



CITY OF LODI

COUNCIL COMMUNICATION

AGENDA TITLE: Conduct a Public Hearing to consider the appeal of a Use Permit allowing a dance club with alcohol on the second floor of the Richmaid Building at 112 South Cherokee Lane.

MEETING DATE: August 20, 1997

PREPARED BY: Community Development Director

RECOMMENDED ACTION: Staff is recommending that the City Council deny the appeal of the Planning Commission's approval of Use Permit 97-02 permitting the operation of a dance club on the second floor of the Richmaid Building at 112 South Cherokee Lane.

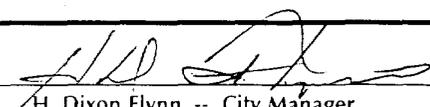
BACKGROUND INFORMATION: The Planning Commission conducted a Public Hearing on this item on June 23, 1997. Staff's recommendations were approved on a 4 to 2 vote and are embodied by Resolution No. 97-11. Among the required conditions are; that the project abide by the City's Noise Ordinance; that physical improvements be made to the parking area as well as the building itself; and that security officers meeting Lodi Police Department criteria, be present at all times.

The Commission heard complaints from residents on Cherokee Lane and on East Oak and East Walnut Streets. The complainants were unified in their opposition to the potential for noise problems generated by the live music and also by patrons of the dance club. In addition, the residents stated that general problems in the neighborhood might increase as a result of the club (i.e., crime and litter). A formal appeal signed by five (5) neighbors in the immediate vicinity of the proposed club was received on June 27.

ANALYSIS: Staff's recommendation for denial of the appeal is based on two main points. The first of these is that staff feels Cherokee Lane is a good location for this type of use. Virtually the entire length of Cherokee Lane is zoned C-2, General Commercial with few residences. Staff feels that few, if any, existing locations in this part of Lodi would be more appropriate for such a use.

Adherence to the required conditions will mitigate any potential adverse impacts which would tend to impact those few residents who do live nearby, including inadequate parking, unnecessarily loud patrons after hours, and noise emanating from the upper story windows. In fact, adherence to the conditions will yield property improvements which may not be seen otherwise. Such improvements would include; resurfacing, restriping, and lighting of the parking lot; removal or screening of equipment being stored on the site; abatement of weeds and other debris; and building facade improvements.

APPROVED: _____


H. Dixon Flynn -- City Manager

Council Communication
Meeting Date: August 20, 1997
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Secondly, and perhaps most importantly, a bar (i.e., the serving of alcohol) is allowed in the C-2 zone by right, with no discretionary approval necessary. The approval sought under this Use Permit is for a dance club offering primarily dancing and live entertainment (music). Beer and wine will be served secondarily to the dancing. In fact, the City has already approved the license for this location.

It is with these considerations in mind, that staff is recommending support of the Planning Commission's approval of the Use Permit or denial of the appeal.

FUNDING: No request for funding as a part of this action.



Konradt Bartlam
Community Development Director

Prepared by Eric W. Veerkamp, Associate Planner

KB/EV/lw

Attachments

MINUTES
LODI CITY PLANNING COMMISSION
CARNEGIE FORUM
305 WEST PINE STREET
LODI, CALIFORNIA

MONDAY

June 23, 1997

7:30 P.M.

The Planning Commission met and was called to order by Chairman Rasmussen.

Commissioners Present: John Borelli, Jonathan McGladdery, Harry Marzolf, John Schmidt, Roger Stafford, and Chairman Rasmussen. ROLL CALL

Commissioners Absent: Dorean Rice

Others Present: Konradt Bartlam, Community Development Director, John Luebberke, Deputy City Attorney, Eric W. Veerkamp, Associate Planner, and Lisa Wagner, Secretary.

The minutes of May 12, 1997, were approved as mailed with Commissioner Schmidt abstaining from the vote. MINUTES
May 12, 1997

TENTATIVE MAP

Request of Dillon & Murphy, on behalf of Overhead Door Corporation, for approval of a lot line adjustment for parcels 049-040-65 and 049-040-63 located at 1220 E. Victor Road. Community Development Director Bartlam presented this matter to the Planning Commission. He stated that the property was currently zoned M-2, Heavy Industrial and is developed with a variety of industrial uses. In 1993, a parcel map was approved to resubdivide the subject property and 142 S. Cluff Avenue into six smaller properties. The smaller parcels were created to help sell the parcels. The proposed lot line adjustment would eliminate an irregular shaped portion of one parcel thereby giving the parcel a more straightened property line.

Lot Line
Adjustment,
1220 E. Victor
Road.

COMMENTS FROM THE PUBLIC

Cecil Dillon, 1820 W. Kettleman Lane, Lodi, CA. Mr. Dillon represented the owner and was agreeable to the conditions set forth in the resolution.

The Planning Commission, on motion of Commissioner Marzolf, McGladdery second, approve the lot line adjustment.

Vote on Lot Line
Adjustment,
1220 E. Victor
Road.

AYES: Commissioners: Borelli, Marzolf, McGladdery, Schmidt,
Stafford, and Rasmussen

NOES: Commissioners:

ABSENT: Commissioners: Rice

ABSTAIN: Commissioners:

PUBLIC HEARINGS

Request of James B. Schroeder, on behalf of Willdon Land Company, to consider:

1. A Use Permit to allow the construction of a 36-unit apartment complex, at a density of 15 units per acre, to be located within Planned Development # 24 at 2150 West Kettleman Lane.
2. Certification of a Negative Declaration as adequate environmental documentation on this project.

Use Permit to allow construction of 36-unit apartment complex at 2150 W. Kettleman Lane.

Eric W. Veerkamp, Associate Planner, presented the matter to the Planning Commission. The proposed project would match and be an extension of the existing apartments to the south. It was staff's feeling that the proposed recreation area shown on the plans would be better suited for a tot-lot or other play facility for children. Another area of concern was the fencing around the apartment complex. A tentative agreement was reached, prior to the meeting, that a wrought-iron fence would be erected similar to that at the existing Fountains complex. Also, the required Caltrans encroachment permit for the 20-foot driveway located on Kettleman Lane has yet to be approved. Staff was recommending one additional condition to the project. The condition was that the project shall be subject to the requirements of the City of Lodi's Growth Management Ordinance prior to issuance of building permits. Staff was recommending approval of the project.

Chairman Rasmussen mentioned that the Commission had received three letters of opposition to the project. He asked staff for some history on the project. Associate Planner Veerkamp stated that in 1993 there had been a proposed 60-unit complex and the item was denied by the Commission at that time.

HEARING OPENED TO THE FLOOR

James B. Schroeder, 2330 Cabrillo Circle, Lodi, CA. Mr. Schroeder represented the Willdon Land Co. He explained that after the 60-unit complex was denied in 1993, a development plan was prepared with an office condominium project placed upon the parcel. The plan was approved by SPARC and the Planning Commission and a package was submitted to every commercial realtor and medical group within the area. No responses were received for the project. In the last three years, there has not been any inquires regarding the use of the property as office-institutional. The realtor reported that they have received 140 calls a year asking that the property be zoned to commercial. He pointed out that during the last two years, the Planning Commission has approved two projects on Kettleman Lane, both residential projects for the elderly.

He felt that the concern regarding traffic generated from the 36-unit complex was nothing compared to the future traffic that will be generated from other proposed developments on the four corners of Kettleman Lane and Lower Sacramento Road. He was agreeable to the conditions set forth in the resolution and was also agreeable to the condition that the project go through the Growth Allocation process.

Commissioner Marzolf inquired about adequate designated parking for visitors. Associate Planner Veerkamp responded that the project has 81 parking spots which is in excess of the required amount. Commissioner McGladdery asked what is the density of the existing Fountains complex. Mr. Schroeder responded 149 units on 10 acres.

Richard Wright, 2100 W. Kettleman Lane, Lodi, CA. His firm, Wright Insurance, is the oldest independent agency in Lodi. He moved his business from downtown Lodi to Kettleman Lane 10 years ago. He paid premium price for the property under the assumption that it would always be zoned Office-Professional. He felt that having apartments adjacent to his office would diminish the value of his property. He was also concerned about increased traffic, litter, and vandalism. He stated that the General Plan was designed for a specific reason and there was not an overwhelming reason to change the plan or the zoning for this property.

