



# CITY OF LODI

# COUNCIL COMMUNICATION

AGENDA TITLE: Conduct a Public Hearing to Consider Adoption of an Amendment to the Lodi Zoning Ordinance Regarding the Sale of Alcoholic Beverages.

MEETING DATE: April 1, 1998

PREPARED BY: Community Development Director

RECOMMENDED ACTION: That the City Council approve the Planning Commission's recommendation to adopt the amendment to Section 17.72 of the Lodi Municipal Code concerning the sale of alcoholic beverages.

BACKGROUND INFORMATION: The City has initiated this amendment as a mechanism to gain some local control in the locations that alcoholic beverages are sold. As the City has experienced over the years, some establishments that sell alcohol can become negative influences on the community. Problems arise such as an increase in Police calls for service, over concentration of land use, and negative aesthetics.

Currently, the only review that these establishments receive is a check on appropriate zoning and an informational item on the City Council agenda. With the approval of this amendment, a Use Permit will be required anytime a new business is proposed, when an existing business wants to expand, relocate, or when a modification of their license is desired. This ordinance will not effect any other existing outlets that sell alcohol.

Examples of the types of items that the Planning Commission may consider when reviewing an application include site considerations such as parking, lighting, signage, and adjacent land uses. Operational issues, like hours of operation and the number of similar establishments in a given neighborhood will also be reviewed. As with all Use Permit applications, the Planning Commission's action is appealable to the City Council.

FUNDING: None required

Konradt Bartlam  
Community Development Director

KB/ca

Attachment(s): Planning Commission Staff Report & Resolution  
Draft Ordinance

cc: City Attorney  
Eastside Improvement Committee

APPROVED: \_\_\_\_\_

H. Dixon Flynn -- City Manager



## MEMORANDUM, City of Lodi, Community Development Department

To: Planning Commission  
From: Community Development Director  
Date: February 25, 1998  
Subject: Zoning Ordinance amendment to Chapter 17.72 of the Lodi Municipal Code concerning the sale of alcoholic beverages

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### BACKGROUND

This City initiated amendment to the Zoning Ordinance pertains to the sale and consumption of alcoholic beverages. Currently, "on and off-sale" licenses are reviewed as a matter of information by the City Council. Provided the location of the proposed use meets the appropriate zoning designation, the City permits these uses without further discussion.

Based on meetings with City staff, including the Police Department, the Eastside Improvement Committee, and the State Department of Alcoholic Beverage Control, Staff is now recommending an ordinance amendment that would require any new or expanded proposal to sell alcohol to submit an application for, and receive approval of, a Use Permit by the Planning Commission. Issues that have occurred in the past that can be reviewed by the Commission include: the potential impacts on surrounding property such as noise, hours of operation, parking and signage. Further, while we do not always equate crime to alcohol, the Police Department has had problems with some establishments in the City. With a Use Permit in place, we can regulate that use much easier than the State, to and including, a revocation of the Use Permit.

An additional area that we may want to pay particular attention is the concentration of specific license types. An example of this is with off-sale General licenses, which are typically considered liquor stores. Another license type that may cause problems in high concentrations is a type 48, on-sale General-Public Premises, or commonly referred to as a bar. For example, Lodi currently has eight type 48's and two type 42's (beer and wine) in the downtown core.

The actual amendment is quite simple in terms of added language. As shown on Exhibit "A," we would propose to add the requirement to the Use Permit section (17.72) which will provide the requirement for all for new or expanded applications regardless of zone.

### RECOMMENDATION

Staff recommends that the Planning Commission adopt the draft resolution which recommends the City Council approve an ordinance amendment adding Section 17.72.040 F as outlined herein.

Respectively Submitted,

A handwritten signature in cursive script, appearing to read "Konrad Bartlam".

*for* Konrad Bartlam  
Community Development Director

RESOLUTION NO. P.C. 98-05

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LODI  
RECOMMENDING CITY COUNCIL ADOPTION OF A ZONING ORDINANCE  
AMENDMENT ADDING SECTION 17.72.040 F REQUIRING A USE PERMIT FOR  
THE SALE OF ALCOHOLIC BEVERAGES FOR ON OR OFF-SITE CONSUMPTION.

WHEREAS, the Planning Commission of the City of Lodi has heretofore held a duly noticed public hearing, as required by law, on the requested amendment and addition to the Municipal Code regarding the requirement for a Use Permit in order to sell alcoholic beverages for on or off-site consumption.

