

<p>CARNEGIE FORUM 305 WEST PINE STREET LODI, CALIFORNIA</p>	<p>AGENDA LODI PLANNING COMMISSION</p>	<p>REGULAR SESSION WEDNESDAY, FEBRUARY 13, 2008 @ 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 – “October 10, 2007”; January 9, 2008”; January 23, 2008”

3. PUBLIC HEARINGS

- a. Continued from November 28, 2007 - The request of Mr. Mohammad Abu Arqoub for site plan and architecture of a convenience store with a gas station at 730 South Cherokee Lane. (Applicant, Mohammad Abu Arqoub; File # 07-SP-05).
- b. Continued from November 14, 2007 - The Request of Farmers and Merchants Bank for Growth Management Allocations, a General Plan Amendment, a Rezoning and an associated Mitigated Negative Declaration to permit construction of up to 47 residential units at the southwest corner of Lower Sacramento Road and Turner /Road. (Applicant, F&M Bank; File #06-GM-04)

Note: The above items are requested to be continued to a date to be determined and will be re-noticed to the public.

- c. Request for Planning Commission approval of a Use Permit to allow a Type-41 on-sale beer and wine license at Alebrijes Mexican Bistro located at 1301 W. Lockeford Street Suite D. (Applicant: Ruben Larrazolo File Number: 07-U-12) CEQA Status: Exempt Resolution # P.C. 08-02
- d. Request for Planning Commission approval of a Use Permit to upgrade an existing Type-41 alcohol license to Type-47 on-sale general at El Rosal located at 728 W. Kettleman Lane. (Applicant: Maria Martinez File Number: 08-U-02) CEQA Status: Exempt Resolution # P.C. 08-03

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

- a. LAFCO approval of MSR
- b. Planners Institute Conference – March 26 – 28, 2008.
- c. Fitness Systems (Ongoing Code Enforcement)
- d. Planning Articles
 - January 2, 2008; SF Chronicle; “Pennsylvania township bringing back sidewalks”
 - January 2, 2008; SF Chronicle; “Sustainable Sites Initiative aims for landscape-specific standards”

5. ANNOUNCEMENTS AND CORRESPONDENCE

- a. Brown Act & Ethics Training Announcement
 - b. "Roberts Rules of Order" (Given to Chair & Vice Chair) & A copy of the City of Lodi Resolution establishing the rules for the conduct of its meetings (Resolution 2006-31).
 - c. TOD Updated Schedule Attached
6. ACTIONS OF THE CITY COUNCIL
- a. Summary Memo Attached
7. GENERAL PLAN UPDATE/DEVELOPMENT CODE UPDATE
- a. Schedule attached
8. ACTIONS OF THE SITE PLAN AND ARCHITECTURAL REVIEW COMMITTEE
9. UPDATE ON COMMUNITY SEPARATOR/GREENBELT TASK FORCE
- a. Council approved City Manager to enter into negotiations with Ken Vogel (County Supervisor) regarding Armstrong Road Zoning.
10. ART IN PUBLIC PLACES
- a. Next meeting scheduled for February 27, 2008 to review Art Proposal for the corner of Lodi Ave. & Washington St.
11. COMMENTS BY THE PUBLIC
12. COMMENTS BY THE PLANNING COMMISSIONERS & STAFF
13. ADJOURNMENT

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.

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.

**LODI PLANNING COMMISSION
REGULAR COMMISSION MEETING
CARNEGIE FORUM, 305 WEST PINE STREET
WEDNESDAY, OCTOBER 10, 2007**

DRAFT

1. CALL TO ORDER / ROLL CALL

The Regular Planning Commission meeting of October 11, 2007, was called to order by Vice Chair Kiser at 7:00 p.m.

Present: Planning Commissioners – Hennecke, Kiser, White

Absent: Planning Commissioners –Cummins, Kirsten, Kuehne, and Chair Mattheis

Also Present: Community Development Director Randy Hatch, Planning Manager Peter Pirnejad, Junior Planner Immanuel Bereket, Junior Planner Rick Caguiat, Deputy City Attorney Janice Magdich, and Administrative Secretary Kari Chadwick

The meeting was therefore immediately adjourned due to the absence of a quorum of the members.

ATTEST:

Randy Hatch
Community Development Director

**LODI PLANNING COMMISSION
REGULAR COMMISSION MEETING
CARNEGIE FORUM, 305 WEST PINE STREET
WEDNESDAY, JANUARY 9, 2008**

DRAFT

1. CALL TO ORDER / ROLL CALL

The Regular Planning Commission meeting of January 9, 2008, was called to order by Chair Mattheis at 7:00 p.m.

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

Absent: Planning Commissioners – None

Also Present: Planning Manager Peter Pirnejad, Deputy City Attorney Janice Magdich, Senior Planner David Morimoto, Junior Planners Immanuel Bereket and Rick Caguait

2. MINUTES

“February 28, 2007 Special” & “February 28, 2007 Regular”

MOTION / VOTE:

The Planning Commission, on motion of Vice Chair Kiser, Cummins second, approved the Minutes of February 28, 2007 as written. (Commissioners Hennecke, Kirsten, and Olson abstained because they were not on the Commission at the time the meetings were held)

“August 22, 2007”

MOTION / VOTE:

The Planning Commission, on motion of Commissioner Cummins, Kiser second, approved the Minutes of August 22, 2007 as written. (Commissioner Olson abstained because she was not on the Commission at the time the meeting was held)

“September 12, 2007”

MOTION / VOTE:

The Planning Commission, on motion of Vice Chair Kiser, Cummins second, approved the Minutes of September 12, 2007 as written. (Commissioner Olson abstained because she was not on the Commission at the time the meeting was held)

“October 10, 2007”

No Motion/Vote taken. Minutes to be brought back for approval at a future meeting.

“October 24, 2007”

MOTION / VOTE:

The Planning Commission, on motion of Commissioner Cummins, Kiser second, approved the Minutes of October 24, 2007 as written. (Commissioner Hennecke abstained because he was not present at the meeting and Commissioner Olson abstained because she was not on the Commission at the time the meeting was held)

“November 14, 2007 Special”

MOTION / VOTE:

The Planning Commission, on motion of Vice Chair Kiser, Cummins second, approved the Minutes of November 14, 2007-Special as written. (Commissioners Kirsten & White abstained because they recused themselves from the item presented at the Special meeting and Commissioner Olson abstained because she was not on the Commission at the time the meeting was held)

“November 14, 2007 Regular”

MOTION / VOTE:

The Planning Commission, on motion of Commissioner White, Kiser second, approved the Minutes of November 14, 2007-Regular as written. (Commissioner Olson abstained because she was not on the Commission at the time the meeting was held)

“November 28, 2007

MOTION / VOTE:

The Planning Commission, on motion of Commissioner White, Kiser second, approved the Minutes of November 28, 2007 as written. (Commissioner Olson abstained because she was not on the Commission at the time the meeting was held and Commissioner Cummins abstained because he was not present at the meeting)

3. PUBLIC HEARINGS

None

4. PLANNING MATTERS/FOLLOW-UP ITEMS

a. Chamber of Commerce presentation on the General Plan.

Pat Patrick, Chamber of Commerce, gave a brief presentation based on the Chamber's “A Blueprint For The Future” document.

Discussion between Mr. Patrick and the Commissioners regarding the ideas in the Blueprint. Pat Stockar, Chamber Task Force Member and farmer within the “Greenbelt” area, came forward to enter into the discussion.

The Agriculture Sustainability & “Greenbelts” portion of the document became a major focus of discussion. Chair Mattheis, Commissioner Kirsten and Hennecke expressed concerns with the “customized” AL-5 (Ag Land-5) Tourism (AL-5T) idea and the possibility of the area becoming a lot of little junk yards.

Commissioner Cummins asked if the Task Force addressed the issue of where the tourists will stay. Pat Patrick stated that they did address that issue and is in favor of a Boutique Hotel in the downtown and will encourage bed and breakfasts within the AL-5T area.

Pat Stocker stated that with the County updating their General Plan and the City of Lodi doing the same now is the time to create this new land use designation. Working together (County, City of Lodi & Land Owners) a separator between the two Cities (Stockton & Lodi) that is well maintained can be accomplished.

Phil Felde, Task Force member, came forward to add to the discussion. Mr. Felde reemphasized Mr. Strocker's thoughts.

Chair Mattheis adjourned for a short break.

Chair Mattheis called the meeting back to order.

Dennis Silber came forward to add to the discussion. Mr. Silber would like to see an AL-40T zoning.

Jerry Fry, Chamber Board member and Farmer in the “Greenbelt” area, came forward to add to the discussion.

Discussion moved on to the Economic Development portion of the Blueprint. Eric Daegling, Chamber Board member, came forward to address any concerns. The Blueprint outlines a mixed use area surrounding the proposed Delta Campus and then continue the eastern boundary of the City to “Square off” at a ½ mile south of Harney Lane, lining up with the southern boundary line of the approved Reynolds Ranch Development on the west side of HWY 99.

Commissioner Olson would like to see an area for the companies that have been loyal to the City that want to grow to be able to and even offer incentives to keep them here. Joe Berghold,

Berghold Vineyards, came forward to address Commissioner Olson's concern. Mr. Berghold stated that the Chamber's Blueprint allows for this type of expansion. Commissioner Hennecke asked if the increase in the truck traffic to the industrial area was considered in the plan. Pat Patrick stated that it was considered and that is the reason for the industrial area being sandwiched by the railroad tracks to the east and HWY 99 to the west.

Discussion of the Rehabilitating Eastside Neighborhoods & Key Corridors portion of the Blueprint.

Discussion of the Downtown portion of the Blueprint with the focus on intensification of the area.

Commissioner White would like to know if the Task Force has any recommendations on how the City should go about expediting the permits. Dale Gillespie came forward to address the question. Mr. Gillespie stated that bringing residential units into the downtown will spur on the retail portion of the plan. The zoning code currently requires two covered parking spaces per residential unit and that is the biggest hurdle at this point. A reduction in the development impact fees would make the redevelopment of the downtown corridor. The actual building permit process and fees are not unreasonable it's all the other subsequent processes and fees that make the entire process unreasonable. Commissioner Kirsten asked if the Chamber has taken a position on the idea of the Stakeholders (property owners) in the downtown taxing themselves and taking some of the burden off of the City to make the improvements themselves. Pat Stocker stated that the Chamber has not taken a position on that issue yet.

Discussion of the Tourism Opportunity for Lodi portion of the Blueprint.

Chair Mattheis stated that this report seemed to be interwoven with all the other papers. He does not want to see the entire focus of the General Plan to be on tourism. Commissioner Kirsten agreed.

b. Planning Articles

Planning Manager Pirnejad pointed out the planning articles with focus on the article regarding LEED-ND.

5. ANNOUNCEMENTS AND CORRESPONDENCE

Planning Manager Pirnejad welcomed new Planning Commissioner Debbie Olson and extended invitations to:

- a. The new Planning Commissioners to a workshop on "The Development Approval Process in California" on Wednesday, February 13, 2008 in Stockton, CA.
- b. All of the Planning Commissioners to the 2008 Planners Institute and Mini Expo to be held on March 26 – 28, 2008 at the Sacramento Convention Center.

Planning Manager Pirnejad pointed out that Staff provided all Commissioners with Daniel J. Curtin's book "Curtin's California Land Use and Planning Law 2007".

6. ACTIONS OF THE CITY COUNCIL

Planning Manager Pirnejad gave a brief presentation regarding the most recent actions taken by the City Council.

7. GENERAL PLAN UPDATE/DEVELOPMENT CODE UPDATE

Planning Manager Pirnejad introduced the proposed timeline for adoption of the development code. Staff and the Commissioners discussed the timeline. Chair Mattheis stated that the timeline for adoption is a tight schedule. Planning Manager Pirnejad mentioned that since the City is in the process of updating the General Plan and the Development Code, the normal practice is to wait until the General Plan has been adopted. Since the Development Code enforces the General Plan, it would be reasonable to wait until the General Plan adoption. Chair Mattheis briefly discussed this issue with the Commissioners and recommended staff continue working and refining the Development Code and look to next year (2009) for Development Code adoption.

