMMISSIONERS

None

12. ADJOURNMENT

There being no further business to come before the Planning Commission, the meeting was adjourned at 8:16 p.m.

ATTEST:

Konradt Bartlam
Community Development Director

February 11, 2009 Minutes
from the Joint meeting of
the Lodi City Council &
Planning Commission
produced by the City
Clerk's Office and approved
by the City Council at their
March 4, 2009 meeting

**LODI CITY COUNCIL
SPECIAL CITY COUNCIL MEETING
CARNEGIE FORUM, 305 WEST PINE STREET
WEDNESDAY, FEBRUARY 11, 2009**

A. Roll call

Mayor Hansen called the Special Joint meeting of the City Council and Planning Commission to order at 6:30 p.m.

Present: Council Member Hitchcock, Council Member Johnson, Mayor Pro Tempore Katakian, Council Member Mounce, Mayor Hansen, Planning Commission Vice Chair Cummins, Planning Commissioner Heinritz, Planning Commissioner Hennecke, Planning Commissioner Kirsten, Planning Commissioner Olson, and Planning Commission Chair Kiser

Absent: Planning Commissioner Mattheis

Also Present: City Manager King, City Attorney Schwabauer, and City Clerk Johl

B. Public Hearings

B-1 Public Hearing to Receive Report and Recommendation on the Preferred General Plan Alternative (CD)

Notice thereof having been published according to law, an affidavit of which publication is on file in the office of the City Clerk, Mayor Hansen called for the public hearing to receive report and recommendation on the Preferred General Plan Alternative.

City Manager King briefly introduced the subject matter of the Lodi General Plan update.

Interim Community Development Director Rad Bartlam introduced the consultant for the General Plan Amendment, Rajeev Bhatia.

Consultant Rajeev Bhatia of Dyett and Bhatia provided a PowerPoint presentation regarding the Lodi General Plan Update. Specific topics of discussion included the General Plan update process, sketch plans for public outreach, preferred plan, key concepts, land use framework, build out, and the next steps. Other topics of discussion included existing conditions and trends, planning issues, Planning Commission open house, outreach to community groups, compact urban form, preservation of existing neighborhoods, ag/cluster study area along the southern boundary, mixed-use centers and corridors and downtown, employment-focused development in the southeast, street connectivity and urban design, enhanced pedestrian and bicycle connections, recreation path along the irrigation canal row, phased future development, Mokelumne River as the City's northern edge, build out for population and housing and jobs, jobs and employed residents, the next steps, the preferred plan versus the sketch plans, and population growth projections.

In response to Council Member Hitchcock, Mr. Bhatia stated one of the four position papers considered economic assessment, looked at market conditions, and projected out the needs for commercial users including hotels. Mr. Bhatia stated local commercial needs are easier to project than regional commercial needs and the map does not indicate that the growth will actually happen but allows flexibility to consider the possibility. Mr. Bartlam stated the new commercial areas shown in red on the new map are shown as purple in the existing General Plan.

In response to Council Member Hitchcock, Mr. Bartlam stated the horizon for assessing regional needs is more likely on a 40-year basis rather than a 20-year basis and over the years jurisdictions have been taking advantage of planning around their transportation assets.

In response to Council Member Hitchcock, Mr. Bartlam stated where and how commercial growth happens will be market driven; although, it is difficult to assess regional commercial needs versus local needs.

In response to Council Member Hitchcock, Mr. Bartlam stated he is comfortable that the proposed concept for retail locations in communities will not create a blighted situation along Kettleman Lane because there is a suggestion to implement policy to deal with the specific corridors to revitalize them and make them more useful.

In response to Mayor Hansen, Mr. Bartlam stated retailers will do zip code analysis at checkout to assess where their business is coming from in connection with regional needs assessment. Mr. Hansen and Mr. Bartlam discussed the Lodi Memorial Hospital expansion as a region based project.

In response to Council Member Hitchcock, Mr. King confirmed that the policies will go to the Planning Commission for consideration as well. Mr. King stated what is being presented is the base with which to work and the policies, programs, and other pieces will follow.

In response to Mayor Hansen, Mr. Bartlam stated that, with respect to mixed-use and future expansions, neighborhoods are focusing on anchors such as schools and commercial, rather than only subdivisions. Mr. Bartlam stated for the anchors to work in the neighborhoods there must be pedestrian friendly accessibility to the services.

In response to Mayor Hansen, Mr. Bartlam stated that, while a neighborhood may not be as dense as it is in larger cities such as San Francisco, the general idea of a combination of a well-located clustering, such as an office, pizza parlor, and gas station, would be the same.

In response to Mayor Hansen, Mr. Bartlam stated there was no specific push back received to date on the possible recreation path along the canal, which may have been because people were not focused in on that particular piece.

In response to Mayor Hansen, Mr. Bartlam stated the land mass for the urban reserve area is approximately 400 additional acres.

In response to Council Member Johnson, Mr. Bartlam stated part of increasing the pedestrian levels is the convenience of the location of the services. Mr. Bartlam discussed two centers along Turner Road and the difficulty associated with crossing the street to access one while the other sits on a corner with good accessibility from properties adjacent to and across the street.

In response to Council Member Johnson, Mr. Bartlam stated a neighborhood center should not necessarily be located on a heavy traffic street because that location will already receive the vehicular traffic.

In response to Council Member Johnson, Mr. Bartlam stated he will bring back information regarding where this concept has been developed in recent years.

In response to Council Member Johnson, Mr. Bartlam stated the pattern of industrial uses is not consistent enough to go beyond Highway 12 at this point.

In response to Council Member Johnson, Mr. Bartlam stated Local Agency Formation Commission (LAFCO) justification issues are different and the projections are more based on the local realistic possibilities and expectations.

In response to Council Member Hitchcock, Mr. Bartlam stated that, while the laws are not mandating consistency with emissions regulations and the like, there is encouragement for consistency through ideas such as mixed-uses. Mr. King stated several agencies, including the League of California Cities and Institute for Local Government, are participating in a movement for pedestrian friendly communities as a part of the healthy cities initiative.

In response to Council Member Mounce, Mr. Bartlam stated that, in order to see better integration on the east side of town, it is important to have better economic incentives, such as density based incentives, to have the multi-family properties improve themselves.