Claud Kitshel, 1237 Estondillo Avenue, San Leandro, CA. Mr. Kitshel owns the vacant lot west of the subject property. He was concerned about the potential for increased vandalism in the area.

Roy Denton, 2207 Chaparral Court, Lodi, CA. Mr. Denton was concerned about the economic impact the project would have on the City of Lodi in the future. He felt that Lodi already had an over abundance of apartments and would like to see some other project developed on the property. He also voiced concern over the problem of increased traffic and the “stacking” of vehicles waiting to access the complex through the gated entrance.

Carol Denton, 2207 Chapparel Court, Lodi. Mrs. Denton echoed her concern regarding the “stacking” of vehicles at the gated entrance. She also voiced concern about the sight hazard that the semi-trucks create when they are parked along Kettleman Lane. Any person exiting the complex can not see around the trucks to make a safe entrance onto Kettleman Lane.

Rich Connet, 2208 Chapparel Court. Mr. Connet stated that when he purchased his property two years ago, the real estate agent told him that there would not be any apartments built on the vacant land. He was also concerned about the increased traffic that the apartment complex would generate.

Winifield Archibald, 2214 Chapparel Court, Lodi. He echoed the same concerns as the other people before him.

Manroop Shergill, 2220 Chapparel Court, Lodi. Ms. Shergill was against the project due to the traffic problems that it would create. She stated that traffic on Sylvan Way due to the Wal Mart and Target stores on Kettleman Lane. She felt that the proposed apartment complex would add to the existing traffic problems.

Mr. Schroeder responded that he was not aware of any reports of vandalism generated from the Fountains complex. He mentioned that ultimately, traffic will have to access Sylvan Way due to the fact that in the future, the State Highway will not allow a left turn onto Kettleman Lane. He did not have a problem with the City putting a “no

parking” zone in front of the project to make exiting the complex more safe. He stated that he would change the plans to make sure that vehicles entering the complex through the security gates would have ample stacking room.

HEARING CLOSED TO THE FLOOR

Commissioner Marzolf questioned staff on the amount of police reports received from the Fountains complex. Community Development Director Bartlam stated he had spoken with Captain Adams about police reports generated from Fountains complex. Captain Adams did not have a problem with the existing complex and he further mentioned that the Fountains complex was one of the better apartments in the City.

Commissioner Marzolf asked staff the reason for the Planning Commission’s denial in 1993 for a 60-unit complex on the same property. Associate Planner Veerkamp responded that a member of the Commission felt that with the newly adopted General Plan, it was too soon to make any changes to the document. Community Development Director Bartlam pointed out that the request for the 36-unit complex is not a General Plan or Rezoning issue. The issue at hand was regarding land use and the General Plan allows for 20-units per acre, the subject project was asking for 15-units per acre.

Commissioner Marzolf felt that the proposed 36-units would not have a significant impact on traffic. He further stated that Lodi was really in need of some nice apartment units. Chairman Rasmussen mentioned that there had not been any new apartment buildings built in the City in many years.

The Planning Commission, on motion of Commissioner Marzolf, Rasmussen second, moved to approve certification of the Negative Declaration as adequate environmental documentation on this project.

The Planning Commission, on motion of Commissioner Marzolf, Borelli second, moved to approve the Use Permit with the additional conditions that the project be subject to the Growth Management Ordinance and that the project be submitted to SPARC to address the issues of car stacking at the entrance and visitor parking.

Vote on Use Permit to allow construction of 36-unit apartment complex at 2150 W. Kettleman

- AYES: Commissioners: Borelli, Marzolf, McGladdery, Schmidt, and Rasmussen
- NOES: Commissioners: Stafford
- ABSENT: Commissioners: Rice
- ABSTAIN: Commissioners:

Request of Lidia Favila and Otilia Favila Gutierrez, for a Use Permit to allow a dance club with alcohol (beer and wine) on the second floor of the Richmaid Building at 112 South Cherokee Lane. Eric W. Veerkamp, Associate Planner, presented the matter to the Planning Commission. He stated that the site is compatible for the dance club use, however, staff had several items of concern. The concerns being the potential for increased criminal activity in relation to the clientele, inadequate parking, and the expectation that the building be presentable from the exterior. He stated that the Lodi Police Department felt that this business had potential for generating increased police

Use Permit to allow a dance club at 112 S. Cherokee Lane

calls and they felt that the placement of security on site might alleviate police calls. The Police Department also had concern regarding noise generated by the dance club. Staff mentioned that the applicant would have to adhere to the City's Noise Ordinance. Staff indicated that there were some problems with the physical appearance of the building. Mr. Veerkamp then read a letter that was signed by eight people who were in opposition to the dance club. Staff was recommending approval of the project.

Commissioner Marzolf questioned the days of operation and where the existing police calls were coming from. Mr. Veerkamp stated that the days of operation would be Friday, Saturday, and Sunday and the past police calls were coming from the 211 Club and the AM/PM Mini Market.

Commissioner Schmidt questioned how the City would handle noise complaints. Community Development Director Bartlam stated that once a complaint was received, the Community Improvement Division will visit the site unannounced during business hours and measure the noise level. He further stated that traffic exiting the parking lot could be a noise problem as well as people congregating in the parking lot.

Chairman Rasmussen questioned the item in the resolution regarding a one-year review of the dance club. Community Development Director Bartlam indicated that this would be a probationary period for the business and a file will be created to house all complaints that come in regarding the business. The Planning Commission will have the power to revoke the Use Permit should the business prove to be a nuisance.

HEARING OPENED TO THE FLOOR

Otilia Gutierrez, applicant, stated that there is not a decent dance club where you can go and have fun and take your spouse. The proposed dance club would be a secure, quality place where one could bring their spouse. There will be four security guards on site during the operating hours. He was agreeable to the conditions set forth in the resolution.

Lou Kastan, 109 S. Cherokee Lane, Lodi. He was opposed to the dance club. He has lived on Cherokee Lane for 20 years. In the past, the police had been called out many times for the other businesses that operated at the subject location. He was concerned about the possible noise level when the windows of the building would be left open. He felt he would not be unable to enjoy his property if the dance club were to be allowed.

Evelyn Kastan, 109 S Cherokee Lane, Lodi. Ms. Kastan complained about the foul language used by patrons of past businesses at the location.

Sheryll Salsedo, 542 Walnut, Lodi. Ms. Salsedo was concerned about existing problems at the 211 Club and felt that an additional club would only create more problems in the neighborhood.

Janice Baxter, 548 E. Oak Street, Lodi. Ms. Baxter has lived on Oak Street for one year and was tired of the noise and nuisance created from the existing bars. She felt that the dance club would create new problems.

Jesus Guterrez, family member of the proposed business. Mr. Guterrez stated the the business consists of mainly family members. He mentioned that there would not be much time for consuming alcohol because the customers would be dancing most of the time.. He spoke about the possibility of covering the windows with insulation to alleviate the potential noise problem.

HEARING CLOSED TO THE FLOOR

Chairman Rasmussen stated that he thought the dance club was a good idea, but questioned whether there is a better location. He was sympathetic to the surrounding neighbors. Commissioner Marzolf also felt the dance club was a good idea. He was agreeable to the idea of insulating the windows and mentioned the idea of having live bands on Friday and Saturday nights only.

Commissioner Schmidt stated that every homeowner had a right to sleep on Friday and Saturday nights. He felt there could be a better location for business.

The Planning Commission, on motion of Commissioner Marzolf, Borelli second, approved the Use permit with the added conditions that there only be live music on Friday and Saturday nights and that the Use Permit be reviewed after a 6-month period. The motion was amended to include that the security guards remain on the grounds one hour after closing on Friday and Saturday nights.