8. ACTIONS OF THE SITE PLAN AND ARCHITECTURAL REVIEW COMMITTEE

None

9. UPDATE ON COMMUNITY SEPARATOR/GREENBELT TASK FORCE

None

10. ART IN PUBLIC PLACES

a. Appointment of Planning Commission representative to the Art in Public Places Committee.

Chair Mattheis explained the reason for appointing a Commissioner to the Art in Public Places Committee. Commissioner Olson expressed her interest to serve on the committee.

MOTION / VOTE:

The Planning Commission, on motion of Vice Chair Kiser, Kirsten second, approved the appointment of Debbie Olsen to the Art In Public Places Committee. The motion carried unanimously.

11. COMMENTS BY THE PUBLIC

None

12. COMMENTS BY STAFF AND COMMISSIONERS

Chair Mattheis would like to have Commissioner Olson sworn at the next Planning Commission meeting.

13. ADJOURNMENT

There being no further business to come before the Planning Commission, the meeting was adjourned at 10:45 p.m.

ATTEST:

Peter Pirnejad
Planning Manager

**LODI PLANNING COMMISSION
REGULAR COMMISSION MEETING
CARNEGIE FORUM, 305 WEST PINE STREET
WEDNESDAY, JANUARY 23, 2008**

DRAFT

The Planning Commission Meeting of January 23, 2008 was cancelled.

ATTEST:

Peter Pirnejad
Planning Manager

Item 3a.

**LODI
PLANNING COMMISSION
Staff Report**

MEETING DATE: February 13, 2007

APPLICATION NO: Site Plan and Architecture Review 07-SP-05

REQUEST: Continued from November 28, 2007 - The request of Mr. Mohammad Abu Arqoub for site plan and architecture of a convenience store with a gas station at 730 South Cherokee Lane. (Applicant, Mohammad Abu Arqoub; File # 07-SP-05).

LOCATION: 730 South Cherokee Lane. (APN 047-420-13)

APPLICANT: Mohammad Abu Arqoub
736 Cherokee Lane
Lodi, CA 95420

PROPERTY OWNER: The same as above.

RECOMMENDATION

Staff recommends that the Planning Commission continue the request of Mr. Mohammad Abu Arqoub to a date to be determined.

PROJECT/AREA DESCRIPTION

General Plan Designation: GC, General Commercial.

Zoning Designation: C-2, General Commercial.

Property Size: 11,250 square feet

The adjacent zoning and land use are as follows:

North: C-2, General Commercial

South: C-2, General Commercial

West: RE-1, Single Family Residence-eastside.

East: C-2, General Commercial.

SUMMARY

The applicant, Mr. Mohammad Abu Arqoub, is proposing to construct a convenience store with a two-pump gas station at 730 South Cherokee Lane. The proposed building will house an approximately 1,000 sq. ft. convenience store and cashier. The site measures 11,250 sq. ft. in area and is zoned C-2, General Commercial. The site is accessible from both Cherokee Lane and Hale Road. The proposed building will maintain a 24.6' setback from Hale Road and a 92.2' setback on Cherokee Lane.

On its regular hearing of November 28, 2007, the Lodi Planning Commission continued its Public Hearing of this request until February 13, 2007. The Commission asked the applicant to revise his site plan to meet City development standards, to provide additional landscape treatment, and address parking and internal circulation concerns. The applicant is still in the process of revising the site plan and has informed staff that he intends to submit revised. Because revised plans could require further corrections and revisions, staff recommends that the Planning Commission continue this item to a date to be determined. When the item is ready to be heard by the Planning Commission, staff will re-advertise in accordance with the Lodi Municipal Code, Section 17.72.070.

Respectfully Submitted,

Concur,

Immanuel Bereket
Junior Planner

Peter Pirnejad
Planning Manager

Item 3b.

**LODI
PLANNING COMMISSION
Staff Report**

MEETING DATE: November 14, 2007

APPLICATION NOS: Mitigated Negative Declaration 07-03
General Plan Amendment 07-03
Zone Change 07-04
Growth Management Allocations 06-04

REQUEST: Continued from November 14, 2007 - The request of Farmers and Merchants Bank for, a General Plan Amendment, a Zone Change, Growth Management Allocations and associated Mitigated Negative Declaration to permit construction of up to 47 single-family dwelling units near the southwest corner of Lower Sacramento Road and Turner Road.

LOCATION: 2620 West Turner Road, Lodi.
APN 029-390-15

APPLICANT: Farmers and Merchants Bank
PO Box 3000
Lodi, CA 95241

PROPERTY OWNER: Farmers and Merchants Bank

RECOMMENDATION

Staff recommends that the Planning Commission continue the request of Farmers and Merchants Bank to a date to be determined.

SUMMARY

The proposed project would permit the construction of up to 47 single-family homes on 6.79 acres near the southwest corner of Turner Road and Lower Sacramento Road. The project would be a planned unit residential development with individual lots, clustered housing and private streets. To implement the proposed project, the applicant has submitted applications for a General Plan Amendment, Zone change and Growth Management allocation units and associated environmental assessment. Previously, a portion of the parcel was a part of a larger property that included the adjacent MCI building property located to the northeast. Subsequently a lot line adjustment was approved creating the two parcels as they are currently configured. A portion of the parking lot for the MCI building previously occupied part of the subject property. The parking lot has since been relocated and rebuilt totally on the MCI property. The subject property is one of the last remaining undeveloped properties left in this part of Lodi.

At the Planning Commission meeting of November 14, 2007, the Commission held a Public Hearing to review the request of Farmers and Merchants Bank for Growth Management Allocations and other entitlements for a residential project near the S.W. corner of Turner Road and Lower Sacramento Road. During the hearing, several issues regarding the proposed project were discussed that could not be resolved at the meeting. The Planning Commission moved to continue this item to allow the applicant

and the City to resolve the questions and issues that resulted from the meeting. The item was continued to the meeting of January 23, 2008. The applicant and the City are still working to resolve technical issues regarding the layout of the project. Additional time will be required to resolve these issues and the applicant has agreed to continue working with the City on these issues.

Respectfully Submitted,

David Morimoto
Senior Planner

Concur,

Peter Peirnjad
Planning Manager

Item 3c.

**CITY OF LODI
PLANNING COMMISSION
Staff Report**

MEETING DATE: February 13, 2008

APPLICATION NO: Use Permit: 07-U-12

REQUEST: Request for Planning Commission approval of a Use Permit to allow a Type-41 on-sale beer and wine license at Alebrijes Mexican Bistro located at 1301 W. Lockeford Street Suite D. (Applicant: Ruben Larrazolo. File Number: 07-U-12)

LOCATION: 1301 W. Lockeford Street Suite D
APN: 035-330-15

APPLICANT: Ruben Larrazolo
368 Indiana Street
Woodbridge, CA 95258

PROPERTY OWNER: Sharon Calone Enterprises
4512 Feather River Drive #E
Stockton, CA 95219

RECOMMENDATION

Staff recommends that the Planning Commission approve the request of Ruben Larrazolo for a Use Permit to allow a Type-41 on-sale beer and wine license at Alebrijes Mexican Bistro located at 1301 W. Lockeford Street Suite D, subject to the conditions in the attached resolution.

PROJECT/AREA DESCRIPTION

General Plan Designation: NCC, Neighborhood Community Commercial
Zoning Designation: C-1, Neighborhood Commercial
Property Size: 15,547 sq. ft. (Restaurant is approximately 1,175 square feet.)

The adjacent zoning and land use are as follows:

North: R-2, single family residential. Single family residences are located north of the project site.

South: C-S, commercial shopping. The Apple Marketplace grocery store and various retail shops are located south of the project site.

East: R-2, single family residential. Single family residences, a gas station and various retail shops are located east of the project site.

West: R-2, single family residential. Single family residences and various retail shops are located west of the project site.

SUMMARY

Ruben Larrazolo is requesting approval for a Use Permit Alcoholic Beverage Control (ABC) license Type-41 that allows the on-sale of beer and wine at Alebrijes Mexican Bistro.

BACKGROUND

Alebrijes Mexican Bistro is currently serving the City of Lodi with authentic Mexican favorites. Prior to Alebrijes, a Chinese take out restaurant occupied the site. The project is located within the major commercial intersection of Lockeford Street and Ham Lane. The area contains a variety of commercial businesses such as a grocery store, gas stations, restaurants and various retail stores. To increase sales and attract customers, the applicant, Mr. Larrazolo, is requesting approval from the City to serve beer and wine at his new restaurant.

ANALYSIS

According to the applicant, the Alebrijes Mexican Bistro will offer a full lunch and diner menu of authentic Mexican favorites such as: tacos, burritos, nachos, fajitas and a guacamole dip specially made fresh at the table in front of the customers. The restaurant will be open from the hours of 11:00 a.m. to 9:00 p.m. Tuesday through Friday, 9:00 a.m. to 10:00 p.m. on Saturdays and 9:00 a.m. to 8:00 p.m. on Sunday. The restaurant is approximately 1,175 square feet in size and will provide seating for 16 guests based on the floor plan provided. On site parking is provided in the plaza which satisfies the parking requirement. Since the restaurant is similar to the previous use, staff doesn't anticipate any major access or parking issues to the existing parking lot. In accordance with 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 place. 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.

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. The State Department of Alcoholic Beverage Control primarily controls issuance based on concentration of licenses within a particular Census Tract. Census Tract 42.01 covers the area south of Turner Road, west of Ham Lane, north of Lodi Avenue, and east of Lower Sacramento Road. According to ABC, Census Tract 42.01 contains 4 existing on-sale beer and wine licenses with 7 on-sale licenses allowed based on the ABC criteria. Because this census tract is not over concentrated, the City is not required to make a finding of public need or convenience in order to approve the proposed on-sale beer and wine license. However, the Planning Commission will need to determine whether or not to grant the request based on the use and the location of the project.

Since Alebrijes Mexican Bistro is a restaurant that would like to sell beer and wine with food, 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 typically, 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 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 published on January 31, 2008 and 27 public hearing notices were sent to all property owners of record within a 300-foot radius of the subject property as required by California State Law §65091 (a) 3.

ALTERNATIVE PLANNING COMMISSION ACTIONS:

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

Respectfully Submitted,

Concur,

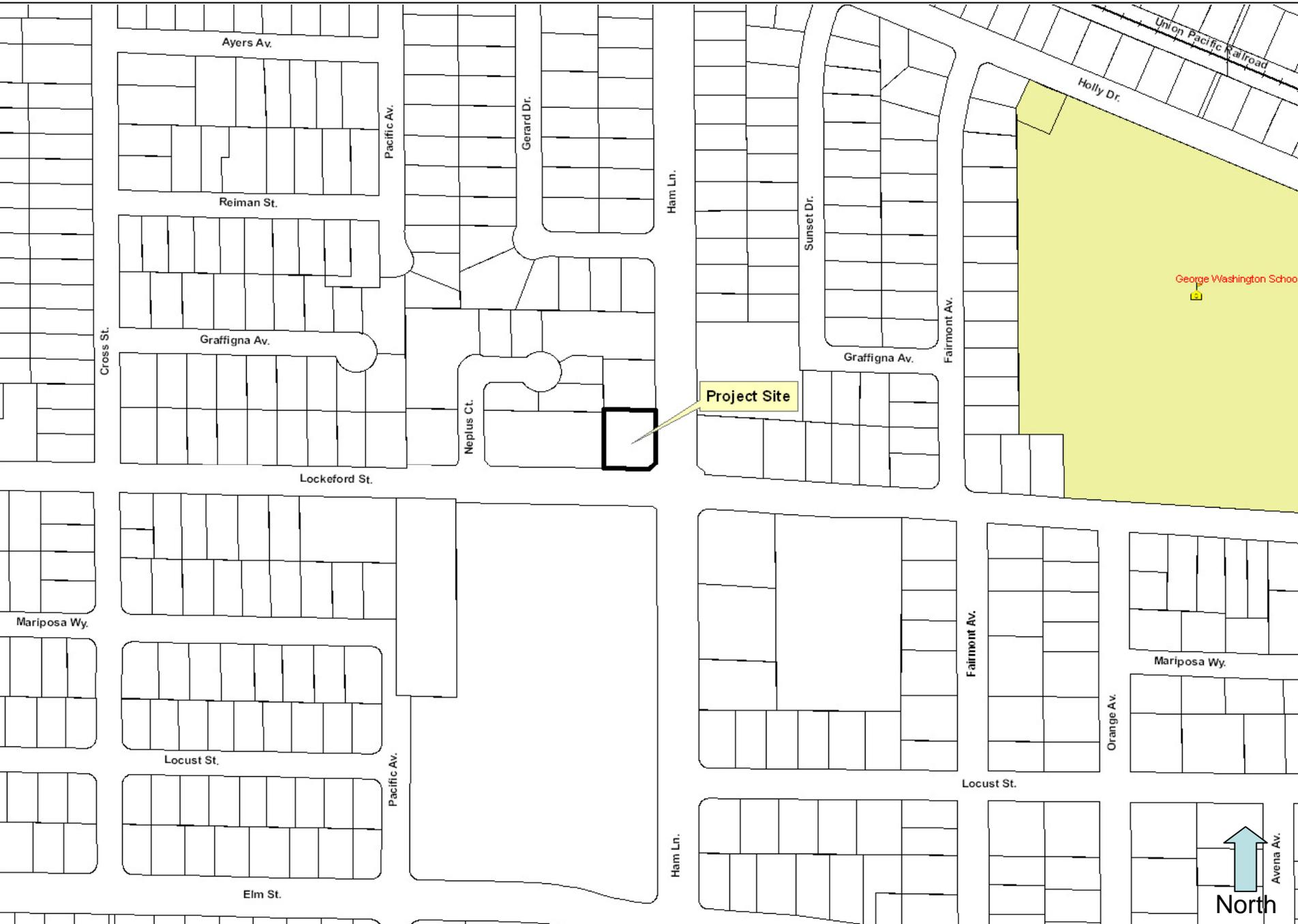
Rick Caguiat
Junior Planner

Peter Pirnejad
Planning Manager

ATTACHMENTS:

1. Vicinity Map
2. Aerial Map
3. Site Plan
4. Floor Plan
5. Business description from applicant
6. Menu
7. Draft Resolution

Vicinity Map



Aerial Map



Meplus Ct.

Lockeford St.

Ham Ln.

Sunset Dr.

Graffigna Av.

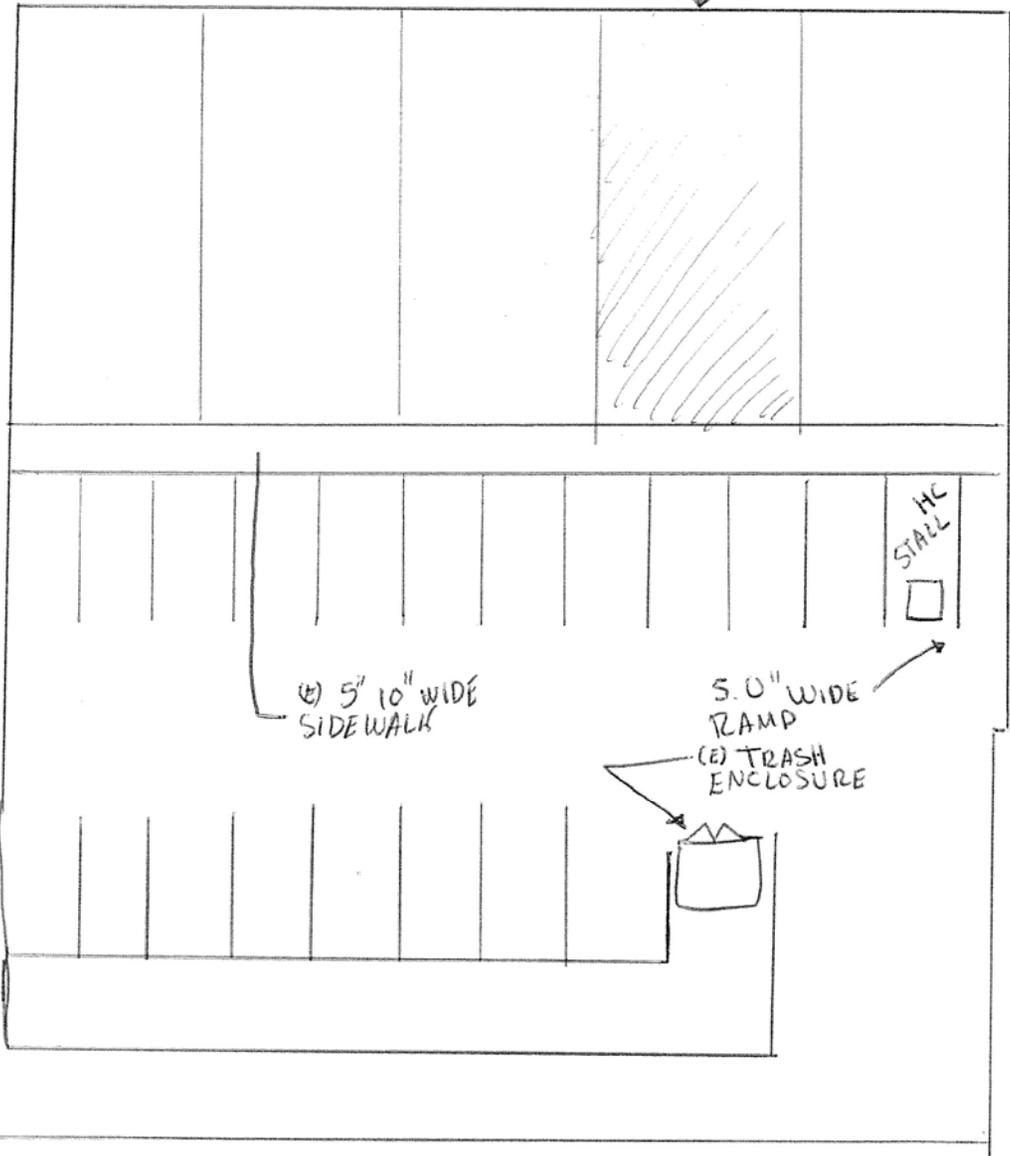
Pacific Av.



Site Plan

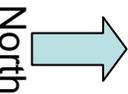
LOCKEFORD STREET

LOCATION OF WORK

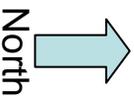
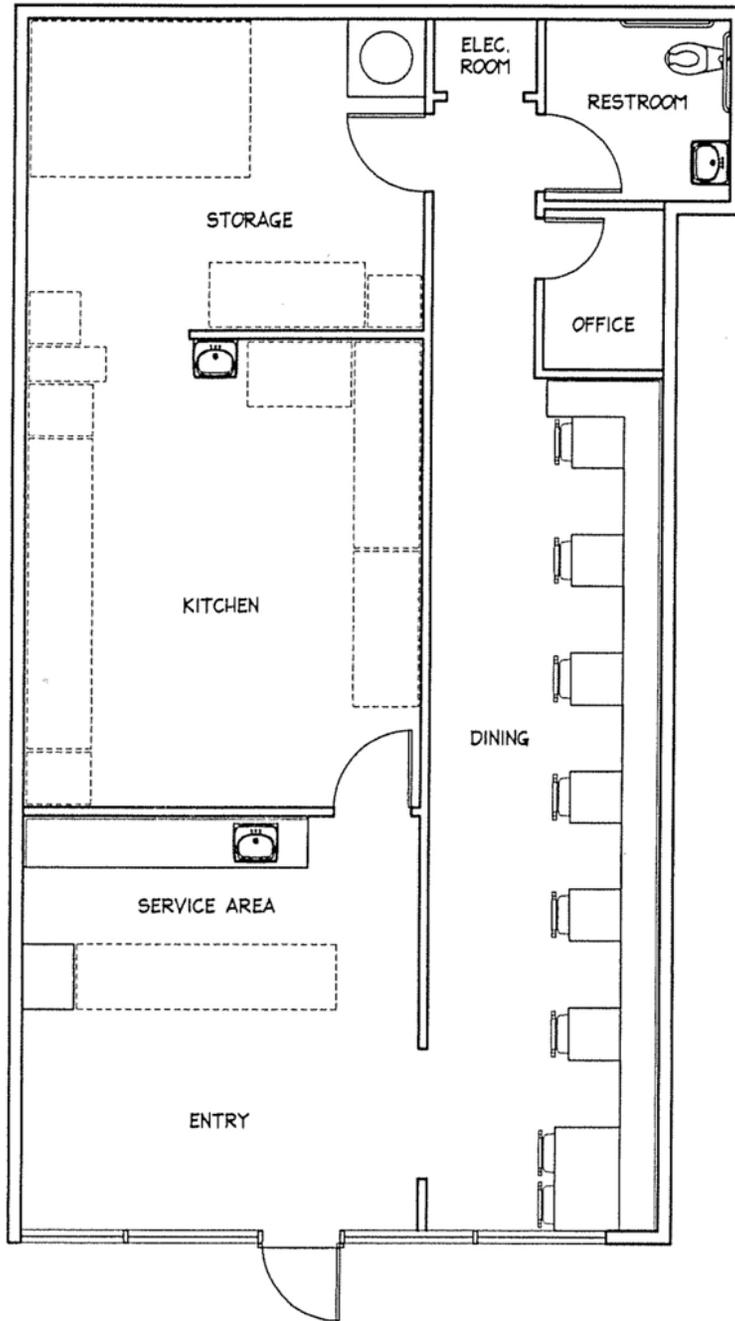


HAM LANE

(E) LANDSCAPE
(TYF)



Floor Plan



Authentic Mexican favorites are modernized with the finest ingredients and innovative cooking techniques to create dishes that unite the past with the present. Fresh guacamole is blended tableside, enabling you to determine the "right amount" of serrano chiles, onions, tomatoes, and limes added to suit your taste. The quesadilla filled with stringy white Oaxacan cheese and fire roasted poblano chiles is a starter favorite.

Understanding our clients needs and our combined love for eating and service, lets us offer different kind of services. We have hands-on experience in many facets of the food service industry. Please let us know if you have any special request, we will be happy to make things happen.

Lunch

Dinner

Catering

Business Hours:

Monday Close

Tuesday -Friday

11am - 9:00pm

Saturday

9am - 10pm

Sunday

9am - 8 pm

**Antojitos
Starters
Guacamole**

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

Shrimp Ceviche

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

Mini Sopitos Surtidos

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

Burritas

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

Nachos

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

Grilled Meat Nachos

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

Sopas y Ensaladas

Soup and Salads

Ensalada Mixta

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

Cazuelas

Taco Salad (Lg/Sm)

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

Tortilla soup

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

Alebrijes Birritos

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

Our vegetarian burritos: Beans, Rice cheese 3.99

Vegetarian

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

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

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

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

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

Especialidades

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

Mole poblano

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

Camarones a la diabla or Al mojo de ajo

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

Gaviotas

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

Tacos de Pescado

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

Carnitas

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

Fajitas

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

Traditional Favorites

served with rice, refried beans and a salad garnish

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

Enchilada

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

Hard or Soft Shell Taco

Your choice of meat

Sopito

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

Chile Relleno

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

Chicken Flautas

Sides

Rice and Beans.....sm \$1.25 lg \$2.50

Sour Cream \$1.00

Cheese \$1.