In response to Council Member Mounce, Mr. Bartlam stated the difference in density with respect to the existing plan and new proposal is that the units may be from two to three in number instead of nine to ten. Mr. Bartlam stated the biggest difference would be magnitude and design.

In response to Council Member Hitchcock, Mr. Bartlam stated that, while the General Plan is not built based on redevelopment, there is an opportunity for benefit through redevelopment assisted programs.

In response to Council Member Johnson, Mr. Bartlam stated he does not believe that there is any reality for improvement based on providing a designation alone, as the improvements will come over time with some level of approved density and smaller conversions.

In response to Council Member Mounce, Mr. Bartlam stated Code Enforcement alone is not in itself an effective tool to shut down run down complexes; although, Code Enforcement coupled with redevelopment or other incentive programs may work.

In response to Council Member Mounce, Mr. Bartlam stated there may be some good examples of properties that were improved by Code Enforcement that were a matter of good circumstance but it is not necessarily successful as a continuing program on its own.

In response to Council Member Hitchcock, members of the Planning Commission provided comments about the General Plan. Commissioner Kirsten stated he felt it was the Commission's role to answer any specific questions the City Council had regarding the General Plan amendment and the process to date. Mr. Kirsten stated the industrial use came as a result of a compromise through a desire to have jobs and attract new businesses while retaining some flexibility for ranges and the proposed plan incorporates that concept. Commissioner Olson stated it is important to have flexibility for business growth and location when looking at a longer horizon. Commissioner Hennecke stated that, even though the City has not traditionally experienced the 2% growth, it is important to responsibly plan for the future just in case. Vice Chair Cummins stated the Commission looked at in depth the opportunities for planning for businesses that would create jobs and there was discussion of the proposed Delta College plans; although, that became moot at a later time. Chair Kiser stated the Commission looked at opportunities for salaries and jobs, arterials for bringing in product to the City, and mixed-use centers to reduce the carbon footprint. Commissioner Heinritz stated walking communities are a part of the past and the future and the Commission considered the opportunity for businesses within walking communities and provided the Tokay Street development as an example.

Mayor Hansen opened the floor for comments by the public.

Brett Jolley, representing Herum and Crabtree and the Armstrong Road property owners, spoke regarding his clients' concerns that the area between Harney Lane and Armstrong Road is being designated as the Armstrong Road study area and the current designation of PRR is being removed. Mr. Jolley urged the Council to maintain both designations simultaneously because the designations are not mutually exclusive. Mr. Jolley also discussed the benefit of not

expanding urbanization but planning for the future, maintaining the planning influence over the area, and honoring the intent of an infrastructure improvement agreement from 1992.

In response to Mayor Hansen, Mr. Jolley stated the issue was raised with the Planning Commission and the Planning Commission did not include it in the recommendation.

In response to Mayor Hansen, Mr. Bartlam stated the Planning Commission did take into consideration the PRR designation and decided to go ahead and study it as an alternative in the Environmental Impact Report (EIR) in order to maintain the flexibility to make a later designation. Mr. Bartlam stated designating something specific may send a mixed message.

In response to Council Member Johnson, Mr. Jolley stated he is not sure if there is a violation of the 1992 agreement. Mr. Jolley stated his clients agreed to pay money for infrastructure based on future growth, the City acknowledged it had a beneficial interest in that payment to service that area with future development, the agreement was based on the PRR designation in place at the time, and the status quo of that designation is preferred.

In response to Council Member Hitchcock, Mr. Bartlam stated the agreement has service boundaries currently consistent with the designations and the Harney Lane development. Chair Kiser confirmed that the matter can be studied and revisited as part of the EIR.

In response to Commissioner Kirsten, Mr. Jolley stated that, by the City not giving the area a specific designation of PRR, it may signal that the City is surrendering some of its control over that area regardless of whether it is the intent or not.

In response to Mayor Pro Tempore Katakian, Mr. Bartlam stated the City has flexibility to study the area and as a part of that study can also review the PRR designation and then make a decision after the EIR is complete.

In response to Council Member Mounce, Mr. Bartlam stated the Council can technically study the clustering and AL-5 if it chooses as an alternative in the EIR and implement the same if things fall through with the County.

In response to Vice Chair Cummins, Mr. Bartlam stated during the City's lifetime the General Plan has only been amended a few times. Mr. Bartlam stated as a practical matter the General Plan can be amended up to four times per year.

In response to Council Member Hitchcock, Mr. Bartlam stated that, technically if things fell through with the County, the City could do a similar designation with clustered properties and annex the area into the City. Mr. Bartlam stated he is not sure of the LAFCO response to the same. Mr. Bhatia stated that type of an annexation generally has strong ties to service capabilities in the eyes of LAFCO. Mr. Bartlam stated what really gives him pause for LAFCO purposes is the area between Davis Road and I-5 and the Stockton General Plan.

In response to Commissioner Hennecke, Mr. Bartlam stated that, with respect to showing an area of interest and not really having the ability to do anything in the area immediately, he does not want the General Plan amendment process to be held up as a result of this matter.

In response to Council Member Mounce, Mr. Bartlam stated concerns about encouraging clustering and providing services are valid. Mr. Bartlam stated LAFCO is not eager to see areas in a specific plan unless they see services and financing connected with it and there would be pros and cons associated with the City creating and annexing the AL-5 proposed area.

In response to Chair Kiser, Mr. Jolley stated his clients are hopeful that the AL-5 cluster

designation will go through with the County, although they would like to preserve the PRR current designation for the area just in case it does not go through.

Jerry Fry stated he wanted to clarify that the property owners are working diligently with the County, although there is no guarantee, and if the PRR is retracted that will lock the zoning into agricultural and decrease property values.

In response to Council Member Hitchcock, Mr. Fry stated that, if talks fall through with the County, there would be a concern to the City annexing because of the services and he is not sure if the property owners would be amiable to that.

In response to Council Member Hitchcock, Mr. Fry stated annexing and AL-5 designation may not work with the property owners because of trust issues between the City and the property owners. Mr. Fry requested an overlay of the PRR designation and the study area be included in the proposed General Plan amendment.

Ann Cerney, representing Citizens for Open Government, stated she was present to register her appearance and state for the record that her previously stated position on the matter remains unchanged.

Pat Patrick, representing the Lodi Chamber of Commerce, spoke in regard to including more references illustrating Lodi as a wine tourism destination, drawing in wineries outside of the City limits in all directions to emphasize the destination, providing LAFCO with an overview of the City's area of interest based on its vision, the plan size based on the City's size, and developments stopping mid-way because of the economy downturn.