AYES: Commissioners: Borelli, Marzolf, McGladdery, and Rasmussen
NOES: Commissioners: Schmidt and Stafford
ABSENT: Commissioners: Rice
ABSTAIN: Commissioners:

Vote on Use Permit
to allow a dance
club at
112 S. Cherokee
Lane

ANNOUNCEMENTS

Community Development Director Bartlam congratulated John Schmidt on his reappointment and thanked Harry for his 16 years on the Planning Commission.

As there was no further business to be brought before the Planning Commission, Chairman Rasmussen adjourned the session at 9:20 p.m.

Respectfully submitted,



Lisa Wagner
Secretary



**MEMORANDUM, City of Lodi, Community Development
Department**

To: Planning Commission
From: Community Development Department
Date: June 23, 1997
Subject: The request of Lidia Favila and Otilia Favila Gutierrez for a Use Permit to allow a dance club with alcohol on the second floor of the Richmaid Building at 112 South Cherokee Lane.

SUMMARY

The proposal is to convert the second floor of the Richmaid Building into a dance club to be called Ritmos. Clientele will be dancing to Latin music such as, salsa, merengue, and jazz performed by musicians as well as music played by a disc jockey. The project proponent is planning to cater to an over 21 crowd and will be serving beer. There are no plans for food service.

BACKGROUND

The Richmaid Restaurant and Ice Creamery was built in 1945 and continued in that capacity until the late 1970's or early 80's. In 1983, a Use Permit was approved to convert a portion of the banquet room facilities on the upper floor into a card room. There are no records of any conditions which may have been placed on such use.

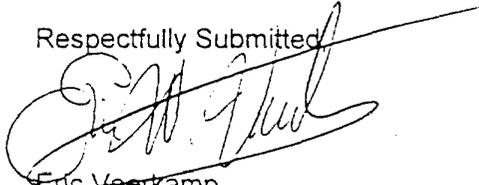
In 1991, another Use Permit was approved by the Planning Commission to convert the second floor level into "The Opponent," a billiard hall and video game arcade serving food and beer. According to our files, the only restrictions/conditions placed on "The Opponent" were that it conform to the portions of the Municipal Code pertaining to poolrooms.

Since approximately 1994, there has been no activity in this commercial space. "The Opponent" went out of business and nothing opened in its place. A restaurant continued its operations on the ground floor until about two (2) years ago. Since that time, all portions of the building have been vacant except the San Francisco Ice Cream Company. The office portion of this business is located at 110 South Cherokee. The manufacturing/warehouse portion of the San Francisco Ice Cream Co. is toward the rear or east property line and is accessed by trucks through the south parking lot.

RECOMMENDATION

Staff recommends approving the request of Lidia Favila and Otilia Favila Gutierrez for a Use Permit to allow a dance club with alcohol on the second floor of the Richmaid Building at 112 South Cherokee Lane, subject to the conditions on the attached Resolution.

Respectfully Submitted,



Eric Veerkamp
Associate Planner

Reviewed & Concur,



Konradt Bartlam
Community Development Director

KB/EV/lw

Attachments

**CITY OF LODI
PLANNING COMMISSION
Staff Report**

MEETING DATE: June 23, 1997

APPLICATION NO: Use Permit U-97-02

REQUEST: Approval by the Planning Commission of a Use Permit to allow the use of the second floor of the Richmaid Building as a dance hall.

LOCATION: 112 South Cherokee Lane

APPLICANT: Lidia Favila Gutierrez and Otilia Favila Gutierrez
836 South Central Avenue
Lodi, CA 95240

PROPERTY OWNER: Henry Hansen
652 East Pine Street
Lodi, CA 95240

Site Characteristics:

General Plan Designation: GC; General Commercial
Zoning Designation: C2; General Commercial
Property Size: .70 acres

Adjacent Zoning and Land Use:

North: C-2, General Commercial/ On the north side of the Richmaid building is additional parking. Continuing to the north across East Oak Street, is the Geweke Ford used car lot.

South: C-2, General Commercial/ Across the parking lot on the other side of a four-foot-high chain link fence is the Lodi Auto Parts store.

East: M-1, Light Industrial/ To the east of the Richmaid Building is Dry Creek Rock, a concrete and landscaping materials business.

West: C-2, General Commercial/ Across Cherokee Lane is Howard's Barber Shop.

Neighborhood Characteristics:

The Richmaid Building is somewhat of a landmark in Lodi. It use to be a favorite lunch and ice cream stop for travelers passing through town on Cherokee Lane (Old Highway 99). Taken together with the surrounding commercial business, this site helps to make up the Cherokee Lane commercial corridor. This mature commercial strip should continue to anchor Lodi's east side.

ENVIRONMENTAL ASSESSMENTS:

This project is Categoricaly Exempt from CEQA review as activity is limited to existing facilities only.

PUBLIC HEARING NOTICE:

Legal Notice for the Use Permit was published on June 13, 1997. A total of 20 notices were sent to all property owners of record within a 300-foot radius of the subject property.

RECOMMENDATION:

Staff recommends that the Planning Commission approve the request of Lidia Favila and Otilia Favila Gutierrez for a Use Permit to allow a dance club with alcohol on the second floor of the Richmaid Building at 112 South Cherokee Lane, subject to the conditions as set forth in the attached resolution.

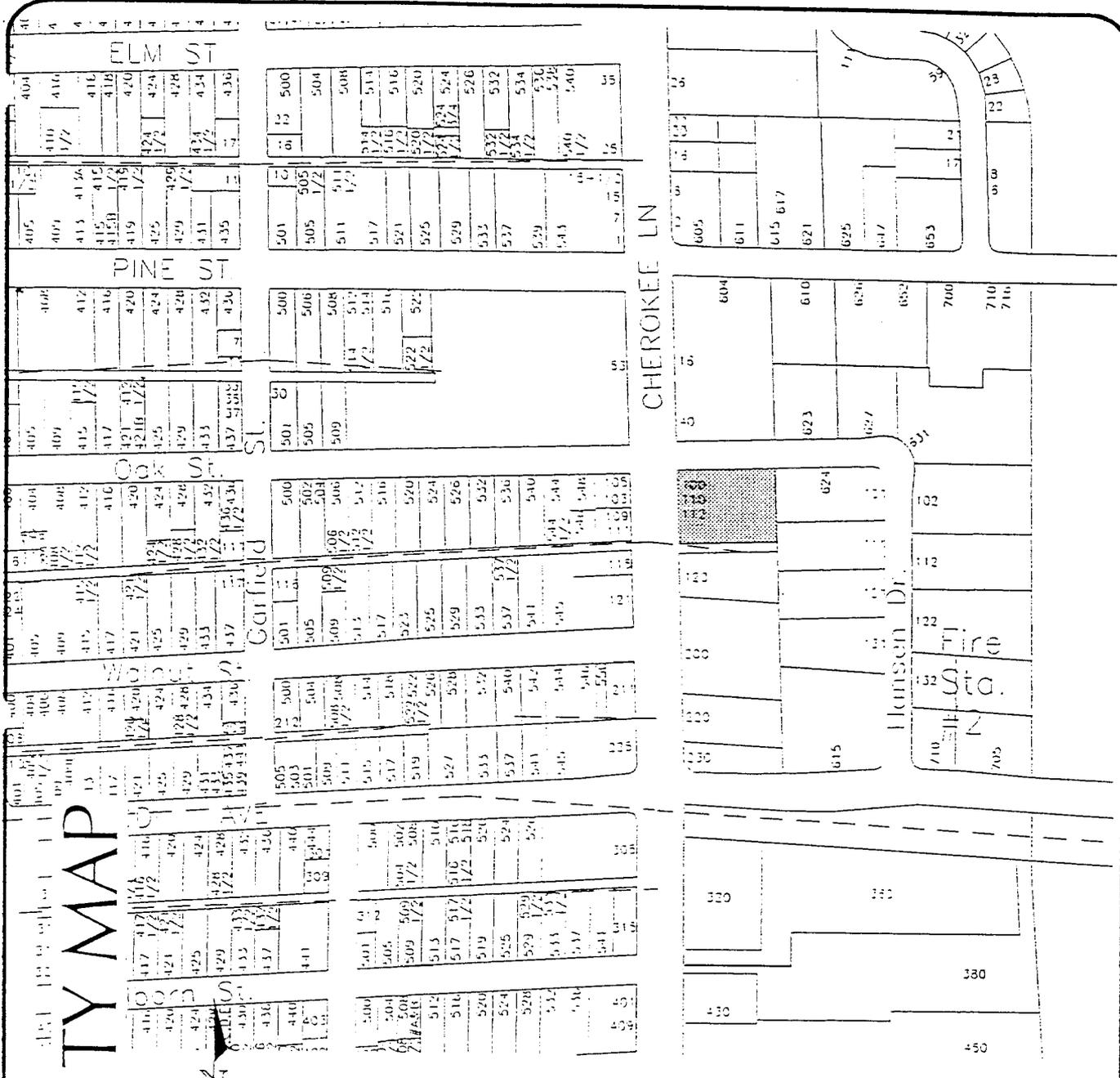
ALTERNATIVE PLANNING COMMISSION ACTIONS:

- Approve the Use Permit with alternate conditions
- Deny the Use Permit
- Continue the Request

ATTACHMENTS:

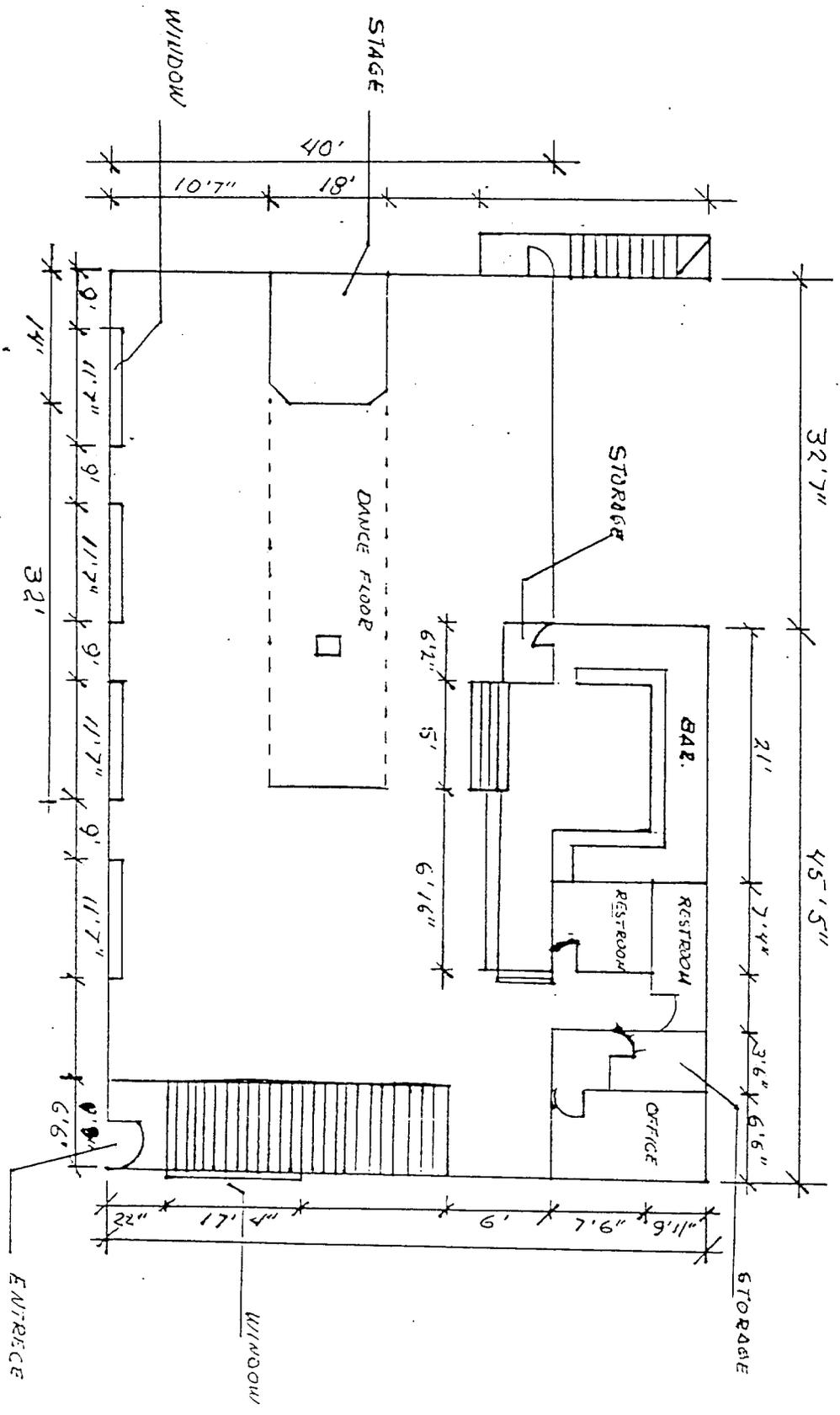
Vicinity Map
Site Plan
Floor Plan
Resolution

VICINITY MAP



Lidia Favila Gutierrez
 Dance Club
 112 South Cherokee Lane
 U-97-02 6/23/97

SUMMARY
 BUILDING: + - 1130 SF.



RITMO'S
 LIDIA GUTIERREZ

RESOLUTION NO. P.C. 97-11

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LODI
APPROVING A USE PERMIT ALLOWING THE RITMOS DANCE CLUB ON THE
UPPER FLOOR OF THE RICHMAID BUILDING, LOCATED AT 112 SOUTH
CHEROKEE LANE

WHEREAS, the Planning Commission of the City of Lodi has heretofore held a duly noticed public hearing, as required by law and in accordance with Lodi Municipal Code, Section 17.72.070, on the requested Use Permit to allow the Ritmos Dance Club at 112 South Cherokee Lane, Lodi.

WHEREAS, the project proponent is Lidia Favila and Otilia Favila Gutierrez, 836 South Central Avenue, Lodi, CA 95240.

WHEREAS, all legal prerequisites to the approval of this request have occurred.

WHEREAS, the property is zoned C-2, General Commercial.

WHEREAS, the property is located at 112 South Cherokee Lane (upper floor).

NOW, THEREFORE, BE IT FOUND, DETERMINED AND RESOLVED by the Planning Commission of the City of Lodi as follows.

- 1) A Notice of Exemption has been prepared in compliance with the California Environmental Quality Act of 1970, as amended, and the Guidelines provided thereunder.
- 2) It is hereby found that the Use Permit approval is unlikely to cause public health problems.
- 3) It is further found that the approval of the Use Permit is consistent with general and specific plans.
- 4) Use Permit Application No. 97-02 is hereby approved, subject to the following conditions:
 - A) The Ritmos Dance Club shall limit dancing to Thursday through Saturday with music *only* on Friday and Saturday nights. The club shall close at 2:00 AM.
 - B) The Ritmos club shall abide by all requirements of the City's Noise Ordinance. Furthermore, the upper floor windows shall remain closed during normal operating hours in order to contain noise within the building.
 - C) The adjacent south parking area at 120 South Cherokee Lane shall be designated as the parking lot for the Ritmos Dance Club.
 - D) The following improvements shall be made to said parking lot at 120 South Cherokee Lane prior to occupancy of the Ritmos club:
 - a) The parking surface shall be repaved and the lines of the parking spaces shall be repainted per City Standards.

- b) The parking lot shall be made free of weeds and other debris.
- c) The ice cream manufacturing equipment storage area at the rear of said parking lot shall be either cleaned up by removal of the equipment, or by screening of the area by a solid fence at least seven (7) feet high.
- d) At least two low-level, shielded lights illuminating the paved area shall be added to the interior of the parking lot.
- E) All paved or concrete areas either in front (west side) of the Richmaid Building or on the north side of the building shall be made free of weeds and other debris.
- F) All building mounted signs pertaining to previous businesses except the original Richmaid Ice Cream sign, shall be either removed or painted over to the satisfaction of the Community Development Director. This includes accessory signs "tacked on" to the Richmaid sign.
- G) All broken second story windows shall be repaired or replaced.
- H) A minimum of two uniformed security officers be present at the club during all hours of operation. Additionally, a minimum of 2 guards shall remain on the premises until 1-hour after closing time. Said officers shall meet Lodi Police Department's criteria for security personnel.
- I) The applicant shall sign a notarized affidavit within ten (10) days after adoption of this resolution indicating an acceptance of all conditions of approval.
- J) The Use Permit shall be reviewed by the Planning Commission six months from the date of adoption on 12/23/97.