Guacamole..... \$1.75

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

RESOLUTION NO. P.C. 08-02

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LODI
APPROVING THE REQUEST OF RUBEN LARRAZOLO FOR A USE PERMIT TO
ALLOW ON-SALE BEER AND WINE AT ALEBRIJES MEXICAN BISTRO LOCATED AT
1301 W. LOCKEFORD ST. SUITE D. (FILE # 07-U-12)**

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

WHEREAS, the project proponent is Ruben Larrazolo; and

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

WHEREAS, the property has a General Plan designation of Neighborhood Community Commercial and is zoned C-1, Neighborhood Commercial; and

WHEREAS, the property is located at 1301 W. Lockeford Street Suite D, Lodi, CA (APN 035-330-15); 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 42.01 in which the restaurant is located does not have an over concentration of licenses allowing on premise consumption of alcoholic beverages; and

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

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.
3. The sale of alcoholic beverages as part of a restaurant is a convenience that does not typically create alcohol related problems.
4. The proposed use 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. 07-U-12 is hereby approved, subject to the following conditions:

1. The applicant shall operate and abide by the requirements and conditions of the State of California Department of Alcoholic Beverage Control License Type-41.

2. 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 9:00 p.m. Tuesday through Friday, 9:00 a.m. to 10:00 p.m. on Saturdays and 9:00 a.m. to 8:00 p.m. on Sunday.
3. There shall be no off-sale of alcoholic beverages and the sale of food shall compose more than 50 percent of gross sales receipts.
4. Prior to the issuance of a Type-41 license, the applicant shall complete Licensee Education on Alcohol and Drugs as provided by the State Department of Alcoholic Beverage Control.
5. The applicant 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.
6. The conditions of the Use Permit are subject to review by staff and the Planning Commission for compliance.
7. No variance from any City of Lodi adopted code, policy or specification is granted or implied by the approval of this resolution.

Dated: February 13, 2008

I hereby certify that Resolution No. 08-02 was passed and adopted by the Planning Commission of the City of Lodi at a regular meeting held on February 13, 2008 by the following vote:

AYES: Commissioners:

NOES: Commissioners:

ABSENT: Commissioners:

ATTEST: _____
Secretary, Planning Commission

Item 3d.

**CITY OF LODI
PLANNING COMMISSION
Staff Report**

MEETING DATE: February 13, 2008

APPLICATION NO: Use Permit: 08-U-02

REQUEST: Request for Planning Commission approval of a Use Permit to upgrade an existing Type-41 alcohol license to Type-47 on-sale general at El Rosal located at 728 W. Kettleman Lane.
(Applicant: Maria Martinez File Number: 08-U-02)

LOCATION: 728 W. Kettleman Lane
APN: 060-040-14

APPLICANT: Maria Martinez
728 W. Kettleman Lane
Lodi, CA 95240

PROPERTY OWNER: New Generation Trading CO ETAL
P.O. Box: 2189
Saratoga, CA 95070

RECOMMENDATION

Staff recommends that the Planning Commission approve the request of Maria Martinez to upgrade an existing Typte-41 alcohol license to Type-47 on-sale general at El Rosal located at 728 W. Kettleman Lane, subject to the conditions in the attached resolution.

PROJECT/AREA DESCRIPTION

General Plan Designation: NCC, Neighborhood Community Commercial
Zoning Designation: PD (15), Planned Development #15
Property Size: Shopping Center is 7.6 acres. (Restaurant is approximately 3,500 square feet.)

The adjacent zoning and land use are as follows:

North: RMD, residential medium density and R-C-P, residential commercial professional. Multi-family residential units and offices are located north of the project site.

South: PD (15), planned development #15. Single-family residences are located south of the project site.

East: C-S, commercial shopping. Restaurants, gas station and various retail shops are located east of the project site.

West: PD (15), planned development #15. Single family residences, restaurants and various retail shops are located west of the project site.

SUMMARY

Maria Martinez is requesting approval for a Use Permit to upgrade an existing Alcoholic Beverage Control (ABC) license Type-41 to Type-47 on-sale general at El Rosal Mexican Restaurant.

BACKGROUND

El Rosal is a family owned and operated restaurant that's been serving the City of Lodi with authentic Mexican favorites since 1998. The project is located in the Beckman Ranch commercial center on Kettleman Lane. The area contains a variety of commercial businesses such as a grocery store, gas stations, restaurants and various retail stores. El Rosal has had a Type-41 ABC license since March of 1998. To increase sales and attract customers, the applicant, Ms. Martinez, is requesting approval from the City to upgrade her existing alcohol license to an on-sale general, which allows the serving of beer, wine and distilled spirits in her restaurant.

ANALYSIS

According to the applicant, El Rosal currently offers a full breakfast, lunch and diner menu of authentic Mexican favorites. Restaurant hours are 9:30 a.m. to 9:30 p.m. from Monday through Thursday, 7:00 a.m. to 10:00 p.m. on Saturday and 7:00 a.m. to 9:30 p.m. on Sunday. The restaurant is approximately 3,500 square feet in size and provides seating for approximately 82 guests. On site parking is provided in the commercial center which satisfies the parking requirement. Staff has contacted the Lodi Police Department for comment on the proposed alcohol license upgrade and they do not anticipate alcohol related problems with the restaurant.

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. The State Department of Alcoholic Beverage Control primarily controls issuance based on concentration of licenses within a particular Census Tract. Census Tract 43.06 covers the area south of Kettleman Lane, west of Sacramento Street, north of Harney Lane, and east of Ham Lane. According to ABC, Census Tract 43.06 contains 8 existing on-sale licenses with 8 on-sale licenses allowed based on the ABC criteria. Because the request is to upgrade an existing license, there will be no net increase in the total amount of on-sale licenses. The City is not required to make a finding of public need or convenience in order to approve the on-sale general license upgrade. However, the Planning Commission will need to determine whether or not to grant the request based on the use and the location of the project.

Since El Rosal is a restaurant that is requesting to sell beer, wine and distilled spirits with food, 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 general license, because typically, restaurants that serve alcohol 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 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 published on January 31, 2008 and 91 public hearing notices were sent to all property owners of record within a 300-foot radius of the subject property as required by California State Law §65091 (a) 3.

ALTERNATIVE PLANNING COMMISSION ACTIONS:

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

Respectfully Submitted,

Concur,

Rick Caguiat
Junior Planner

Peter Pirnejad
Planning Manager

ATTACHMENTS:

1. Vicinity Map
2. Aerial Map
3. Floor Plan
4. Business description from applicant
5. Menu
6. Draft Resolution

Vicinity Map



Aerial Map



Leroy Nichols School

Crescent Av.

Rimbv Av.

Kettleman Ln.

Fallmont Av.

Chanti Dr.

Brandywine Dr.

Thompson Wy.

Pinot Noir Dr.

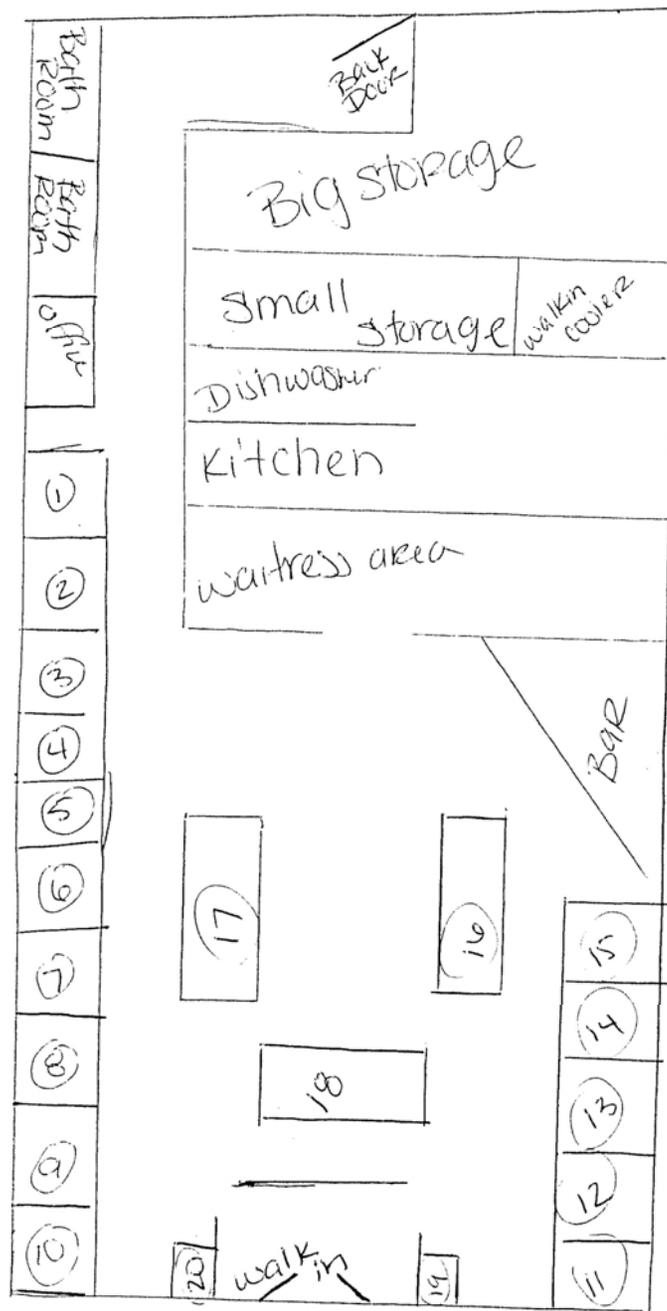
Reising Dr.

Scarborough Dr.

Hitchhike St.



Floor Plan



To Whom It May Concern:

My name is Maria Guadalupe Martinez. I am the owner of a restaurant called El Rosa located at 728 West Kettleman Lane. I currently have a ABC License Type 41- On sale Beer and Wine Eating Place and I would like to upgrade it to Type 47- On-Sale General, Eating place, which would enable us to serve distilled sprints. My restaurant is open during the hours:

Monday – Thursday:	9:30 a.m. to 9:30 p.m.
Saturdays	7:00 a.m. to 10:00 p.m.
Sundays	7:00 a.m. to 9:30 p.m.

We have 11 employees altogether. We have 5 cooks and dishwashers and we have 6 waitresses. The restaurant holds 82 people. We want to upgrade our ABC License so that we could increase our sales.

If you have any questions regarding our request, please feel free to contact me.

Sincerely,

Maria G. Martinez

Mexican Breakfast

Served all day

Chilaquiles

Tortilla chips mixed with red spicy sauce, and onions. Served with beans, Mexican cheese, and sour cream \$6.35
Add two eggs... \$1.25

Chorizo

Spicy Mexican sausage scrambled with two eggs, onions, and tomatoes. Served with beans and tortillas. \$7.95

Chorizo Burritos

Spicy Mexican sausage scrambled with two eggs, onions, and tomatoes in side two flour tortillas. Served with rice, beans and tortillas. \$7.95

Machaca (beef or chicken)

Two eggs scramble with beef or chicken, tomatoes, onions, jalapenos, and red sauce. Served with rice, beans and tortillas. \$8.50

Huevos Rancheros

Two over easy eggs covered in red sauce. Served with beans and tortillas. \$6.25

Huevos Divorciados

Two over easy eggs covered in red and green sauce. Served with beans and tortillas. \$6.25

Huevos a la Mexicana

Three eggs scrambled with onions, tomatoes, and jalapenos. Served with beans and tortillas. \$6.25

Huevos al Albaniil

Three eggs mixed with sautéed onions, jalapenos, and tomatoes in a spicy red sauce covered in cheese. Served with beans and tortillas. \$6.95

Huevos con Jamon

Two eggs mixed with Jam, onions, and tomato. Served with beans and tortillas. \$6.75

Nopales con Huevos

Two eggs mixed with cactus, onions and tomatoes. Served with rice, beans and tortillas. \$6.75

Entalada de Nopales

Cactus mixed with onions, jalapenos, and tomatoes. Served with rice, bean, and tortillas. \$6.75

Two Eggs with Ham, Bacon, or Sausage.

Two eggs any way you want them with ham, bacon or sausage. Served with rice, beans, and tortillas. \$6.75

Served Until 11:00 am

Daily Breakfast Special

One egg, Two pancakes, Two strips of bacon and Two sausage links. \$6.75

All orders include two eggs, choice of French fries, hash browns, potatoes, or rice and beans and tortillas.

Carne Asada.....\$7.95	Chicken a la Plancha.....\$8.75
Milanesa (beef or Chicken).....\$8.95	Pork Chops.....\$9.00

Three Egg Omelets

All orders include two eggs, choice of French fries, hash browns, potatoes, or rice and beans.