Discussion ensued between Council Member Hitchcock and Mr. Patrick regarding what is not needed as shown in the phased future development including the dotted areas and specifically zoned areas and planning responsibly by showing the 2% growth based on the City's ordinance.

In response to Council Member Hitchcock, Mr. Bartlam stated the area of interest concept is unique to San Joaquin LAFCO and not accepted anywhere else in the State. Mr. Bartlam stated it is his understanding that a request to show an area of interest would be taken with the General Plan amendment to LAFCO; although, it would not apply to County land use. Mr. Bartlam also emphasized the good existing relationship between the City and County whereby notices are provided by one another regularly if there is something affecting the jurisdiction. Mr. King suggested staff can agendize a presentation regarding areas of interest by LAFCO if the Council so desires.

In response to Council Member Johnson, Mr. Patrick stated he would not propose any changes to the urban reserve designation on the eastern boundary because it is a good industrial area.

Discussion ensued between Council Member Mounce and Mr. Bartlam regarding dictating which areas have the highest priority for developing in the current plan including south of Harney Lane and the western area. Mr. Bartlam stated the City's current policies will need to be reflected regardless of whether the growth happens or not.

In response to Council Member Johnson, Mr. Bartlam stated that, with respect to realistically coming close to what the plan has illustrated, no one can predict the economy and everything in color shows about 1.5% growth over the next 20 years.

A brief discussion ensued between Commissioner Hennecke and Council Member Johnson regarding the market coming back, housing conditions, and acceleration over the long term.

In response to Commissioner Heinitz, Mr. Bartlam and Mr. Schwabauer confirmed that the law and the Department of Housing and Community Development requires the General Plan to show the possibilities of growth in order to remain eligible for funding purposes.

In response to Mayor Pro Tempore Katzakian, Mr. Bartlam stated the northwest corner is not squaring up to Turner Road because of the circulation based around the Woodbridge Irrigation District canal and access. Mr. Bartlam stated the area needed to show full connectivity, which is present without the corner, and there are flood plain concerns as well.

Jane Wagner-Tyack spoke regarding her concerns about potable water, increases in water acreage, declines in groundwater, and the possible build outs relying heavily on the new treatment plant.

Lorinda Jonard spoke regarding her concerns about incorporating sustainable communities into the amendment, including housing choices, sustainable materials, use of agricultural land versus in-fill, transportation and walkability, economy and education, and maintaining the small town feel. Mr. Bartlam and Mr. King confirmed that sustainability principles are incorporated throughout the seven elements, rather than being called out as an individual element.

Jeffrey Kirst spoke regarding his concern for housing shortages in three years in the County based on a recent paper from the San Joaquin Council of Governments. Mr. Kirst stated the 2% rate was a good idea and it should be maintained and planned for in the amendment.

Ron Kelly spoke regarding his preference to see good continued growth as already planned.

Lorinda Jonard provided a few additional comments regarding water conservation, permissible parking lots, and a multi-leveling parking structure for residential uses.

In response to Mayor Hansen, Mr. Bartlam stated staff is projecting late fall for final consideration, during which time the policies and EIR will be done. Mr. Bartlam stated this baseline work is done, a preferred plan is now needed to analyze, and the draft EIR should come in late spring or mid summer.

Council Member Hitchcock made a motion, second by Council Member Mounce, to move forward with the Preferred General Plan Alternative as recommended.

VOTE:

The above motion carried by the following vote:

Ayes: Council Member Hitchcock, Council Member Johnson, Mayor Pro Tempore Katzakian, Council Member Mounce, and Mayor Hansen

Noes: None

Absent: None

C. Adjournment

There being no further business, the meeting was adjourned at 9:46 p.m.

ATTEST:

Randi Johl
City Clerk

Item 3a.

**CITY OF LODI
PLANNING COMMISSION
Staff Report**

MEETING DATE: March 25, 2009

APPLICATION NO: Use Permit: 09-U-01

REQUEST: Request for Planning Commission approval of a Use Permit to allow a Type-41 On-Sale Beer and Wine Alcoholic Beverage Control License at located at 550 South Cherokee Lane Suite C. (Applicant: Cindy Chan. File Number: 09-U-01)

LOCATION: 550 South Cherokee Lane, Suite C
APN: 047-450-18
Lodi, CA 95240

APPLICANT: Cindy Chan
3827 Navara way
Stockton, CA 95212

PROPERTY OWNER: Midwestern Investors Group
3941 Park Drive, Bldg 20, Suite 313
El Dorado Hills, CA 95762

RECOMMENDATION

Staff recommends that the Planning Commission approve the request of Cindy Chan for a Use Permit to allow a Type-41 on-sale beer and wine license at Hua Kee Chinese Express located at 550 South Cherokee Lane Suite C, subject to the conditions in the attached resolution.

PROJECT/AREA DESCRIPTION

General Plan Designation: GC, General Commercial.
Zoning Designation: C-2, General Commercial.
Property Size: 5.1 acres. (Restaurant is approximately 3,200 square feet.).

The adjacent zoning and land use are as follows:

North: C-2, General Commercial. Various retail and commercial shops are located north of the project site.

South: C-2, General Commercial. Various types of commercial uses are located south, ranging from auto shop to restaurants.

East: C-2, General Commercial. The local K-Mart store is located immediately east of this project area.

West: C-2, General Commercial. Various types of neighborhood commercial establishments are located to the west of the project site. The area further west is zoned Re-1, Single Family Residences.

SUMMARY

The applicant, Cindy Chan, is requesting approval for a Use Permit to allow an Alcoholic Beverage Control (ABC) Type-41 On-sale beer and wine license at her restaurant located at 550 South Cherokee Lane, Suite C, Lodi, CA. The project area contains a variety of commercial

businesses such as a K-Mart store, restaurants and various retail stores. The applicant's business is a full service restaurant that services Chinese food.

BACKGROUND

Hua Kee Chinese Express is currently serving the City of Lodi with Chinese cuisines and favorites. Prior to the applicant's business, another Chinese take out restaurant occupied the site. The project site is located within the major commercial intersection near Cherokee Lane and Lodi Avenue. The area contains a variety of commercial businesses such as a K-Mart, Cash and Checking services, realty office, and various retail stores. To increase sales and attract customers, the applicant is requesting approval from the City to serve beer and wine at her establishment.