Dated: June 23, 1997

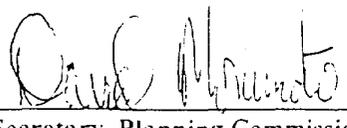
I hereby certify that Resolution No. 97-11 was passed and adopted by the Planning Commission of the City of Lodi at a regular meeting held on June 23, 1997, by the following vote:

AYES: Commissioners: Borelli, Marzolf, McGladdery, and Rasmussen

NOES: Commissioners: Schmidt and Stafford

ABSENT: Commissioners: Rice

ABSTAIN:

ATTEST: 
 for Secretary, Planning Commission



DECLARATION OF MAILING

Public Hearing: To Consider the Appeal of a Use Permit to Allow a Dance Club with Alcohol at 112 South Cherokee Lane

On July 18, 1997, in the City of Lodi, San Joaquin County, California, I deposited in the United States mail, envelopes with first-class postage prepaid thereon, containing a copy of the Notice attached hereto, marked Exhibit "A"; said envelopes were addressed as is more particularly shown on Exhibit "B" attached hereto.

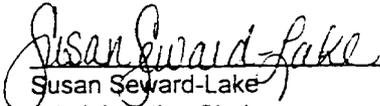
There is a regular daily communication by mail between the City of Lodi, California, and the places to which said envelopes were addressed.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on July 18, 1997, at Lodi, California.

Alice M. Reimche
City Clerk

Jacqueline L. Taylor
Deputy City Clerk


Susan Seward-Lake
Administrative Clerk



CITY OF LODI

Carnegie Forum
305 West Pine Street, Lodi

NOTICE OF PUBLIC HEARING

Date: August 20, 1997, 1997

Time: 7:00 p.m.

For information regarding this notice please contact:

Alice M. Reimche

City Clerk

Telephone: (209) 333-6702

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that on **Wednesday, August 20, 1997** at the hour of 7:00 p.m., or as soon thereafter as the matter may be heard, the City Council will conduct a Public Hearing to consider the following matter:

- a) to consider the appeal of a Use Permit to allow a dance club with alcohol on the second floor of the Richmaid Building at 112 South Cherokee Lane

Information regarding this item may be obtained in the office of the Community Development Director, 221 W. Pine Street, Lodi, California. All interested persons are invited to present their views and comments on this matter. Written statements may be filed with the City Clerk at any time prior to the hearing scheduled herein, and oral statements may be made at said hearing.

If you challenge the subject matter in court, you may be limited to raising only those issues you or someone else raised at the Public Hearing described in this notice or in written correspondence delivered to the City Clerk, 221 West Pine Street, at or prior to the Public Hearing.

By Order of the Lodi City Council:

Alice M. Reimche
City Clerk

Dated: July 16, 1997

Approved as to form:

Randall A. Hays
City Attorney

Dance Club - 112 S. Cherokee Ln.

	FirstName	LastName	Address1	City	State	Postal Code
1.	GEWEKE LAND	DEV. & MARKETING	P.O. BOX 1210	LODI	CA	95241
2.	JORGEN & KAREN	SORENSEN	627 E. OAK ST	LODI	CA	95240
3.	HENRY	HANSEN	P.O. BOX 437	LODI	CA	95241
4.	DENNIS	DURRELL	6016 E. PINE ST	LODI	CA	95240
5.	WILFRED & KATE	TOMBO	2510 ARDEE LN	SAN FRANCISCO	CA	94080
6.	THOMAS	MOYER	2548 CHERRY AV	SAN JOSE	CA	95129
7.	SALVADOR & LUZ	GOMEZ	P.O. BOX 695	LOCKEFORD	CA	95237
8.	ROSEMARY	MARTINEZ	2204 NEWBURY CI	LODI	CA	95240
9.	GEORGE & VICKKI	CECCHETTI	544 E. WALNUT ST	LODI	CA	95240
10.	PAUL & SHERYLL	SALSEDO	542 E WALNUT ST	LODI	CA	95240
11.	ARETH	NICOLAOU	541 E. WALNUT ST	LODI	CA	95240
12.	WILLIAM	REBHOLTZ	545 E. WALNUT ST	LODI	CA	95240
13.	EMIL & BILLIE	PANSKY	901 JACKLING DR	HILLSBOROUGH	CA	94010
14.	BOZANT	KATZAKIAN	207 RIVER OAKS DR	LODI	CA	95240
15.	LOUIS	KASTAN	109 S. CHEROKEE LN	LODI	CA	95240
16.	GAYLEN	PHILLIPS	103 S. CHEROKEE LANE	LODI	CA	95240
17.	JANICE	BAXTER	548 E. OAK ST	LODI	CA	95240
18.	DARRELL & CYNTHIA	LEWIS	924 LAKE HOME DR	LODI	CA	95242
19.	DENNY JO	HUTTON	522 E. PINE ST	LODI	CA	95240
20.	LODI UNIFIED SCHOOL	DISTRICT-PLANNING	1305 E. VINE ST	LODI	CA	95240

Re: PH- Richmaid

July 23, 1997

Lodi City Council
305 West Pine Street
Lodi, California 95240

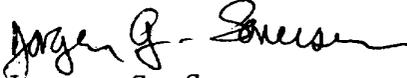
JUL 29 1997

Re: Dancehall Hearing-Richmaid Bldg.

Since we do not live in this area we would not be affected with this operation. However, the homes where people are living on Oak street and Walnut street and the surrounding area should be consulted about this matter.

Maybe there should be restricted hours of operation like until 10:00 P.M. or, no alcohol served after 10:00 P.M. or, maybe no alcohol served at all. Alcohol seems to bring about activity that to most of us is not desirable.

Sincerely,


Jorgen G. Sorensen
Pres./Jergen's Inc.

JS/ks



CITY OF LODI
Carnegie Forum
 305 West Pine Street, Lodi

NOTICE OF PUBLIC HEARING
 Date: August 20, 1997, 1997
 Time: 7:00 p.m.

For information regarding this notice please contact:
Alice M. Reimche
 City Clerk
 Telephone: (209) 333-6702

F-1

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that on **Wednesday, August 20, 1997** at the hour of 7:00 p.m., or as soon thereafter as the matter may be heard, the City Council will conduct a Public Hearing to consider the following matter:

- a) to consider the appeal of a Use Permit to allow a dance club with alcohol on the second floor of the Richmaid Building at 112 South Cherokee Lane

Information regarding this item may be obtained in the office of the Community Development Director, 221 W. Pine Street, Lodi, California. All interested persons are invited to present their views and comments on this matter. Written statements may be filed with the City Clerk at any time prior to the hearing scheduled herein, and oral statements may be made at said hearing.

If you challenge the subject matter in court, you may be limited to raising only those issues you or someone else raised at the Public Hearing described in this notice or in written correspondence delivered to the City Clerk, 221 West Pine Street, at or prior to the Public Hearing.