WHEREAS, the proposed amendment and additions to the Zoning Ordinance will affect all properties within the City of Lodi.

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

NOW, THEREFORE, BE IT FOUND, DETERMINED AND RESOLVED by 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. Further, the Commission has reviewed and considered the information contained in said Notice of Exemption with respect to the project identified in this Resolution.
2. The Planning Commission finds that approval of the zoning amendments and additions will result in good planning practice and be to the benefit of the population by eliminating sources of blight, deterioration and unsafe conditions which have an affect on the overall health and well-being of the general public.
3. That the Planning Commission recommends that the City Council approve the attached text amendment and additions found in Exhibit A.

Dated: February 25, 1998

I hereby certify that Resolution No. 98-05 was passed and adopted by the Planning Commission of the City of Lodi at a regular meeting held on February 25, 1998, by the following vote:

AYES: Commissioners: Borelli, Mattheis, Rasmussen, Rice, Schmidt, and  
Chairman McGladdery

NOES:

ABSENT: Commissioners: Stafford

ABSTAIN:

ATTEST:   
Secretary, Planning Commission

EXHIBIT "A"

17.72.40 Use Permits - Scope

F. Sale of alcoholic beverages, including beer and wine, for on or off-site consumption.

ORDINANCE NO. 1659

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LODI  
AMENDING CHAPTER 17.72 OF THE LODI MUNICIPAL CODE BY  
ADDING SECTION 17.72.040 (F) REQUIRING THE ISSUANCE OF A  
USE PERMIT PRIOR TO THE APPROVAL OF AN ESTABLISHMENT  
SELLING ALCOHOLIC BEVERAGES

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BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LODI AS FOLLOWS:

SECTION 1. Chapter 17.72.040 – Adjustments and Use Permits - is hereby amended by adding thereto a new Sub-Section 17.72.040 (F) relating to the requirement of a use permit prior to the approval of an establishment selling alcoholic beverages, to read as follows:

“F. Sale of alcoholic beverages, including beer and wine,  
for on or off-site consumption.”

Section 2. No Mandatory Duty of Care. This ordinance is not intended to and shall not be construed or given effect in a manner which imposes upon the City, or any officer, employee thereof, a mandatory duty of care towards persons or property within the City or outside of the City so as to provide a basis of all liability for damages, except as otherwise imposed by law.

Section 3 - Severability. If any provision of this ordinance or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application. To this end, the provisions of this ordinance are severable. The City Council hereby declares that it would have adopted this ordinance irrespective of the invalidity of any particular portion thereof.

Section 4. All ordinances and parts of ordinances in conflict herewith are repealed insofar as such conflict may exist.

Section 5. This ordinance shall be published one time in the “Lodi News Sentinel,” a daily newspaper of general circulation printed and published in the City of Lodi and shall be in force and take effect thirty days from and after its passage and approval.

Approved this \_\_\_\_ day of \_\_\_\_, 1998

\_\_\_\_\_  
Jack A. Sieglock  
Mayor

Attest:

ALICE M. REIMCHE  
City Clerk

State of California  
County of San Joaquin, ss.

I, Alice M. Reimche, City Clerk of the City of Lodi, do hereby certify that Ordinance No. 1659 was introduced at a regular meeting of the City Council of the City of Lodi held April 1, 1998 and was thereafter passed, adopted and ordered to print at a regular meeting of said Council held \_\_\_\_\_ by the following vote:

Ayes: Council Members -  
Noes: Council Members -  
Absent: Council Members -  
Abstain: Council Members -

I further certify that Ordinance No. 1659 was approved and signed by the Mayor on the date of its passage and the same has been published pursuant to law.

ALICE M. REIMCHE  
City Clerk

Approved as to Form:

RANDALL A. HAYS  
City Attorney



**CITY OF LODI**  
Carnegie Forum  
305 West Pine Street, Lodi

**NOTICE OF PUBLIC HEARING**  
Date: April 1, 1998  
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, April 1, 1998 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) Adoption of an Amendment to the Lodi Zoning Ordinance regarding the sale of alcoholic beverages.

Information regarding this item may be obtained in the office of the Community Development Department Director, 221 West 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: March 18, 1998

Approved as to form:

*Randall A. Hays*  
Randall A. Hays  
City Attorney