ANALYSIS

According to the applicant, Hua Kee Chinese Express offers lunch and dinner menu of authentic Chinese favorites. The restaurant is open from the hours of 11:00 a.m. to 6:00 p.m. daily. The restaurant is approximately 3,200 square feet in size and provides seating for approximately 40-45 guests. On site parking is provided in the plaza which satisfies the parking requirement. In accordance with the State Department of Alcoholic Beverage Control (ABC) requirements, receipts from alcohol sale shall not be in excess of food sales receipts. ABC requires that restaurants with alcohol license must operate and maintain the premise as a bona fide eating establishment. Staff has contacted the Lodi Police Department for comment on the proposed on-sale beer and wine application and they do not anticipate alcohol related problems with the restaurant. Staff sent copies of the application to various City departments for comments and review. The Fire, Building, Public Works, Electric Utility Departments had no comments and had no objections to the request for an alcohol license.

Section 17.72.040 of the Lodi Municipal Code requires a Use Permit for new Off-Sale and On-Sale alcohol licenses as well as changes in license type. The City established the Use Permit requirement to gain local control over whether or not a license is appropriate for a particular location. ABC primarily controls issuance based on concentration of licenses within a particular Census Tract. Census Tract 44.01 covers the area south of Lodi Avenue, west of Central California Traction Company (C.C.T) Line, north of Kettleman Lane, and east of Union Pacific Rail Road Company (U.P.R.R). According to ABC, Census Tract 44.01 contains 9 existing on-sale licenses with 8 on-sale licenses allowed based on the ABC criteria. Because this census tract is over-concentrated, the Planning Commission must make a finding of public necessity or convenience in order to approve an additional on-sale 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.

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 on-sale beer and wine license because restaurants that serve beer and wine in conjunction with food sales have not created alcohol related problems. 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 ASSESSMENTS:

The project was found to be categorically exempt according to the California Environmental Quality Act, Article 19, Guidelines §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...the lease, permit, license, certificate, or entitlement for use or enforcing the general rule, standard, or objective.” No significant impacts are anticipated and no mitigation measures have been required.

PUBLIC HEARING NOTICE:

Legal Notice for the Use Permit was advertised on the local newspaper on March 14, 2009 and 18 public hearing notices were sent to all property owners of record within a 300-foot radius of the subject property as required by Government Code §65091 (a) (3).

ALTERNATIVE PLANNING COMMISSION ACTIONS:

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

Respectfully Submitted,

Concur,

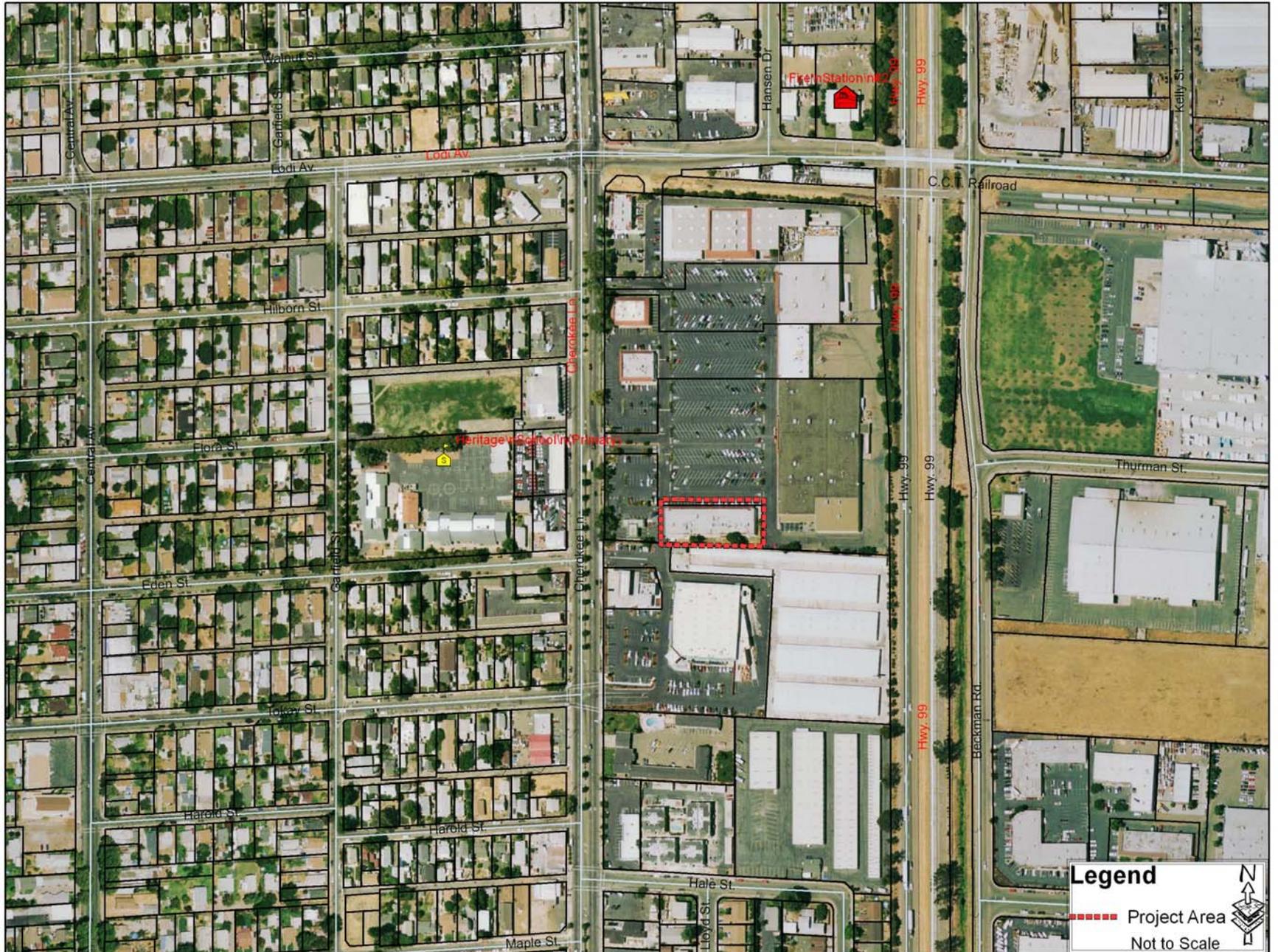
Immanuel Bereket
Assistant Planner

Konradt Bartlam
Interim Community Development Director

ATTACHMENTS:

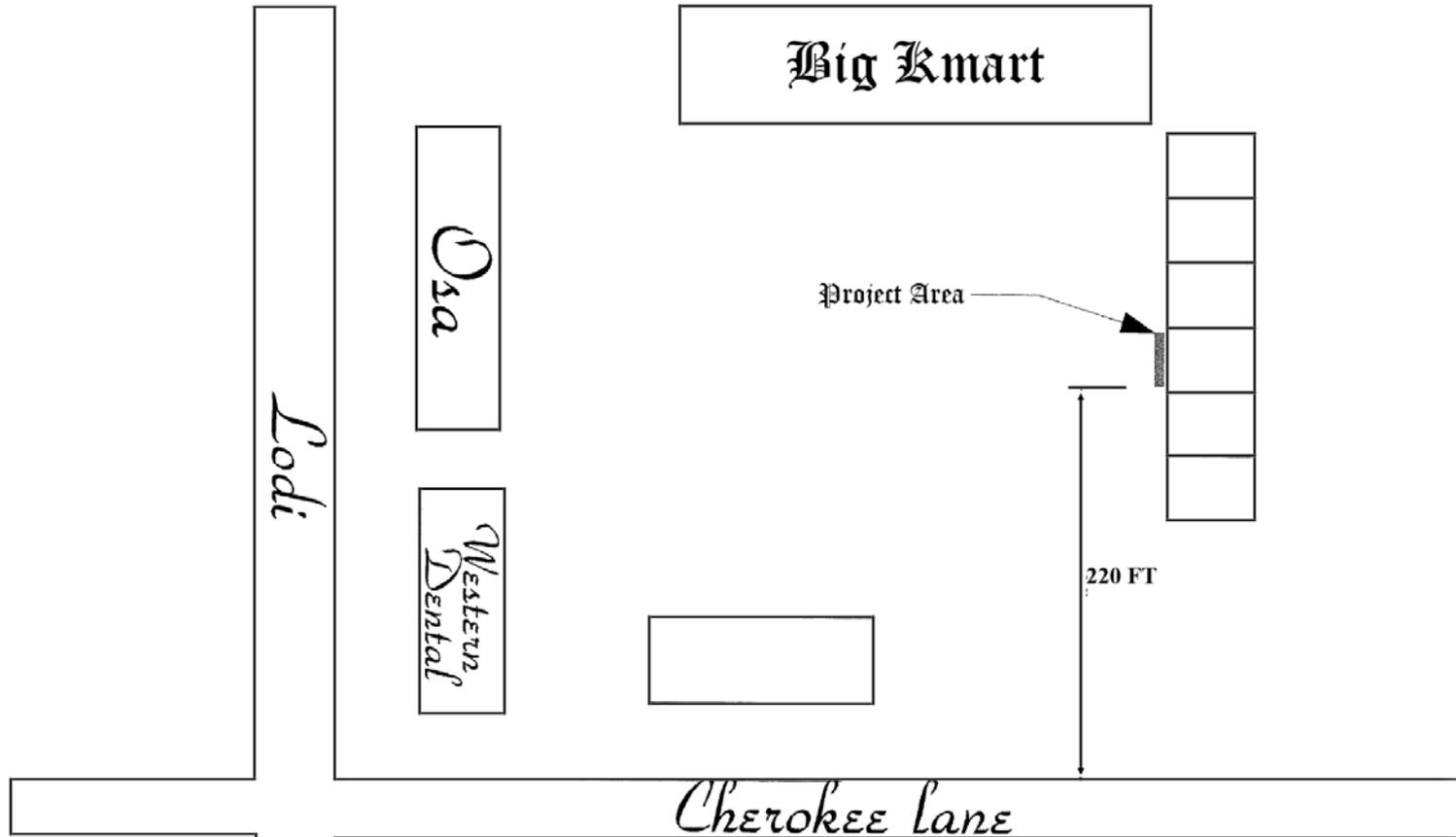
1. Aerial Map
2. Site Plan
3. Floor Plan
4. Menu
5. Names and locations of existing ABC Licenses on Tract 44.01
6. Draft Resolution