By Order of the Lodi City Council:

Alice M. Reimche
 Alice M. Reimche
 City Clerk

Dated: July 16, 1997

Approved as to form:

Randall A. Hays
 Randall A. Hays
 City Attorney

RECEIVED

Time _____

AUG 15 1997

Alice M. Reimche
 City Clerk
 City of Lodi

*LETTERS FROM PROPERTY OWNERS AND BUSINESSES
 PROTESTING A DANCE CLUB AT 112 S. CHEROKEE LANE.*

	FirstName	LastName	Address1	City	State	Postal Code
1.	GEWEKE LAND	DEV. & MARKETING	P.O. BOX 1210	LODI	CA	95241
2.	JORGEN & KAREN	SORENSEN	627 E. OAK ST	LODI	CA	95240
3.	HENRY	HANSEN	P.O. BOX 437	LODI	CA	95241
4.	DENNIS	DURRELL	6016 E. PINE ST	LODI	CA	95240
5.	WILFRED & KATE	TOMBO	2510 ARDEE LN	SAN FRANCI SCO	CA	94080
6.	THOMAS	MOYER	2548 CHERRY AV	SAN JOSE	CA	95129
7.	SALVADOR & LUZ	GOMEZ	P.O. BOX 695	LOCKE FORD	CA	95237
8.	ROSEMARY	MARTINEZ	2204 NEWBURY CI	LODI	CA	95240
9.	GEORGE & VICKKI	CECCHETTI	544 E. WALNUT ST	LODI	CA	95240
10.	PAUL & SHERYLL	SALSEDO	542 E WALNUT ST	LODI	CA	95240
11.	ARETH	NICOLAOU	541 E. WALNUT ST	LODI	CA	95240
12.	WILLIAM Priscilla	REBHOLTZ Miranda	545 E. WALNUT ST	LODI	CA	95240
13.	EMIL & BILLIE	PANSKY	901 JACKLING DR Salvation Army	HILLSB OROUGH	CA	94010
14.	BOZANT	KATZAKIAN	207 RIVER OAKS DR Bookkeeping	LODI	CA	95240
15.	LOUIS	KASTAN	109 S. CHEROKEE LN	LODI	CA	95240
16.	GAYLEN	PHILLIPS	873 E. PINE ST	LODI	CA	95240
17.	JANICE	BAXTER	548 E. OAK ST	LODI	CA	95240
18.	DARRELL & CYNTHIA	LEWIS	924 LAKE HOME DR	LODI	CA	95242
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20.	LODI UNIFIED SCHOOL	DISTRICT- PLANNING	1305 E. VINE ST	LODI	CA	95240

FOR SALE

new Purchase

FOR SALE

Aug 6-02 (20)

green are Personal Residences
pink are Business Bldg.

RECEIVED

Time _____

AUG 15 1997

Alice M. Reimche
City Clerk
City of Lodi

Lodi City Council
Lodi, CA

RE: DANCE CLUB @ 112 S. CHEROKEE LANE

We the property owners and businesses on Cherokee Lane are undergoing a beautification program, so the city has informed us.

Why do we pay more taxes to have this rejuvenation process completed only to regress the area by allowing another business of this nature in our neighborhood. We are already striving to cultivate and improve business, and this type of business can only cause:

1. More traffic on an already busy road.
2. Loud noises late at night to residences in the area.
3. More Police activity required to patrol the area late at night.

We feel this type of establishment unfortunately bring with it many problems, which we feel in this area are not needed. There are already 6 clubs on

CHEROKEE LANE IN LODI

MORE is not wanted nor needed by area residents or businesses.

Concerned Citizens

Victor G. Miranda Jr.
545 East Walnut
Lodi Ca.

RECEIVED

Time _____

AUG 15 1997

Alice M. Reimche
City Clerk
City of Lodi

Lodi City Council
Lodi, CA

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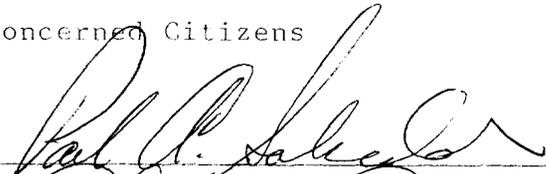
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CHEROKEE LANE IN LODI

MORE is not wanted nor needed by area residents or businesses.

Concerned Citizens





542 E Walnut St.

Lodi City Council
Lodi, California 95240

Ref: DANCE CLUB: 112 S. Cherokee Lane

We, the property owners and businesses on Cherokee Lane are undergoing a beautification program; so the City has informed us.

Why do we pay more taxes to have this rejuvenation program (process) completed only to regress the area by allowing another business of ALCOHOL nature in our neighborhood? A DANCE CLUB serving ALCOHOL can only bring down the area already striving to cultivate and improve business. The mixture of alcohol and "LOUD MUSIC" even if only two (2) or three (3) nights a week can cause:

- 1) More traffic on an already busy road.
- 2) Loud noises late at night, residences in the area.
- 3) More Police activity required to patrol the area late at night.

During the City Planning Commissions' Meeting the potential tenant stated "there were no places for Latino entertainment!" Surveying this City of Lodi, we discovered the minimum of 25 "clubs", 11 of which are predominantly Latino. Disproving the theory that there are no places for Latinos to go for their type of music.

As we are sure you are aware most establishments that cater to DRINKING and DANCING as their primary source of income, unfortunately bring with it many other problems, which we feel in this area are not needed.

There are already six (6) CLUBS on Cherokee Lane in Lodi.

More are not wanted nor needed by area residents and business persons.

Concerned Citizens,

Geraldine Schaffer
207 River Oak Drive
Lodi Ca. 95240

8/13/97
(date)

Prop. at 115 S. Cherokee

Lodi City Council
Lodi, CA

RE: DANCE CLUB @ 112 S. CHEROKEE LANE

We the property owners and businesses on Cherokee Lane are undergoing a beautification program, so the city has informed us.

Why do we pay more taxes to have this rejuvenation process completed only to regress the area by allowing another business of this nature in our neighborhood. We are already striving to cultivate and improve business, and this type of business can only cause:

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CHEROKEE LANE IN LODI

MORE is not wanted nor needed by area residents or businesses.

Concerned Citizens

Cynthia Lewis
544
544 1/2 E. Oak St. Lodi, CA
(209) 333-2302

Lodi City Council
Lodi, Ca.

Re: DANCE CLUB @ 112 S. CHEROKEE LANE

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As we are sure you are aware most establishments that cater to DRINKING AND DANCING as their primary source of income unfortunately bring with it many problems, which we feel in this area are not needed. There are already 6 clubs on

CHEROKEE LANE IN LODI

more is not wanted nor needed by area residents.

Concerned Citizens

Ray S. Phillips
103 S. Cherokee Lane,
Lodi Ca

Lodi City Council
Lodi, Ca.

Re: DANCE CLUB @ 112 S. CHEROKEE LANE

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CHEROKEE LANE IN LODI

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Concerned Citizens

J. Butler
548 E Oak St
Lodi Ca

Lodi City Council
Lodi, Ca.

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CHEROKEE LANE IN LODI

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Concerned Citizens



Vikki Cerchetti

544 E. Walnut St

Lodi, Ca 95240

Lodi City Council
Lodi, Ca.

Re: DANCE CLUB @ 112 S. CHEROKEE LANE

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Concerned Citizens

Kate H. Tombo
626 E. PINE
LODI, CA 95240

Lodi City Council
Lodi, Ca.

Re: DANCE CLUB @ 112 S. CHEROKEE LANE

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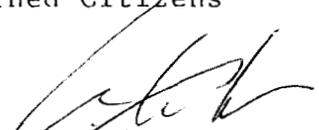
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CHEROKEE LANE IN LODI

more is not wanted nor needed by area residents.

Concerned Citizens



WILFREDO C. TOMBO

626 E. PINE ST.

LODI, CA. 95240

Lodi City Council
Lodi, Ca.

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CHEROKEE LANE IN LODI

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Concerned Citizens



109 S. Cherokee Lane

Lodi, Ca 95240

Lodi City Council
Lodi, Ca.

Re: DANCE CLUB @ 112 S. CHEROKEE LANE

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CHEROKEE LANE IN LODI

more is not wanted nor needed by area residents.

Concerned Citizens

Evelyn Pastor
109 S. Cherokee Ln
Lodi Ca, 95240

Lodi City Council
Lodi, Ca.

Re: DANCE CLUB @ 112 S. CHEROKEE LANE

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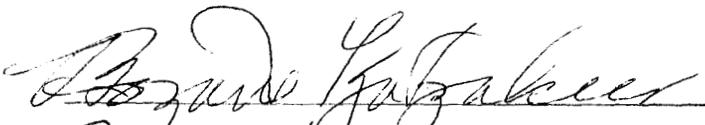
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CHEROKEE LANE IN LODI

more is not wanted nor needed by area residents.