California Omelet Sausage, tomatoes, onions, bell peppers, and melted cheese. \$7.25	Texas Fajita Omelet Strips of chicken or steak mixed with bell peppers, onions, and tomatoes. \$7.95
Western Omelet Black olives, onions, tomatoes, bell peppers, and melted cheese. \$7.25	Vera Cruz Omelet Four jumbo shrimp mixed with onions, jalapenos, cilantro, tomatoes, and melted cheese. \$10.50

A La Carta

One Taco, Tamale, Sope, Burrito, Taquito, Tostada, Chile Relleno, OR Enchilada.....\$2.95	Order of Beans.....\$2.10
One Item in Flour Tortilla: Taco, Taquito, OR Enchilada.....\$3.75	Side Guacamole, or sour cream.....\$1.00
Mole sauce Enchilada.....\$3.15	Cup of Soup.....\$2.55
Beef and Bean Burrito.....\$2.45	Order of Flour or Corn Tortillas.....\$0.80
Bean and cheese burrito.....\$2.25	Order of fries.....\$2.25
Plain Cheese Quesadilla.....\$2.25	Side of Avocado.....\$1.25
Quesadilla Supreme.....\$4.50	Side of lettuce, Tomatoes, Jalapenos, or Cheese.....\$0.75
Order of Rice and Beans.....\$2.95	Order of Chips and Salsa.....\$1.75
Order of rice.....\$2.10	(Chips and Salsa are free with a purchase of a meal of \$3.25 or higher)

EL ROSAL FAVORITES

Special Combination #1

1 Beef, chicken or pork) Taco, 1 Chile Relleno, 1 Cheese Enchilada, and 1 Bean Tostada all in red sauce. Served with rice and beans \$10.00

Special Combination #2

1 (beef, chicken or pork) Taco, 1 Chile Relleno, 1 (beef, chicken, or pork) Enchilada, and 1 Bean Tostada all in green sauce. Served with rice, beans, and sour cream \$10.55

El Rosal Special

2 Flour tortillas rolled up with meat in side. Topped with sour cream, guacamole, lettuce tomatoes cheese and green sauce. (beef, chicken or pork) \$8.25

Create your Own Combinations

Cheese Quesadilla, Taco, Tostada, Tamale, Taquito, Chile Relleno, Enchilada, Burrito, or Sopa (Beef, chicken, or pork) (Red or green sauce) Served with rice, and beans.

Select one.....\$5.95 (senior \$5.75)

Select two.....\$9.05 (senior \$7.95)

Select three.....\$10.45 (senior \$9.95)

FAJITAS

SEZZLING STRIPS OF STEAK, CHICKEN, OR SHRIMP MARINATED WITH OUR DELICIOUS SAUCE. MIXED WITH BELL PEPPERS, ONIONS, AND TOMATOES. SERVED WITH CHARRRO BEANS, PICO DE GALLO, GUACAMOLE, SOUR CREAM, LETTUCE, AND TORTILLAS.

BEEF FOR TWO.....\$18.00	FOR ONE.....\$10.25
CHICKEN FOR TWO.....\$19.00	FOR ONE.....\$10.50
SHRIMP FOR TWO.....\$22.45	FOR ONE.....\$11.75
MIXED CHICKEN AND BEEF FOR TWO.....\$20.75	FOR ONE.....\$11.25
MIXED SHRIMP AND CHICKEN OR BEEF FOR TWO.....\$24.50	FOR ONE.....\$13.25
MIXED SHRIMP, CHICKEN, AND BEEF FOR TWO.....\$24.50	FOR ONE.....\$13.75

Ensaladas / Salad

Chicken a la Plancha Salad

Crisp lettuce topped with tender pieces of grilled chicken breast, tomatoes, avocado, and green sauce.

\$9.45
seniors \$8.45

Chicken Milanesa Salad

Crisp lettuce topped with breaded chicken, tomatoes, avocado, and green sauce.

\$9.45
seniors \$8.45

Dinner Salad

Crisp lettuce topped with tomatoes.

\$3.25

Chicken Salad

Crisp lettuce topped with shredded chicken, tomatoes, avocado, and green sauce.

\$7.75
seniors \$6.75

Shrimp Salad

Crisp lettuce topped with shrimp, tomatoes, and avocados

\$7.95
seniors \$6.95

Side Salad

Smaller version of the dinner salad

\$2.75

Behidas / Beverages

Soft Drinks

Peppi, Diet Peppi, Sierra Mist, Root Beer, Dr. Pepper, Mountain Dew, Sobe Lean \$1.65

One free refill

Pitcher of soda.....\$4.75

Ice Tea and Raspberry Ice Tea

\$1.65

Pitcher of Ice Tea.....\$4.75

Milk.....\$m \$1.50...Lg \$1.95

Orange Juice.....\$m \$1.50...Lg \$1.95

Apple Juice.....\$m \$1.50...Lg \$1.95

Pink Lemonade.....\$2.00

One free refills

Agua Frescas

Orchata, Jamaica, Tamarindo \$2.00

No refills

Pitcher of Agua Fresca.....\$6.00

Imported Bottled Drinks

Fantitas, Sangrias, 7 ups,

Squirt, Fanta, and Sidral. \$2.50

Coffee.....\$1.45

Hot Chocolate.....\$1.30

Hot Tea.....\$1.55

Cervezas / Beer

Imported:

XX amber or lager, Bohemia, Tecate, Corona, Corona

Light, Pacifico, Carta Blanca, Modelo, Negra Modelo,

and Sol \$3.75

Domestic:

Cooors, Cooors Light, Bud, Bud Light, Michelob,

Miller, and Miller Light \$3.55

Non-Alcoholic

Sharps and O'Douls \$3.55

Vino / Wine / Cocktail

Merlot, Cabernet Sauvignon, Chardonnay, and White Zinfandel
Glass...\$3.25 Half Caraf...\$7.25 Caraf...\$14.00

Margaritas

Lime or Strawberry Margaritas, and Dequires...\$4.00 (two for one)



El Rosal Restaurant
728 W. 5th Street
Los Angeles, CA 90014
Tel: (213) 369-4089

Welcome

We endeavor to keep alive the traditions of the authentic Mexican cuisine using only the highest quality ingredients in our dishes.

Our strongest tradition is our dedication to great food and excellent service. This is a family owned and operated business. We hope you'll enjoy dining here as much as we enjoy cooking for you and that you'll be back in our home again.

Gracias !!!

We would appreciate your cooperation in waiting for your order.

All of our food is prepared fresh and worth waiting for.

We use only U.S.D.A. choice pieces of steak in all our beef dishes.



Aperitivos / Appetizers

Breaded Shrimp Appetizer
Six breaded shrimp on a green salad \$8.50

Garlic Shrimp Appetizer
Six grilled garlic shrimp on a green salad \$10.50

Shrimp Cocktail \$9.95

Nachos
Tortilla chips topped with beans, cheese, green sauce and jalapenos \$5.75

Nachos Fiesta
Tortilla chips topped with beans, cheese, green sauce, guacamole, sour cream, tomatoes, and jalapenos \$6.95
Add meat...\$1.00
Add shrimp...\$2.00

Bean Dip
Beans topped with green sauce and cheese
Small \$2.50
Large \$4.50

Guacamole Dip
Home made guacamole \$5.50

Gravy Dip \$2.00

Quesadilla Appetizer
Tortilla filled with cheese served with lettuce, tomatoes, sour cream, and guacamole \$5.00
Add meat...\$0.75

Taquitos Appetizer
Six mini taquitos on beans, lettuce, tomatoes, sour cream and green sauce \$9.50

Jalapeno Appetizer
Six jalapeno filled with cream cheese or cheddar cheese on a green salad \$8.00

Soups/ Caldos

All soups come with tortillas

Caldo de Res (Beef soup) \$6.75

Caldo de Pollo (Chicken soup) \$6.75

Carne en su Jugo \$8.25

Pozole \$7.25

Menudo \$7.25

Caldo de Camaron (Shrimp soup) \$8.95

Caldo de Pescado (Fish soup) \$8.95

Siete Mares (Seven seas soup) \$10.95

Home Made Flan \$3.05

Tortas

All Tortas have beans, lettuce, tomatoes, avocado, onions, and mayonnaise

Ham and Cheese \$5.25

Carne Asada \$5.75

Chicken a la Plancha \$6.00

Milanesa \$6.25
Chicken or Beef

Sandwiches / Hamburgers

All sandwiches and hamburgers come with fries

Club Sandwich
Lettuce, tomatoes, bacon, and Ham, on white bread \$7.25

Grilled Cheese
\$4.75
Add ham...\$1.00

BLT
Bacon, lettuce and tomatoes on white bread \$5.75

Special Chicken Sandwich
Grilled chicken, lettuce, and tomatoes \$6.00

Hamburger
Beef, lettuce, tomatoes, and pickles \$6.00
Add cheese...\$0.75

Chicken Burger
Grilled chicken, lettuce, and tomatoes \$6.00
Add cheese...\$0.75

De la Casa

Birria De Chivo (goat meat)
Goat meat in a red sauce served with tortillas, rice, beans and salad \$9.95

Mojarra (Talapia Fish)
A whole fried fish served with tortillas, rice, beans and salad \$10.50

Tacos a la Cumbre
Soft corn tortilla filled with your choice of meat, tomatoes, onions, cilantro, served with lime and spicy sauce.
Beef or chicken...\$2.25
Carnitas...\$2.75

Entrees

Some dishes are served with rice, beans, and tortillas. We also have a choice of refried beans or whole beans

1. **Chicken Breast a la Plancha.** Marinated grilled chicken breast served with rice, beans and tortillas. \$9.75
Seniors...\$8.25

2. **Chile Verde.** Tender chunks of lean pork in green sauce.
Chile Colorado. tender chunks of lean pork in red sauce.
Both are served with rice, beans and tortillas \$8.75
Seniors...\$8.00

3. **Burrito Supreme.** (Beef, chicken, pork or chile relleno). A tortilla filled with your choice of meat, rice, beans, and cheese topped with red or green sauce and melted cheese served with sour cream. \$6.00

Jumbo Burrito. (beef, chicken or pork). A big tortilla filled with rice, beans, meat, cheese, red or green sauce and guacamole or sour cream. \$6.00

4. **Carne Asada.** A fillet of steak grilled and served with rice, beans, tortillas, and green sauce. \$8.95

5. **Steak & Shrimp a la Mexicana.** pieces of grilled steak and 3 jumbo shrimp smothered in red sauce, bell peppers, jalapenos, and onions served with rice, beans and tortillas. \$12.45

6. **Steak a la Mexicana.** pieces of grilled steak, smothered in red sauce, bell peppers, jalapenos, and onions served with rice, beans and tortillas. \$9.75

7. **Tapatio.** A crispy flour tortilla topped with beans, meat, lettuce, tomatoes, sour cream, guacamole, Mexican cheese and green sauce. \$7.95
Seniors...\$7.00

Tapatio. (vegetarian) A crispy flour tortilla topped with whole beans, lettuce, tomatoes, guacamole, sour cream, and Mexican cheese. \$7.00
Seniors...\$6.75

8. **Quesadilla Supreme.** A flour tortilla filled with cheese and meat topped with sour cream, guacamole, and red or green sauce served with rice and beans. \$8.35
Seniors...\$7.25

9. **Two Tostadas.** (beef, chicken or pork) Two crispy corn tortillas topped with beans, meat, lettuce, tomatoes and green sauce. \$8.75

Two Tostadas Tampico. (fish) two crispy corn tortillas topped with beans, breaded fish, lettuce, tomatoes, and green sauce served with rice and beans. \$8.75

10. **Two Sopas.** (beef, chicken or pork) Two corn softly fried masa crust topped with beans, meat, lettuce, tomatoes, Mexican cheese, and green sauce. \$9.35

11. **Two Tamales.** (beef, chicken, or pork) topped with red or green sauce and served with rice and beans. \$8.75