Aerial Photo



Site Plan

SITE PLAN



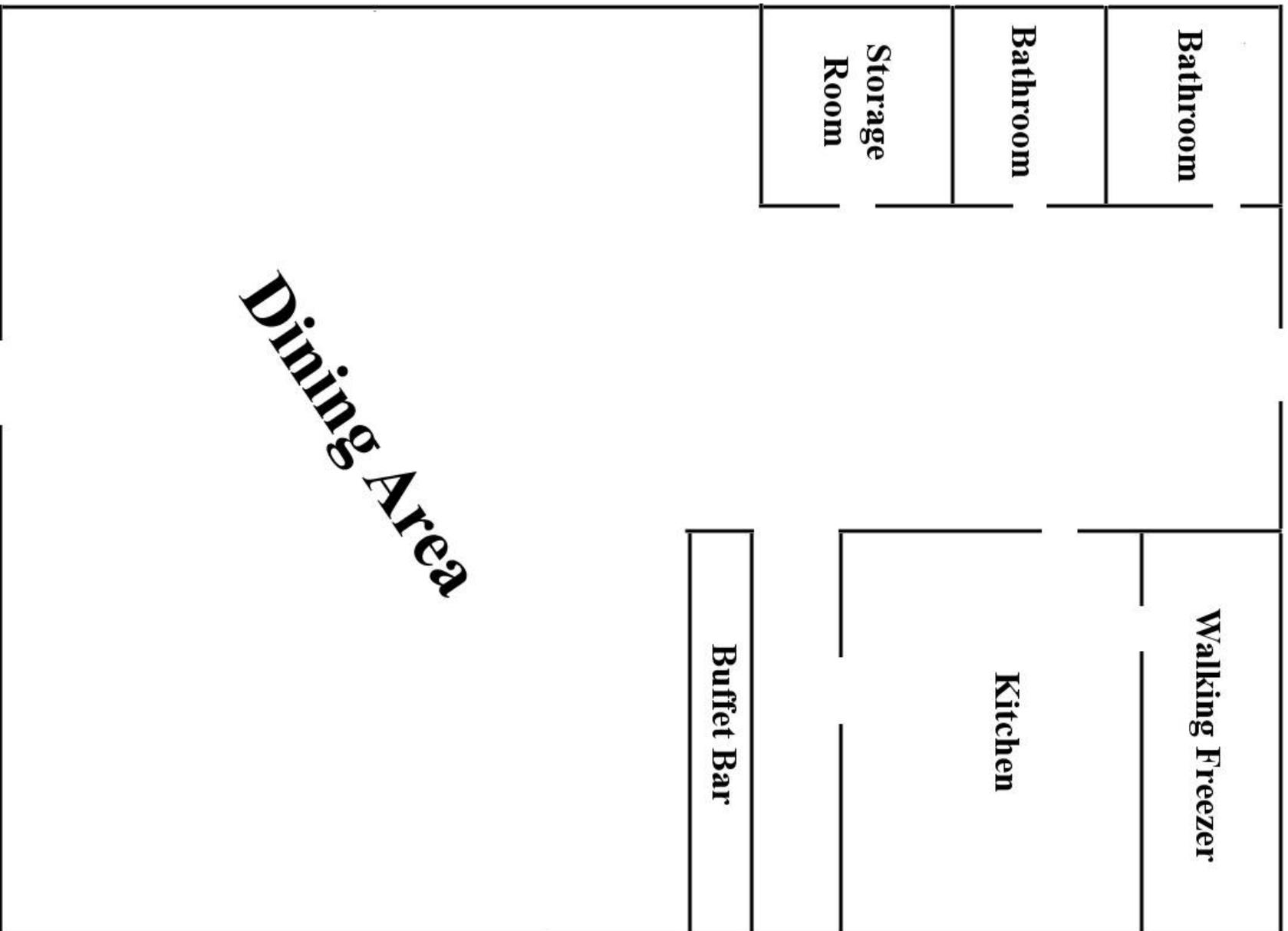
Hua Kee Chinese Express

550 South Cherokee Lane, Suite C

Lodi, CA 95240



Floor Plan



VEGETABLE/TOFU

(CHOICE WITH OR WITHOUT A MEAT)

76.	Garlic Sauce w/ Eggplant*	\$5.25
77.	Braised Tofu	\$5.25
78.	Ma Po Tofu*	\$5.25
79.	Two Kinds of Mushroom w/ Vegetables	\$5.25
80.	Garlic Sauce w/ String Beans*	\$5.25
81.	Oyster Sauce w/ Chinese Broccoli	\$5.25

BEVERAGES

82.	Hot Tea	\$0.75
83.	Coffee	\$1.25
84.	Soft Drinks	\$1.25

FAMILY DINNERS

A: \$6.95 Per Person

(Minimum Service for Two)

Wonton Soup

Egg Rolls

Sweet & Sour Pork

Chicken Chow Mein

B.B.Q. Pork Fried Rice

For Three: Lemon Chicken added

For Four: Broccoli Chicken added

For Five: Mongolian Beef* added

For Six: Kung Pao Prawns added

B: 7.95 Per Person

(Minimum Service for Two)

Hot & Sour Soup*

Pot Stickers

Cashew Nut Chicken

B.B.Q. Pork Chow Mein

Shrimp Fried Rice

For Three: Sesame Chicken added

For Four: Broccoli Beef added

For Five: Kung Pao Prawns* added

For Six: Oyster Sauce Beef added

C: 8.95 Per Person

(Minimum Service for Two)

Egg Flower Soup*

Fried Prawns

Sweet & Sour Prawns

Mongolian Beef*

House Special Fried Rice

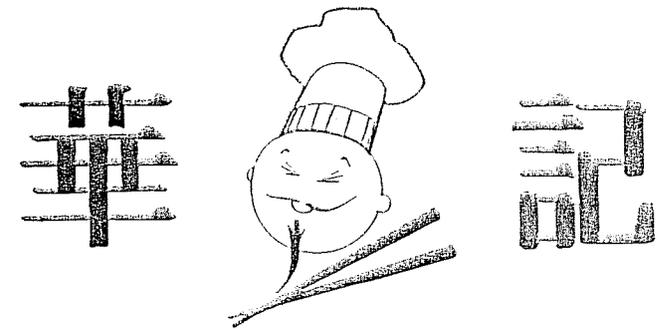
For Three: Mixed Vegetables w/ Prawns added

For Four: Oyster Sauce Beef added

For Five: Szechwan Prawns* added

For Six: Honey Walnut Prawns added

* Hot & Spicy



HUA KEE

CHINESE EXPRESS



Grand Opening

550 South Cherokee Lane, Suite C

Lodi, CA 95240

Phone: (209) 368-0668

Fax: (209) 368-0668

APPETIZERS

1.	Fried Wontons (10)	\$2.99
2.	Fried Prawns (8)	\$4.75
3.	Fried Calamari	\$4.75
4.	Fried Chicken (6)	\$5.25
5.	Egg Rolls (4)	\$3.50
6.	Pot Sticker (6)	\$3.95
7.	Chicken Salad	\$5.75
	B.B. Pork	4.95

SOUP

8.	Hot and Sour Soup*	\$4.75
9.	Egg Flower Soup	\$4.75
10.	Sizzling Rice Soup	\$5.75
11.	War Wonton Soup	\$5.95
12.	Wonton Soup	\$4.75
13.	Seafood w/ Tofu Soup	\$5.95

FRIED RICE

14.	House Special Fried Rice	\$5.95
15.	Seafood Fried Rice	\$5.95
16.	Shrimp Fried Rice	\$4.95
17.	Yang Chow Fried Rice	\$5.95
18.	Chicken Fried Rice	\$4.95
19.	Beef Fried Rice	\$4.95
20.	B.B.Q. Pork Fried Rice	\$4.25
21.	Steamed Rice	\$1.00

CHOW MEIN/CHOW FUN

22.	House Special Chow Mein	\$6.25
23.	Seafood Chow Mein	\$6.25
24.	Shrimp Chow Mein	\$5.95
25.	Chicken Chow Mein	\$5.50
26.	Beef Chow Mein	\$5.50
27.	B.B.Q. Pork Chow Mein	\$4.75
28.	Tomato Beef Chow Mein	\$5.50
29.	Mixed Vegetables Chow Mein	\$4.75
30.	Seafood Chow Fun	\$7.25
31.	Beef Chow Fun (Dry)	\$6.25
32.	Singapore Chow Mein*	\$6.25
33.	Beef Chow Fun w/ Black Bean Sauce	\$6.25