Concerned Citizens



BOZANT KATZAKIAN

P.O. Box 1778

LODI, CA. 95241

8-9-97

Drop at 115 S. Cherokee

Lodi City Council
Lodi, Ca.

Re: DANCE CLUB @ 112 S. CHEROKEE LANE

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CHEROKEE LANE IN LODI

more is not wanted nor needed by area residents.

Concerned Citizens

Paul J. Kinsky *Owner* 7/11/97
121 S. Cherokee Lane (Salvation Army Store)
Lodi Ca

Lodi City Council
Lodi, Ca.

Re: DANCE CLUB @ 112 S. CHEROKEE LANE

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CHEROKEE LANE IN LODI

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Concerned Citizens



210 E Pine St

Lodi Ca

Lodi City Council
Lodi, Ca.

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CHEROKEE LANE IN LODI

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Concerned Citizens

HOWARD S BARBER SHOP

Bruce P. Coughlin

111 S. Cherokee Ln

Lodi Ca 95240

Lodi City Council
Lodi, Ca.

Re: DANCE CLUB @ 112 S. CHEROKEE LANE

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CHEROKEE LANE IN LODI

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Concerned Citizens

HOWARD'S BARBER SHOP



111 S. CHEROKEE LN

Lodi CA 95240

Lodi City Council
Lodi, Ca.

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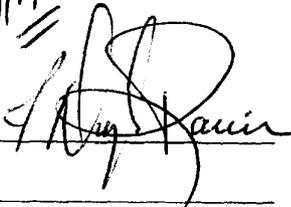
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CHEROKEE LANE IN LODI

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Concerned Citizens

F. DOUGLAS RAUER
RAUER BOOKKEEPING
115 SO CHEROKEE LN.
LODI, CALIFORNIA 95240

7/11/97


Lodi City Council
Lodi, Ca.

Re: DANCE CLUB @ 112 S. CHEROKEE LANE

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F. DOUGLAS RAUER
RAUER BOOKKEEPING
115 SO CHEROKEE LN.
LODI, CALIFORNIA 95240

Carol A. Rauer 7/1/97

RESOLUTION NO. 97-121

A RESOLUTION OF THE LODI CITY COUNCIL DENYING THE APPEAL OF USE PERMIT NO. U-97-02, THEREBY ALLOWING RITMOS DANCE CLUB TO OPERATE A DANCE CLUB ON THE SECOND FLOOR OF THE RICHMAID BUILDING AT 112 SOUTH CHEROKEE LANE UNDER CERTAIN CONDITIONS, AS SET FORTH IN PLANNING COMMISSION RESOLUTION NO. P.C. 97-11 AND THE AMENDED CONDITION AS SET FORTH BELOW

BE IT RESOLVED, that the Lodi City Council hereby denies the appeal of Use Permit No. U-97-02, thereby allowing Ritmos Dance Club to operate a dance club on the second floor of the Richmaid Building at 112 South Cherokee Lane, under the following conditions:

- 1.) All conditions specified in Planning Commission Resolution No. P.C. 97-11 be adhered to as shown on Exhibit A attached hereto and made a part hereof, except for an amendment to Section 4 – A which shall read as follows:
 - A) The Ritmos Dance Club shall limit dancing to Thursday through Saturday with live music allowed only on Friday and Saturday nights. The club shall close at 2:00 a.m.

Dated: August 20, 1997

I hereby certify that Resolution No. 97-121 was passed and adopted by the Lodi City Council in a regular meeting held August 20, 1997 by the following vote:

AYES: COUNCIL MEMBERS - Land, Sieglock, Warner and Pennino (Mayor)
NOES: COUNCIL MEMBERS - Mann
ABSENT: COUNCIL MEMBERS - None
ABSTAIN: COUNCIL MEMBERS - None


ALICE M. REIMCHE
City Clerk

RESOLUTION NO. P.C. 97-11

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LODI
APPROVING A USE PERMIT ALLOWING THE RITMOS DANCE CLUB ON THE
UPPER FLOOR OF THE RICHMAID BUILDING, LOCATED AT 112 SOUTH
CHEROKEE LANE**

WHEREAS, the Planning Commission of the City of Lodi has heretofore held a duly noticed public hearing, as required by law and in accordance with Lodi Municipal Code, Section 17.72.070, on the requested Use Permit to allow the Ritmos Dance Club at 112 South Cherokee Lane, Lodi.

WHEREAS, the project proponent is Lidia Favila and Otilia Favila Gutierrez, 836 South Central Avenue, Lodi, CA 95240.

WHEREAS, all legal prerequisites to the approval of this request have occurred.

WHEREAS, the property is zoned C-2, General Commercial.

WHEREAS, the property is located at 112 South Cherokee Lane (upper floor).

NOW, THEREFORE, BE IT FOUND, DETERMINED AND RESOLVED by the Planning Commission of the City of Lodi as follows.

- 1) A Notice of Exemption has been prepared in compliance with the California Environmental Quality Act of 1970, as amended, and the Guidelines provided thereunder.
- 2) It is hereby found that the Use Permit approval is unlikely to cause public health problems.
- 3) It is further found that the approval of the Use Permit is consistent with general and specific plans.
- 4) Use Permit Application No. 97-02 is hereby approved, subject to the following conditions:
 - A) The Ritmos Dance Club shall limit dancing to Thursday through Saturday with music *only* on Friday and Saturday nights. The club shall close at 2:00 AM.
 - B) The Ritmos club shall abide by all requirements of the City's Noise Ordinance. Furthermore, the upper floor windows shall remain closed during normal operating hours in order to contain noise within the building.
 - C) The adjacent south parking area at 120 South Cherokee Lane shall be designated as the parking lot for the Ritmos Dance Club.
 - D) The following improvements shall be made to said parking lot at 120 South Cherokee Lane prior to occupancy of the Ritmos club:
 - a) The parking surface shall be repaved and the lines of the parking spaces shall be repainted per City Standards.

- b) The parking lot shall be made free of weeds and other debris.
- c) The ice cream manufacturing equipment storage area at the rear of said parking lot shall be either cleaned up by removal of the equipment, or by screening of the area by a solid fence at least seven (7) feet high.
- d) At least two low-level, shielded lights illuminating the paved area shall be added to the interior of the parking lot.
- E) All paved or concrete areas either in front (west side) of the Richmaid Building or on the north side of the building shall be made free of weeds and other debris.
- F) All building mounted signs pertaining to previous businesses except the original Richmaid Ice Cream sign, shall be either removed or painted over to the satisfaction of the Community Development Director. This includes accessory signs "tacked on" to the Richmaid sign.
- G) All broken second story windows shall be repaired or replaced.
- H) A minimum of two uniformed security officers be present at the club during all hours of operation. Additionally, a minimum of 2 guards shall remain on the premises until 1-hour after closing time. Said officers shall meet Lodi Police Department's criteria for security personnel.
- I) The applicant shall sign a notarized affidavit within ten (10) days after adoption of this resolution indicating an acceptance of all conditions of approval.
- J) The Use Permit shall be reviewed by the Planning Commission six months from the date of adoption on 12/23/97.

Dated: June 23, 1997

I hereby certify that Resolution No. 97-11 was passed and adopted by the Planning Commission of the City of Lodi at a regular meeting held on June 23, 1997, by the following vote:

AYES: Commissioners: Borelli, Marzolf, McGladdery, and Rasmussen

NOES: Commissioners: Schmidt and Stafford

ABSENT: Commissioners: Rice

ABSTAIN:

ATTEST: 
for Secretary, Planning Commission

CITY COUNCIL

PHILLIP A. PENNINO, Mayor

JACK A. SIEGLOCK
Mayor Pro Tempore

KEITH LAND

STEPHEN J. MANN

DAVID P. WARNER

CITY OF LODI

CITY HALL, 221 WEST PINE STREET

P.O. BOX 3006

LODI, CALIFORNIA 95241-1910

(209) 333-6702

FAX (209) 333-6807

H. DIXON FLYNN

City Manager

ALICE M. REIMCHE

City Clerk

RANDALL A. HAYS

City Attorney

August 25, 1997

Re: **Public Hearing Regarding Appeal Of Use Permit To Allow A Dance Club With Alcohol On The Second Floor Of The Richmaid Building At 112 South Cherokee Lane**

Please let this letter serve as notification of Council action on the above referenced Public Hearing which was heard before the Lodi City Council on August 20, 1997.