12. **Two Tacos.** (beef, chicken or pork) Two crispy corn tortillas filled with meat, green sauce, lettuce, tomatoes, and cheese. \$8.25
Seniors...\$7.50
Carnitas...\$8.75
Two Flour Shell Tacos...\$10.00

13. **Two Taquitos.** (Flattas) beef, chicken or pork rolled in a crispy corn tortilla topped with sour cream, lettuce, tomatoes, guacamole, cheese, and green sauce. Served with rice and beans. \$8.95
In Flour Tortillas...\$10.00

14. **Two Cheese Enchiladas.** Two corn tortillas filled with cheese and onions topped with red or green sauce. Served with rice and beans. \$7.95
Seniors...\$7.00
In Flour Tortillas...\$10.00

15. **Two Meat Enchiladas.** (beef, chicken or pork) Two corn tortillas filled with meat and onions topped with red or green sauce served with rice and beans. \$8.55
Seniors...\$7.95
In Flour Tortillas...\$10.00
Topped with Mole Sauce...\$9.25
Topped with Salsa Sauce (creamy green sauce)...\$10.00

16. **Chile Rellenos.** Two green chiles stuffed with cheese cooked in a light egg batter and topped with red or green sauce served with rice and beans. \$8.75
Seniors...\$7.95

17. **Two Burritos.** (beef, chicken or pork) Two flour tortillas filled with meat, tomatoes, and sauce served with rice and beans. \$8.75

18. **Chicken Mole.** (Mole Poblano) chicken cooked in a rich dark brown sauce. Spiced with a taste of peanuts and chocolate. Served with rice, beans and tortillas. \$9.95

19. **Milanesa.** (beef or chicken) a breaded fillet deep fried and served with green sauce, rice, beans, and tortillas. \$10.25

Milanesa and Jumbo Shrimp. Beef or chicken milanesa and your choice of shrimp. Served with rice, beans, and tortillas. \$12.45

20. **Camarones Rancheros.** Six jumbo shrimp sautéed with bell peppers, onions, and tomatoes in a red sauce. Served with rice, beans and tortillas. \$12.25

21. **Camarones al Mojo de Ajo.** (Garlic shrimp) Six jumbo shrimp marinated in garlic served with bell peppers, onions, lime, rice, beans, and tortillas. \$12.45

22. **Camarones Empanizados.** (breaded shrimp) Six breaded shrimp served with cocktail sauce, rice, beans and tortillas. \$9.95

Entrees

Some dishes are served with rice, beans, and tortillas. We also have a choice of refried beans or whole beans

23. **Camarones a la Diabla.** (Devil's Shrimp) Six jumbo shrimp sautéed in a spicy sweet red sauce. Served with rice, beans, and tortillas. \$13.25

24. **Camarones a la Plancha.** (grilled shrimp) six jumbo shrimp grilled and served with bell peppers, onions, tomatoes, lime, rice, beans, and tortillas. \$12.50

25. **Shrimp Quesadilla.** Four jumbo shrimp marinated and grilled in side a flour tortilla with melted cheese. Topped with sour cream, guacamole and red or green sauce. Served with rice, beans, and tortillas. \$10.45
Seniors...\$9.45

26. **Shrimp Burrito Supreme.** A flour tortilla filled with four jumbo shrimp, rice, and beans. Topped with red or green sauce, melted cheese, and sour cream. \$8.95

27. **Fish Burrito Supreme.** A flour tortilla filled with a breaded fish fillet, rice, and beans topped with red or green sauce, melted cheese, and sour cream. \$8.50

28. **Pescado Empanizado** (breaded fish) two fillets of fish breaded and deep fried. Served with rice, beans, and tortillas. \$10.00

29. **Carne Asada and Jumbo Shrimp.** A fillet of beef with three shrimp of your choice. Served with rice, beans, and tortillas. \$12.55

Chicken Breast a la Plancha and Jumbo Shrimp. A fillet of grilled chicken with three shrimp of your choice. Served with rice, beans, and tortillas. \$12.55

30. **California Shrimp Combo.** Three different kinds of shrimp. Two ranchero shrimp, two breaded shrimp, and three garlic shrimp. Served with rice, beans, and tortillas. \$13.50

31. **Camarones Suizos.** Six jumbo shrimp sautéed with bell peppers and onions and smothered with a creamy green sauce. Served with rice, beans, and tortillas. \$13.25

32. **Summer Chicken.** Chicken breast marinated in a special wine sautéed with onions, bell peppers, and tomatoes. Served with rice, beans, and tortillas. \$9.75
Seniors...\$8.75

Summer chicken with Jumbo Shrimp. Summer chicken and your choice of shrimp served with rice, beans, and tortilla. \$12.45

33. **Tampiquenia** (beef or chicken) Strips of tender beef or chicken sautéed with onions, jalapenos, and tomatoes. Served with rice, beans, and tortillas. \$10.00

Tampiquenia and Jumbo Shrimp. Chicken or beef and your choice of shrimp. Served with rice, beans, and tortillas. \$12.95

34. **Chicken a la Mexicana.** Chicken breast sautéed with bell pepper, onions and tomatoes. Served with rice, beans, and tortillas. \$9.75
Seniors...\$8.95

Chicken a la Mexicana and Jumbo Shrimp. Chicken a la Mexicana with your choice of shrimp. Served with rice, beans, and tortillas. \$12.50

35. **Chuletas de Puerto.** (pork chops) Two marinated and grilled pork chops. Served with rice, beans, and tortilla. \$9.75
Seniors...\$8.75

Chuletas de Puerto and Jumbo Shrimp. Pork chops and your choice of shrimp served with rice, beans, and tortillas. \$12.45

Chuletas de Puerto al chipotle. two pork chops smothered in chipotle sauce. Served with rice, beans, and tortillas. \$10.00

36. **Breaded Jalapenos.** Six breaded jalapenos stuffed with American or cream cheese served on a bed of lettuce, tomatoes, and avocado, and served with rice, beans, and tortillas. \$8.50
Seniors...\$7.75

37. **Modesto Meats.** Three different kinds of meat: chicken a la plancha, carne asada, and a pork chop. Served with a spicy sauce, rice, beans, and tortilla. \$12.25

38. **Chimichangas** (beef, chicken, or pork) Two flour tortillas stuffed with meat, cheese, and red or green sauce deep fried and served with guacamole, sour cream, rice, and beans. \$9.95

39. **Carnitas.** Tender chunks of pork cooked with special seasonings. Served with cilantro, a spicy sauce, rice, beans, and tortillas. \$9.95

Carnitas and Jumbo Shrimp. Carnitas and your choice of shrimp. Served with rice, beans, and tortillas. \$12.25

40. **Vegetarian Burrito Supreme.** A flour tortilla stuffed with rice, beans, lettuce, and tomatoes. Topped with red or green sauce, melted cheese, guacamole, and sour cream. \$6.00
Seniors...\$5.50

41. **Chino's Special.** A corn quesadilla topped with beans, chile relleno, and red or green sauce, served with guacamole, and sour cream. \$6.95
Seniors...\$5.50

42. **Camarones Sarandizados.** Six shrimp sautéed with garlic, butter, California chile, and orange juice. Served with rice, beans, and tortillas. \$12.25

RESOLUTION NO. P.C. 08-03

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LODI APPROVING THE REQUEST OF MARIA MARTINEZ FOR A USE PERMIT TO UPGRADE AN EXISTING TYPE-41 ON-SALE ALCOHOL LICENSE TO TYPE-47 ON-SALE GENERAL AT EL ROSAL LOCATED AT 725 W. KETTLEMAN LANE. (FILE # 08-U-02)

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 Maria Martinez; and

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

WHEREAS, the property has a General Plan designation of Neighborhood Community Commercial and is zoned PD (15), Planned Development #15; and

WHEREAS, the property is located at 728 W. Kettleman Lane, Lodi, CA (APN 060-040-14); and

WHEREAS, the use permit to allow the sale of beer, wine and distilled spirits for on-site consumption within the restaurant is an enforcement action in accordance with the City of Lodi Zoning Ordinance; and

WHEREAS, Census Tract 43.06 in which the restaurant is located does not have an over concentration of licenses allowing on premise consumption of alcoholic beverages; and

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

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-47 on-sale general license requires that the sale of alcoholic beverage be secondary to food sales, which is the major activity.
3. The sale of alcoholic beverages as part of a restaurant is a convenience that does not typically create alcohol related problems.
4. The proposed use 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. 08-U-02 is hereby approved, subject to the following conditions:

1. The applicant shall operate and abide by the requirements and conditions of the State of California Department of Alcoholic Beverage Control License Type-47.

2. The Type-47 License shall be limited to on-site sale and consumption of beer, wine and distilled spirits during the hours that the restaurant is open for dining, from 9:30 a.m. to 9:30 p.m. from Monday through Thursday, 7:00 a.m. to 10:00 p.m. on Saturday and 7:00 a.m. to 9:30 p.m. on Sunday.
3. There shall be no off-sale of alcoholic beverages and the sale of food shall compose more than 50 percent of gross sales receipts.
4. Prior to the issuance of a Type-47 license, the applicant shall complete Licensee Education on Alcohol and Drugs as provided by the State Department of Alcoholic Beverage Control.
5. The applicant 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.
6. The conditions of the Use Permit are subject to review by staff and the Planning Commission for compliance.
7. No variance from any City of Lodi adopted code, policy or specification is granted or implied by the approval of this resolution.

Dated: February 13, 2008

I hereby certify that Resolution No. 08-03 was passed and adopted by the Planning Commission of the City of Lodi at a regular meeting held on February 13, 2008 by the following vote:

AYES: Commissioners:

NOES: Commissioners:

ABSENT: Commissioners:

ATTEST: _____
Secretary, Planning Commission

Item 4d.

PLANNING ARTICLES

Pennsylvania township bringing back sidewalks

Planners hope to get folks out of their cars, back on foot

By Carrie Cassidy
NEWHOUSE NEWS SERVICE

For years, sidewalks joined front porches, parlors and pantries on the pile of quaint and vanishing standards of American homes. "Who needs to walk when you can drive everywhere?" was the rationale.

But times are changing, and walking communities are becoming important, according to land-use experts. More people want to walk to a park or school or to do shopping. And that could mean the return of the sidewalk might be around the corner, if a Pulitzer Prize-winning journalist has anything to do with it.

Thomas Hylton of Pottstown, Pa., has been credited with raising public awareness of the perils of sprawl and its effects, particularly in Pennsylvania.

Ann Dillemath, a research associate for the American Planning Association, said it was after World War II, and the widespread use of automobiles, that sidewalks began to dwindle.

"Everything was car-focused, even planning. The uses were really separated. Houses were built here, and everything else was built far away," Dillemath said. "Sidewalks were no longer need-

ed." Few understood the consequences of that kind of sprawling development, she said.

But now municipal officials and planners are starting to understand the problem, according to journalist Hylton.

Hylton, who has lived within walking distance of everything he needs — from his dentist to his employer — for more than 20 years, explained that having more pedestrians means fewer problems.

"So if people were walking places, you'd have far less wear and tear on the highways, no traffic congestion, less air pollution, really, a healthier community," he said. "You're protecting the countryside and your health."

Last year, Lower Paxton Township created a traditional neighborhood district, or walking community, partly because of changes to the state's guidelines that encourage local governments to embrace traditional neighborhood concepts.

Susquehanna Township doesn't have a designated place for walking neighborhoods, but residents are refusing developers' requests to waive the sidewalk requirement in the township's ordinance.

That hadn't been done for years, according to township commissioners Sherri Levin-McConnell and Frank Lynch, both of whom have made sidewalks a priority.

"If Susquehanna had stuck to

its ordinances in past years instead of granting all these waivers, you would right now have sidewalks in areas where you don't," Levin-McConnell said. "If it takes us to piece things together, then that's what it takes. Unfortunately, so many opportunities were missed in the past."

Rick Freeman's neighborhood in the Windsor Farms development of the township doesn't have sidewalks, so he and his wife are forced onto the streets when they take their dogs for daily walks.

Luckily, he said, drivers in his neighborhood slow down, but that's not the case where students walk to get to Susquehanna Township High School.