PORK/BEEF

34.	Sweet & Sour Pork	\$5.75
35.	Salt & Pepper Spareribs	\$6.25
36.	Szechwan Pork*	\$6.25

* Hot & Spicy

37.	Peking Spareribs	\$6.25
38.	Bean Curd w/ Beef	\$6.25
39.	Two Kinds of Mushroom w/ Beef	\$6.25
40.	Mixed Vegetables w/ Beef	\$6.25
41.	Broccoli Beef	\$6.25
42.	Chinese Broccoli Beef	\$6.25
43.	Mongolian Beef*	\$6.25
44.	Black Bean Sauce Beef	\$6.25
45.	Tomato Beef	\$6.25
46.	Oyster Sauce Beef	\$6.25
47.	Ginger Beef*	\$6.25

POULTRY

48.	House Chicken*	\$6.25
49.	Sesame Chicken	\$6.25
50.	Lemon Chicken	\$6.25
51.	Sweet & Sour Chicken	\$6.25
52.	Kung Pao Chicken*	\$6.25
53.	Cashew Nut Chicken	\$6.25
54.	Curry Chicken*	\$6.25
55.	Black Bean Sauce Chicken	\$6.25
56.	Mixed Vegetables w/ Chicken	\$6.25
57.	Two Kinds of Mushroom w/ Chicken	\$6.25
58.	Broccoli Chicken	\$6.25
59.	Mongolian Chicken*	\$6.25
60.	Szechwan Chicken*	\$6.25

SEAFOOD

61.	Honey Walnut Prawns	\$9.25
62.	Sweet & Sour Prawns	\$7.25
63.	Black Bean Sauce Prawns	\$7.25
64.	Lobster Sauce Prawns	\$7.25
65.	Cashew Nut Prawns	\$7.25
66.	Kung Pao Prawns*	\$7.25
67.	Mixed Vegetables w/ Prawns	\$7.25
68.	Szechuan Prawns*	\$7.25
69.	Salt & Pepper Calamari	\$7.25
70.	Salt & Pepper Fillet Sea Bass	\$7.25
71.	Salt & Pepper Prawns	\$7.25

EGG FOO YOUNG

72.	Shrimp Egg Foo Young	\$4.95
73.	Chicken Egg Foo Young	\$4.25
74.	Beef Egg Foo Young	\$4.25
75.	B.B.Q. Pork Egg Foo Young	\$4.25

* Hot & Spicy



**California Department of Alcoholic Beverage
 Control**
**For the County of SAN JOAQUIN - (On-Sale
 Licenses)**
and Census Tract = 0044.01

Report as of 2/23/2009

	License Number	Status	License Type	Orig. Iss. Date	Expir Date	Primary Owner and Premises Addr.	Business Name	Mailing Address	Geo Code
1)	<u>340805</u>	ACT	41	4/20/1998	3/31/2009	GOMEZ RAMIRO S 560 S CHEROKEE LN LODI, CA 95240 Census Tract: 0044.01	TAQUERIA EL RODEO NO 1		3902
2)	<u>358585</u>	ACT	41	10/19/1999	7/31/2009	PIETROS PIZZA PARLORS INC 317 E KETTLEMAN LN LODI, CA 95240 Census Tract: 0044.01	PIETROS OF LODI		3902
3)	<u>387856</u>	ACT	41	7/3/2002	6/30/2009	FLORES EFRAIN 920 S CHEROKEE LN LODI, CA 95240 Census Tract: 0044.01	CASA FLORES		3902
4)	<u>402896</u>	ACT	41	10/14/2003	9/30/2009	ANAYAMORALES VICTOR 600 S CENTRAL AVE LODI, CA 95240 Census Tract: 0044.01	MAR Y TIERRA	603 S CENTRAL AVE LODI, CA 95240	3902
5)	<u>437385</u>	ACT	48	5/2/2006	4/30/2009	ITEN JAY FRANCIS JR 104 E LODI AVE LODI, CA 95240 Census Tract: 0044.01	ROUNDHOUSE TAVERN		3902
6)	<u>452223</u>	ACT	47	5/31/2007	4/30/2009	LUNA NOE JUAREZ 910 S CHEROKEE LN LODI, CA 95240 Census Tract: 0044.01	LA LUNA		3902
7)	<u>457641</u>	ACT	41	10/17/2007	9/30/2009	HUONG GIAN INC 560 S CHEROKEE LN LODI, CA 95240-4255 Census Tract: 0044.01	HARU SUSHI BAR & ASIAN CUISINE		3902
8)	<u>466376</u>	ACT	41	5/29/2008	5/31/2009	G H FARD INC 560 S CHEROKEE LN LODI, CA 95240 Census Tract: 0044.01	MOUNTAIN MIKES PIZZA		3902
9)	<u>467774</u>	ACT	41	7/17/2008	6/30/2009	SINGH RANJIT RONY 2533 W KETTLEMAN LN LODI, CA 95242-4129 Census Tract: 0044.01	TAQUERIA SANTA CRUZ		3902

RESOLUTION NO. P.C. 09-

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LODI APPROVING THE REQUEST OF CINDY CHAN FOR A USE PERMIT TO ALLOW ON-SALE BEER AND WINE AT HUA KEE CHINESE EXPRESS RESTAURANT LOCATED AT 550 SOUTH CHEROKEE LANE. (FILE # 09-U-01)

- WHEREAS**, the Planning Commission of the City of Lodi has heretofore held a duly noticed public hearing, as required by law, on the requested Use Permit, in accordance with the Lodi Municipal Code Section 17.72.070; and
- WHEREAS**, the project proponent is Cindy Chan; and
- WHEREAS**, the property is located at 550 South Cherokee Lane, Lodi, CA (APN 047-450-18); and
- WHEREAS**, the property owner is Midwestern Investors Group, 3941 Park Drive, Bldg 20, Suite 313, El Dorado Hills, CA 95762; and
- WHEREAS**, the property has a General Plan designation of GC, General Commercial and is Zoned C-2, General Commercial; and
- WHEREAS**, the Use Permit to allow the sale of beer and wine for on-site consumption within the restaurant is an enforcement action in accordance with the City of Lodi Zoning Ordinance; and
- WHEREAS**, Census Tract 44.01 in which the restaurant is located currently has an over concentration of licenses allowing on premise consumption of alcoholic beverages; and
- WHEREAS**, because Census Tract 44.01 has an over concentration of on-sale general alcohol licenses, the Planning Commission must make a finding of necessity 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 (ABC) has training available that clearly communicates State law concerning the sale of alcoholic beverages; and
- WHEREAS**, all legal prerequisites to the adoption of this Resolution have occurred.