The City Council denied the subject appeal and adopted Resolution No. 97-121 entitled, "A Resolution of the Lodi City Council Denying the Appeal of Use Permit No. U-97-02, Thereby Allowing Ritmos Dance Club to Operate a Dance Club on the Second Floor of the Richmaid Building at 112 South Cherokee Lane Under Certain Conditions, as Set Forth in Planning Commission Resolution No. PC 97-11 and the Amended Condition as Set Forth Below" of which a certified copy is attached.

Section 4(A) (as amended)

"The Ritmos Dance Club shall limit dancing to Thursday through Saturday with live music allowed only on Friday and Saturday nights. The club shall close at 2:00 a.m."

Should you have any questions, please feel free to contact the City Clerk's office or the Community Development Department at (209) 333-6711.

Sincerely,


Alice M. Reimche
City Clerk

AMR/JMP

Attachment

RESOLUTION NO. 97-121

A RESOLUTION OF THE LODI CITY COUNCIL DENYING THE APPEAL OF USE PERMIT NO. U-97-02, THEREBY ALLOWING RITMOS DANCE CLUB TO OPERATE A DANCE CLUB ON THE SECOND FLOOR OF THE RICHMAID BUILDING AT 112 SOUTH CHEROKEE LANE UNDER CERTAIN CONDITIONS, AS SET FORTH IN PLANNING COMMISSION RESOLUTION NO. P.C. 97-11 AND THE AMENDED CONDITION AS SET FORTH BELOW

BE IT RESOLVED, that the Lodi City Council hereby denies the appeal of Use Permit No. U-97-02, thereby allowing Ritmos Dance Club to operate a dance club on the second floor of the Richmaid Building at 112 South Cherokee Lane, under the following conditions:

- 1.) All conditions specified in Planning Commission Resolution No. P.C. 97-11 be adhered to as shown on Exhibit A attached hereto and made a part hereof, except for an amendment to Section 4 - A which shall read as follows:
 - A) The Ritmos Dance Club shall limit dancing to Thursday through Saturday with live music allowed only on Friday and Saturday nights. The club shall close at 2:00 a.m.

Dated: August 20, 1997

I hereby certify that Resolution No. 97-121 was passed and adopted by the Lodi City Council in a regular meeting held August 20, 1997 by the following vote:

AYES: COUNCIL MEMBERS - Land, Sieglock, Warner and Pennino (Mayor)
NOES: COUNCIL MEMBERS - Mann
ABSENT: COUNCIL MEMBERS - None
ABSTAIN: COUNCIL MEMBERS - None

The Foregoing Document is Certified
To Be A Correct Copy Of The Original
On File In This Office.

Alice M. Reimche
ALICE M. REIMCHE
City Clerk

97-121

Jennifer M. Perrin
Deputy City Clerk, City of Lodi

By *Jennifer M. Perrin*
Dated: *8/25/97*

RESOLUTION NO. P.C. 97-11

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LODI
APPROVING A USE PERMIT ALLOWING THE RITMOS DANCE CLUB ON THE
UPPER FLOOR OF THE RICHMAID BUILDING, LOCATED AT 112 SOUTH
CHEROKEE LANE**

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WHEREAS, the project proponent is Lidia Favila and Otilia Favila Gutierrez, 836 South Central Avenue, Lodi, CA 95240.

WHEREAS, all legal prerequisites to the approval of this request have occurred.

WHEREAS, the property is zoned C-2, General Commercial.

WHEREAS, the property is located at 112 South Cherokee Lane (upper floor).

NOW, THEREFORE, BE IT FOUND, DETERMINED AND RESOLVED by the Planning Commission of the City of Lodi as follows.

- 1) A Notice of Exemption has been prepared in compliance with the California Environmental Quality Act of 1970, as amended, and the Guidelines provided thereunder.
- 2) It is hereby found that the Use Permit approval is unlikely to cause public health problems.
- 3) It is further found that the approval of the Use Permit is consistent with general and specific plans.
- 4) Use Permit Application No. 97-02 is hereby approved, subject to the following conditions:
 - A) The Ritmos Dance Club shall limit dancing to Thursday through Saturday with music *only* on Friday and Saturday nights. The club shall close at 2:00 AM.
 - B) The Ritmos club shall abide by all requirements of the City's Noise Ordinance. Furthermore, the upper floor windows shall remain closed during normal operating hours in order to contain noise within the building.
 - C) The adjacent south parking area at 120 South Cherokee Lane shall be designated as the parking lot for the Ritmos Dance Club.
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- G) All broken second story windows shall be repaired or replaced.
- H) A minimum of two uniformed security officers be present at the club during all hours of operation. Additionally, a minimum of 2 guards shall remain on the premises until 1-hour after closing time. Said officers shall meet Lodi Police Department's criteria for security personnel.
- I) The applicant shall sign a notarized affidavit within ten (10) days after adoption of this resolution indicating an acceptance of all conditions of approval.
- J) The Use Permit shall be reviewed by the Planning Commission six months from the date of adoption on 12/23/97.

Dated: June 23, 1997

I hereby certify that Resolution No. 97-11 was passed and adopted by the Planning Commission of the City of Lodi at a regular meeting held on June 23, 1997, by the following vote:

AYES: Commissioners: Borelli, Marzolf, McGladdery, and Rasmussen

NOES: Commissioners: Schmidt and Stafford

ABSENT: Commissioners: Rice

ABSTAIN:

ATTEST: *Diana M. Marino*
for Secretary, Planning Commission

DANCE CLUB - U-97-02

FirstName	LastName	Address1	City	State	PostalCode
GEWEKE LAND	DEV. & MARKETI NG	P.O. BOX 1210	LOD I	CA	95241
JORGEN & KAREN HENRY	SORENSE N HANSEN	627 E. OAK ST P.O. BOX 437	LOD I LOD I	CA CA	95240 95241
DENNIS	DURRELL	6016 E. PINE ST	LOD I	CA	95240
WILFRED & KATE	TOMBO	2510 ARDEE LN	SAN FRA NCIS CO	CA	94080
THOMAS	MOYER	2548 CHERRY AV	SAN JOSE	CA	95129
SALVADO R & LUZ	GOMEZ	P.O. BOX 695	LOC KEF ORD	CA	95237
ROSEMAR Y	MARTINE Z	2204 NEWBUR Y CI	LOD I	CA	95240
GEORGE & VICKKI	CECCHET TI	544 E. WALNUT ST	LOD I	CA	95240
PAUL & SHERYLL	SALSEDO	542 E WALNUT ST	LOD I	CA	95240
ARETH	NICOLAO U	541 E. WALNUT ST	LOD I	CA	95240
WILLIAM	REBHOLT Z	545 E. WALNUT ST	LOD I	CA	95240
EMIL & BILLIE	PANSKY	901 JACKLIN G DR	HILL SBO ROU GH	CA	94010
BOZANT	KATZAKI AN	207 RIVER OAKS DR	LOD I	CA	95240
LOUIS	KASTAN	109 S. CHEROK EE LN	LOD I	CA	95240
GAYLEN	PHILLIPS	103 S. CHEROK EE LANE	LOD I	CA	95240
JANICE	BAXTER	548 E. OAK ST	LOD I	CA	95240
DARRELL &	LEWIS	924 LAKE HOME	LOD I	CA	95242

DANCE CLUB - U-97-02

FirstName	LastName	Address1	City	State	PostalCode
CYNTHIA		DR			
DENNY JO	HUTTON	522 E.	LOD	CA	95240
		PINE ST	I		
LODI	DISTRICT-	1305 E.	LOD	CA	95240
UNIFIED	PLANNIN	VINE ST	I		
SCHOOL	G				