Two years ago, Freeman proposed that the township extend sidewalks around the high school.

"To me, it's a health and safety issue," he said. "I think sidewalks serve more than an aesthetic curb appeal. They can reconnect people to the outdoors and keep them safe and healthy."

There are no sidewalks in Commerce Park, where many people lace up sneakers for midday walks when the weather is good, and only patches of sidewalks nearby.

Land-use experts say the isolated stretches of sidewalks in parts of Susquehanna Township and other similar communities can be attributed to the generous waivers given to developers who requested not to build them.

Several developers contacted for this story said there are many

reasons why they ask for sidewalk requirements to be waived. They might not be practical in some areas or there might be a lack of adjoining sidewalks, they said.

A more common reason, they said, is because the concrete walkways can be costly and eat up land that could be used for houses.

The waivers help make the developments more profitable, and municipal officials readily gave them, according to land-use experts.

Susquehanna Township is taking steps toward developing walking communities where possible, Lynch and Levin-McConnell said.

For instance, Levin-McConnell was instrumental in the planning for sidewalks between a proposed shopping center and the neighborhoods behind it.

Connecting the neighborhoods and the 125,000-square-foot shopping center, which will be anchored by a Giant Food Store, makes sense, she said.

It's up to the township's leaders to make that happen by enforcing the ordinances on the books, she said.

"The time to put in a lot of sidewalks was in the past," she said. "We've had enough of the waivers. We have to take the reins somewhere, though, and denying sidewalk-waiver requests is as good a place to start as any."

"We need to tell developers that if you want to build in Susquehanna Township, then you have to abide by the rules."

Sustainable Sites Initiative aims for landscape-specific standards

Design, practices help to preserve, restore ecosystems

**Ron Sullivan
and Joe Eaton**
The Dirt

The Leadership in Energy and Environmental Design Green Building Rating System — guidelines and standards for sustainable building — gives builders bragging rights: The California Academy of Sciences' new home, for example, is touted as a nearly unprecedented LEED Platinum building.

But no comparable standards exist for sustainable landscapes: city parks, transportation rights of way, industrial and office parks, residential and commercial landscapes, business, medical and academic campuses.

The need for those standards brought the American Society of Landscape Architects and the Lady Bird Johnson Wildflower Center together to create the Sustainable Sites Initiative in 2005; the U.S. Botanical Garden joined in 2006. Public agencies such as the Environmental Protection Agency and nonprofits such as the Nature Conservancy and the National Recreation and Park Association are also onboard.

In November, the initiative

partnership released a preliminary standards and guidelines report, still out for comment (see Resources). The goal is to develop landscape-specific standards that the U.S. Green Building Council will incorporate into its LEED system.

What makes a landscape sustainable? The report cites "design, construction, operations and maintenance practices that meet the needs of the present without compromising the ability of future generations to meet their own needs."

Its authors look at site design as a way of preserving, enhancing and restoring ecosystem services — all the things plants and wildlife do for us for free, from filtering pollution out of the air to pollinating our crops. We've mentioned this before, but it bears repeating: Urban trees in the continental United States sequester 25 million tons of carbon per year, the annual carbon emissions of 18 million cars.

The Sustainable Sites Initiative partnership looks at soils, hydrology,

vegetation, materials and human well-being. For each of these, it identifies current unsustainable practices and suggests strategies for moving toward sustainability.

Take vegetation. Removing or disturbing existing vegetation in the landscaping process affects a site's natural capacity for storm-water management, groundwater recharge and water filtration.

Designers often fail to give plants enough elbow room: "In site design, the needs of vegetation are often simply an afterthought, and the space dedicated to plants is inadequate to support them," the report states.

There's the old problem of the wrong plant in the wrong place: Eighty-five percent of the invasive trees and shrubs in the United States were brought in for landscape or ornamental use. So were herbaceous pests like the infamous purple loosestrife and pampas grass.

Instead of clear-cutting sites, designers could actually look at them first, conserve appropriate vegetation, salvage plants for later replanting and minimize the impact of heavy machinery on plants and soil. Evidently, designers and/or work crews fail to recognize that crushing trees' roots is destructive and that compacting soil renders it as sterile as bricks.

Resources

► Sustainable Sites Initiative: Go to www.sustainable-sites.org for the downloadable preliminary report.

Landscapers could choose from a diverse plant palette, avoiding disease-prone monocultures. Trees and shrubs could be placed strategically for windbreaks, cooling effects and maximum canopy. Wildlife corridors could be retained or created between habitat patches. Finally, all landscape plants could be noninvasive and site appropriate, with preference given first to natives, then "regionally adapted non-native plants."

The partnership advocates using plants in ways that reduce resource consumption and waste: composting the landscape waste that currently makes up 13 percent of the nation's municipal solid waste stream and watering with gray water.

We were pleased to see an emphasis on buying plants locally (minimizing transport-related greenhouse gas emissions, and ensuring that plants have adjusted to the local climate) and selecting growers that use efficient irrigation systems and don't sell inva-

sives.

Other recommendations: Use integrated pest management; reduce the time plants are stored on-site before planting; plant trees and shrubs of the smallest feasible size since larger specimens have higher mortality rates and are more costly to maintain. Smaller plants will catch up in a few years anyway.

Each of these tools is quantifiable: X percent of landscape trimmings goes into the compost; X percent of installed vegetation comes from local growers.

It's interesting to see "human well-being" in the same list as soil, water, plants and materials.

Despite numerous studies linking physical and emotional health with the green world, all too many built environments are sterile, forbidding spaces that don't invite long acquaintance. Suggestions here include designing outdoor spaces as smaller rooms, providing both public and private spaces, and creating pedestrian links — even offering gardening plots (using permaculture principles) to site users.

Sounds good so far, but there are more steps to go through before we'll see formal sustainable-site guidelines. A final standards and guidelines report is expected by May 2009, to be followed with-

in two years by a rating system for sustainable landscape performance benchmarks.

Then pilot projects will test the guidelines and ratings, and their results will be incorporated into a reference guide. Still, it's a promising beginning and a process worth keeping an eye on.

Joe Eaton and Ron Sullivan are freelance nature and garden writers in Berkeley. E-mail them at home@sfchronicle.com.

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Item 5b.



MEMORANDUM, City of Lodi, Community Development Department

To: City of Lodi Planning Commissioners
From: Peter Pirnejad, Planning Manager
Date: 2/13/08
Subject: Robert's Rules of Order (10th Edition)

Attached you will find a copy of *Robert's Rules of Order (10th Edition)* for your use to help you in your function as a Chair and Vice-Chair of the Planning Commission. This book is an excellent resource used by deliberative bodies to maintain smooth, orderly, and fairly conducted meetings. Please feel free to keep this book during your entire term as a Chair and Vice-Chair of the Planning Commission.

Staff requests that each commissioner return the book at their earliest convenience after fulfilling their term as a Chair or Vice-Chair so that future commissioners can also benefit from this resource.

If you have any questions, please feel free to contact the Planning Department.

RESOLUTION NO. 2006-31

A RESOLUTION OF THE LODI CITY COUNCIL ADOPTING
AND ESTABLISHING RULES FOR THE CONDUCT OF ITS
MEETINGS, PROCEEDINGS, AND BUSINESS AND
THEREBY RESCINDING RESOLUTION 2004-282

=====

WHEREAS, the Lodi City Council, pursuant to Chapter 2.04 of the Lodi Municipal Code, is empowered and required to adopt by resolution, rules of conduct for City Council meetings; and

WHEREAS, it is desirable to make such procedural rules applicable to all other boards, commissions, and committees of the City.

NOW, THEREFORE, BE IT RESOLVED by the Lodi City Council as follows :

SECTION 1. RULES OF CONDUCT AND DEBATE FOR THE CITY COUNCIL,
BOARDS, COMMISSIONS, AND COMMITTEES

A. Presiding Officer May Debate.

The Mayor or presiding officer may move, second, and debate from the chair, subject only to such limitations of debate as are by these rules established. The chair shall not be deprived of any of the rights and privileges of a Council or board member by reason of being the presiding officer.

B. Obtaining The Floor.

Any member of the Council or board wishing to speak must first obtain the floor by being recognized by the chair. The chair must recognize any member who seeks the floor when appropriately entitled to do so.

C. Motions.

The chair or any member of the Council or board may bring any matter of business appearing on the agenda before the body by making a motion. The chair shall open the matter for debate, offering the first opportunity to debate to the moving party and, thereafter, to any other member properly recognized by the chair. Once the matter has been fully debated and seconded and the chair calls for a vote, no further debate will be allowed; provided, however, Council or board members may be allowed to explain their vote. The person making the motion shall have the privilege of closing debate.

D. Voting.

All members present at a meeting shall vote when the question is called, subject to the provisions of Lodi Municipal Code Section 2.04.140.

E. Procedural Rules of Order.

Once the main motion is properly placed on the floor, several related motions may be employed in addressing the main motion. These motions take precedence over the main motion and, if properly made and seconded, must be disposed of before the main motion can be acted upon. The following motions are appropriate and may be made by the chair or any Council or board member at any appropriate time during the discussion of the main motion. They are listed in order of precedence. The first three subsidiary motions are non-debatable; the last four are debatable.

SUBSIDIARY MOTIONS:

1. Lay on the Table. Any member may move to lay the matter under discussion on the table. The motion temporarily suspends any further discussion or the pending motion without setting a time certain to resume debate. It must be moved and seconded and passed by a majority vote. To bring the matter back before the body, a member must move that the matter be taken from the table, seconded, and passed by a majority. A motion to take from the table must be made at the same meeting at which it was placed on the table or at the next regular meeting of the body; otherwise, the motion that was tabled dies, although, it can be raised later as a new motion.
2. Move Previous Question. Any member may move to immediately bring the question being debated to a vote, suspending any further debate. The motion must be made and seconded without interrupting one who already has the floor. A two-thirds vote is required for passage.
3. Limit or Extend Limits of Debate. Any member may move to put limits on or extend the length of debate. The motion must be made and seconded and requires a two-thirds vote to pass.
4. Postpone to a Time Certain. Any member may move to postpone the pending motion to a time certain. This motion continues the pending main motion to a future date as determined by the Council or board at the time the motion is passed. The motion must be seconded and requires a majority vote for passage.
5. Commit or Refer. Any member may move that the matter being discussed should be referred to a committee, commission, or staff for further study. The motion must be seconded and requires a majority vote for passage. The motion may contain directions for the committee or commission, as well as a date upon which the matter will be returned to the Council or board's agenda. If no date is set for returning the item to the Council or board's agenda, any member may move, at any time, to require the item be returned to the agenda. The motion must be seconded and a majority vote is required for passage if the item is to come back at a future date certain, or a two-thirds vote if the item is to be immediately discussed by the Council or board at the time the motion to return is made.

6. Amend. Any member may amend the main motion or any amendment made to the main motion. Before the main motion may be acted upon, all amendments and amendments to amendments must first be acted upon. A motion to amend must be seconded and requires a majority vote for passage. An amendment must be related to the main motion or amendment to which it is directed. Any amendment which substitutes a new motion rather than amending the existing motion is out of order and may be so declared by the chair.
7. Postpone Indefinitely. Any member may move to postpone indefinitely the motion on the floor, thus avoiding a direct vote on the pending motion and suspending any further action on the matter. The motion must be seconded and requires a majority vote for passage.

F. Motions of Privilege, Order, and Convenience.

The following actions by the Council or board are to insure orderly conduct of meetings and for the convenience of the members. These motions take precedence over any pending main or subsidiary motion and may or may not be debated as noted.