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

1. The project is categorically exempt according to the California Environmental Quality Act, §15321, Class 21 (a) (2) (Enforcement Action by Regulatory Agency). The permit is being granted under adoption of an administrative decision or order enforcing the ABC license and enforcing Section 17.72.070 of the Zoning Ordinance and no significant impacts are anticipated and no mitigation measures have been required.
2. In order to comply with the State Department of Alcoholic Beverage Control, a Type-41 on-sale beer and wine license requires the sale of alcoholic beverages be secondary to food sales, which is the major activity of the project proponent's business.
3. The sale of alcoholic beverages as part of a restaurant is a public convenience that does not typically create alcohol related problems.
4. The proposed use is expected to be compatible with the surrounding use and neighborhood.
5. The granting of the Use Permit is consistent with the City's General Plan and Zoning Ordinance.

NOW, THEREFORE, BE IT DETERMINED AND RESOLVED by the Planning Commission of the City of Lodi that Use Permit Application No. 09-U-01 is hereby approved, subject to the following conditions:

Community Development Department, Planning:

1. The applicant will defend, indemnify, and hold the City, its agents, officers, and employees harmless of any claim, action, or proceeding to attack, set aside, void, or annul this Use Permit, so long as the City promptly notifies the project proponent of any claim, action, or proceedings, and the City cooperates fully in defense of the action or proceedings.
2. The project proponent shall insure that the serving of alcohol does not cause any condition that will cause or result in repeated activities that are harmful to the health, peace, welfare 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 drunkenness, drinking in public, harassment of passerby, assaults, batteries, acts of vandalism, loitering, excessive littering, illegal parking, excessive loud noises (especially in the late night or early morning hours), traffic violations or traffic safety based upon last drink statistics, curfew violations, lewd conduct, or police detention and arrests.
3. The Lodi Police Department may at any time, request that the Planning Commission conduct a hearing on the Conditional 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 business becomes a serious policing problem.
4. The project proponent shall operate and abide by the requirements and conditions of the State of California Department of Alcoholic Beverage Control License Type-41.
5. 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 dining, from 11:00 a.m. to 6:00 p.m. daily.
6. There shall be no off-sale of alcoholic beverages and the sale of food shall compose more than 50 percent of gross sales receipts.
7. Prior to the issuance of a Type-41 license, the project proponent shall complete Licensee Education on Alcohol and Drugs as provided by the State Department of Alcoholic Beverage Control.
8. The sale of alcoholic beverage from this site shall be conducted in a manner that will not adversely impact neighboring properties or businesses.
9. The operation of the business shall comply with all applicable requirements of the Municipal Code.
10. No variance from any City of Lodi adopted code, policy or specification is granted or implied by the approval of this resolution.

Dated: March 25, 2009

I hereby certify that Resolution No. 09- was passed and adopted by the Planning Commission of the City of Lodi at a regular meeting held on March 25, 2009 by the following vote:

Ayes: Commissioners –
Noes: Commissioners –
Absent: Commissioners -

ATTEST: _____
Secretary, Planning Commission

Item 6a.



MEMORANDUM, City of Lodi, Community Development Department

To: City of Lodi Planning Commissioners
From: Rad Bartlam, Community Development Director
Date: Planning Commission Meeting of 3/25/09
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
February 4, 2009	REGULAR	Adopt Resolution Rescinding Certification of the Final Revised Environmental Impact Report (EIR) for the Lodi Shopping Center Project Located at 2640 West Kettleman Lane and Reset Public Hearing for March 11, 2009, at 6:30 p.m. to Consider the Appeals of Browman Development Company and Wal-Mart Stores, Inc. Regarding the Decision of the Planning Commission to Not Certify the Final Revised EIR (CA)
February 10, 2009	SHIRTSLEEVE	Receive information regarding the Building Division Cost Analysis Study
February 11, 2009	SPECIAL	Receive Report and Recommendation on the Preferred General Plan Alternative
February 18, 2009	REGULAR	Set Public Hearing for March 4, 2009, to Consider the Building Division Cost Analysis Study and Adopt Fee Schedule.
March 4, 2009	REGULAR	Approve the issuance of a Request for Proposal (RFP) from qualified consultants to prepare an Environmental Impact Report for the Electric Utility Department Power Line Project Public Hearing to Consider the Building Division Cost Analysis Study and Adopt Fee Schedule
March 11, 2009	SPECIAL	Conduct Public Hearing to Consider Two Appeals of the Planning Commission's Decision to Not Certify the Final Revised Environmental Impact Report (FREIR) Regarding the Lodi Shopping Center Project, Located at 2640 West Kettleman Lane.
March 18, 2009	SPECIAL	Council Workshop – Preliminary Task and Expenditure Priorities for Fiscal Year 2009-2010
March 18, 2009	REGULAR	Adopt Resolution Approving Contract Addendum with Dyett and Bhatia, Urban and Regional Planners, to prepare the Housing Element of the General Plan in the amount of \$69,750 Set Public Hearing for April 1, 2009, to Introduce Ordinance Amending Chapter 13.20, "Electrical Service," by Adding a New Section 13.20.315, Titled "Schedule EDR (Economic Development Rates)" (EUD)

March 18, 2009 – Continued		Set a Public Hearing for April 1, 2009, to approve the Draft 2009/14 Consolidated Plan and Public Participation Plan, and the Draft 2009/10 Action Plan for the Community Development Block Grant Program
		Adopt Resolutions Authorizing the City Manager to Execute Professional Services Agreement Res. with HDR, Inc., of Folsom, for Preparation of Preliminary Design and Environmental Impact Report for the Surface Water Treatment Facility (\$857,924) and Execute Second Amendment to 2003 Agreement for Purchase of Water from Woodbridge Irrigation District by the City of Lodi Permitting City to Sell a Portion of Its Banked Water and Appropriating Funds (\$987,000) (PW)