1. Call for Orders of the Day. Any member may demand that the agenda be followed in the order stated therein. No second is required and the chair must comply unless the Council or board, by majority vote, sets aside the orders of the day.
2. Question of Privilege. Any member, at any time during the meeting, may make a request of the chair to accommodate the needs of the body or his/her personal needs for such things as reducing noise, adjusting air conditioning, ventilation, lighting, etc. Admissibility of question is ruled on by the chair.
3. Recess. Any member may move for a recess. The motion must be seconded and a majority vote is required for passage. The motion is debatable.
4. Adjourn. Any member may move to adjourn at any time, even if there is business pending. The motion must be seconded and a majority vote is required for passage. The motion is not debatable.
5. Point of Order. Any member may require the chair to enforce the rules of the Council or board by raising a point of order. The point of order shall be ruled upon by the chair.
6. Appeal. Should any member be dissatisfied with a ruling from the chair, he/she may move to appeal the ruling to the full Council or board. The motion must be seconded to put it before the Council or board. A majority vote in the negative or a tie vote sustains the ruling of the chair. The motion is debatable and the chair may participate in the debate.

7. Suspend the Rules. Any member may move to suspend the rules if necessary to accomplish a matter that would otherwise violate the rules. The motion requires a second and a two-thirds vote is required for passage.
8. Division of Question. Any member may move to divide the subject matter of a motion which is made up of several parts in order to vote separately on each part. The motion requires a second and a majority vote for passage. This motion may also be applied to complex ordinances or resolutions.
9. Reconsider. Except for votes regarding matters which are quasi-judicial in nature or matters which require a noticed public hearing, the Council or board may reconsider any vote taken at the same session, but no later than the same or next regular meeting, to correct inadvertent or precipitant errors, or consider new information not available at the time of the vote. The motion to reconsider must be made by a member who voted on the prevailing side, must be seconded, and requires a majority vote for passage, regardless of the vote required to adopt the motion being reconsidered. If the motion to reconsider is successful, the matter to be reconsidered takes no special precedence over other pending matters and any special voting requirements related thereto still apply. Except pursuant to a motion to reconsider, once a matter has been determined and voted upon, the same matter cannot be brought up again at the same meeting.
10. Rescind, Repeal, or Annul. The Council or board may rescind, repeal, or annul any prior action taken with reference to any legislative matter so long as the action to rescind, repeal, or annul complies with all the rules applicable to the initial adoption, including any special voting or notice requirements or unless otherwise specified by law.

G. Authority of the Chair.

Subject to appeal, the chair shall be the chief parliamentarian, rule on points of order, and shall have the authority to prevent the misuse of the legitimate form of motions, or the abuse of privilege of renewing certain motions, to obstruct the business of the Council or board by ruling such motions out of order. In so ruling, the chair shall be courteous and fair and should presume that the moving party is making the motion in good faith.

H. Public Hearings.

Matters which are required to be heard at a noticed public hearing shall be conducted in the following manner.

1. Time for Consideration. Matters noticed to be heard by the Council or board shall commence at the time specified in the notice of hearing, or as soon thereafter as is reasonably possible, and shall continue until the same has been completed or until other disposition of the matter has been made.

2. Continuance of Hearings. Any hearing being held or noticed or ordered to be held by the Council or board at any meeting may, by order or notice of continuance, be continued or re-continued to any subsequent meeting in the manner provided herein for adjourned meetings; provided, that if the hearing is continued to a time less than 24 hours after the time specified in the order or notice of hearing, a copy of the order or notice of continuance of hearing shall be posted immediately following the meeting at which the order or notice of continuance was adopted or made.
3. Public Discussion at Hearings. When a matter for public hearing comes before the body, the chair shall open the public hearing. Upon opening the public hearing and before any motion is adopted related to the merits of the issue to be heard, the chair shall inquire if there are any persons present who desire to speak on the matter which is to be heard or to present evidence respecting the matter. Any person desiring to speak or present evidence shall make his/her presence known to the chair and upon being recognized by the chair, the person may speak or present evidence relevant to the matter being heard. No person may speak without first being recognized by the chair. Members who wish to ask questions of the speakers or each other during the public hearing portion, may do so but only after first being recognized by the chair. The chair shall conduct the meeting in such a manner as to afford due process. Time limits may be established by the chair, limiting the duration of presentations as set forth in these rules.

All persons interested in the matter being heard shall be entitled to submit written evidence or remarks, as well as other graphic evidence. All such evidence presented shall be retained by the City Clerk or secretary of the board as part of the record. No person shall be permitted during the hearing to speak about matters or present evidence which are not germane to the matter being considered. A determination of relevance shall be made by the chair, but may be appealed as set forth in these rules.

4. Consideration of Question by Council or Board. After all members of the public desiring to speak upon the subject of the hearing have been given an opportunity to do so, the public hearing shall be closed by the chair, and the body may consider what disposition they wish to make of the question or questions presented at the hearing. No member of the public shall be allowed, without consent of the chair, to speak further on the question during this period of deliberation; although, the members may ask questions of the speakers if so desired. At the conclusion of discussion and appropriate motion having been made and seconded, the body shall vote on the matter.

I. New Business: Introduction.

During Council meetings, no new business on the agenda (except closed sessions) shall be considered after 11:00 p.m. without two-thirds vote of the Council. Any new business remaining on the agenda shall be carried over to the next regular Council meeting.

J. Quorum; Majority; Two-Thirds Vote: Determination.

As used in this resolution or in the application of Lodi Municipal Code Chapter 2.04, the following definitions shall apply:

1. "Quorum" shall mean a simple majority of the total number of all persons on such body.
2. "Majority" shall mean the majority of members actually present at a meeting.
3. "Two-thirds vote" shall mean two-thirds vote of the members actually present, rounded up or to the next number if less than a whole person. Two-thirds of four members shall be three members; two-thirds of five members shall be four members; etc.

K. The City Attorney shall review the City Council Agenda prior to its distribution to Council and note all Quasi Judicial items thereon. When the City Council or commission acts in an adjudicatory or quasi-judicial capacity, each member must (1) disclose on the record the nature and substance of any ex parte communications relating to the matter; and (2) provide interested parties full and fair opportunity to rebut or explain the information obtained from those communications.

SECTION 2. This Resolution shall become effective immediately.

Dated: February 15, 2006

=====

I hereby certify that Resolution No. 2006-31 was passed and adopted by the City Council of the City of Lodi in a regular meeting held February 15, 2006, by the following vote:

AYES: COUNCIL MEMBERS – Beckman, Hansen, Johnson, Mounce,
and Mayor Beckman

NOES: COUNCIL MEMBERS – None

ABSENT: COUNCIL MEMBERS – None

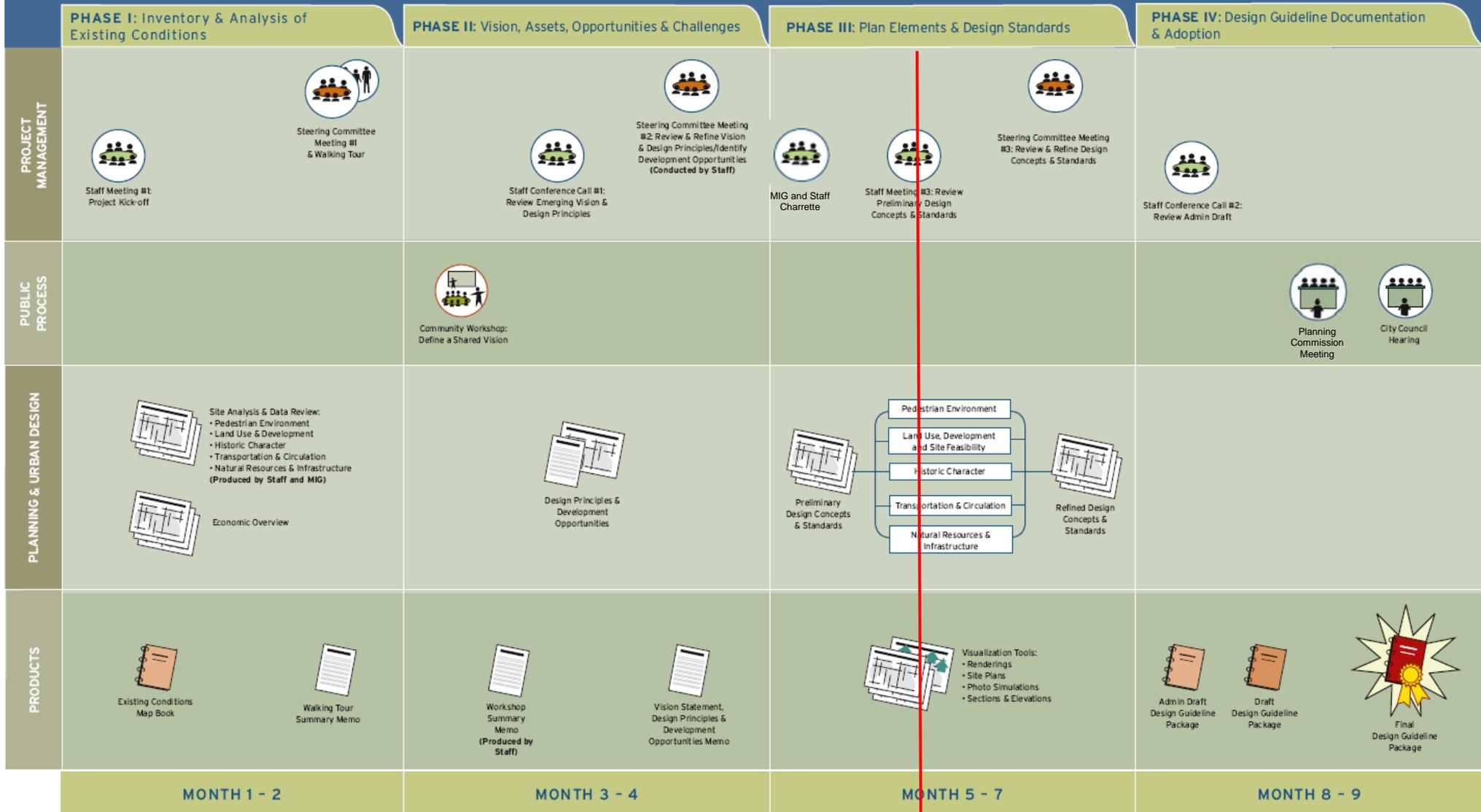
ABSTAIN: COUNCIL MEMBERS – None

SUSAN J. BLACKSTON
City Clerk

2006-31

Item 5c.

Transit-Oriented Development Design Guideline for Downtown Lodi, California



-----09/07-----09/07-----11/13/07-----11/07-----12/13/07---12/21/07---02/26/08-----03/12/08-----04/08-----05/08-----06/08

Item 6a.



MEMORANDUM, City of Lodi, Community Development Department

To: City of Lodi Planning Commissioners
From: Peter Pirnejad, Planning Manager
Date: 2/13/08
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.

Date	Meeting	Title
January 15, 2008	SHIRTSLEEVE	Harney Lane Widening Project, ½ Mile West of Lower Sacramento Road to 540 Feet West of Stockton Street
January 16, 2008	REGULAR MEETING	Consider the Request from San Joaquin County Supervisor Ken Vogel Seeking Financial Assistance for the Development of an Armstrong Road Agricultural/Cluster Zoning Classification.
		Adopt Resolution Authorizing City Manager to Execute Professional Services Agreement with Mark Thomas & Company and Cooperative Agreement with San Joaquin Council of Governments for Preparation of State Route 99/ Harney Lane Interchange Project Study Report and Project Report and Appropriating Funds (\$700,000).
January 24, 2008	SPECIAL MEETING/WORKSHOP	Workshop #2 Pertaining to the Proposed Redevelopment Project Area.
January 29, 2008	SHIRTSLEEVE	Presentation by the Community Partnership for Families of San Joaquin County.
January 31, 2008	SPECIAL MEETING/WORKSHOP	Community Workshop to discuss Lodi Avenue improvements.
February 6, 2008	REGULAR MEETING	Approve request for proposals and authorize advertisement for architect services to prepare the Grape

		Bowl Phase I Renovation design.
February 6, 2008	REGULAR MEETING	Receive Report Regarding Status of Mokelumne River Bank in the General Vicinity of Pigs Lake within Lodi Lake Nature Area
February 12, 2008	SHIRTSLEEVE	Community Development Block Grant Allocation process

Item 7a.

Schedule for the City of Lodi General Plan Update and EIR

