



# CITY OF LODI

## COUNCIL COMMUNICATION

**AGENDA TITLE:** Set public hearing for May 21, 2003, regarding the appeal of Juan Diaz of a Planning Commission approval of a Use Permit to establish a Type #20 Off-Sale Beer and Wine liquor license at 725 S. Cherokee Lane with the condition that the applicant transfer an existing license from within Lodi to the proposed location

**MEETING DATE:** May 7, 2003

**PREPARED BY:** J.D. Hightower, City Planner

**RECOMMENDED ACTION:** Set public hearing for May 21, 2003, regarding the appeal of Juan Diaz of a Planning Commission approval of a Use Permit to establish a Type #20 Off-Sale Beer and Wine liquor license at 725 S. Cherokee Lane with the condition that the applicant transfer an existing license from within Lodi to the proposed location.

**BACKGROUND INFORMATION:** On April 9, 2003, the Planning Commission approved the above use permit with the condition that the applicant transfer an existing license from within Lodi to the proposed location. The applicant is seeking to appeal this condition and seeking permission to transfer an existing license from within San Joaquin County.

**FUNDING:** None required

Konradt Bartlam  
Community Development Director

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

H. Dixon Flynn -- City Manager



# CITY OF LODI

Carnegie Forum  
305 West Pine Street, Lodi

## NOTICE OF PUBLIC HEARING

Date: May 21, 2003

Time: 7:00 p.m.

For information regarding this notice please contact:

**Susan J. Blackston**

City Clerk

Telephone: (209) 333-6702

# EXHIBIT A

### NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that on **Wednesday, May 21, 2003**, 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 at the Carnegie Forum, 305 West Pine Street, Lodi, to consider the following matter:

- a) The appeal of Juan Diaz to the Planning Commission's decision to approve a Use Permit to establish a Type #20 Off-Sale Beer and Wine liquor license at 725 South Cherokee Lane with the condition that the applicant transfer an existing license from within Lodi to the proposed location.

Information regarding this item may be obtained in the office of the Community Development Department, 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:

Susan J. Blackston  
City Clerk

Dated: May 7, 2003

Approved as to form:

Randall A. Hays  
City Attorney



*Please immediately confirm receipt  
of this fax by calling 333-6702*

CITY OF LODI  
P. O. BOX 3006  
LODI, CALIFORNIA 95241-1910

**ADVERTISING INSTRUCTIONS**

**SUBJECT:** TO SET PUBLIC HEARING REGARDING THE APPEAL OF JUAN DIAZ OF A PLANNING COMMISSION APPROVAL OF A USE PERMIT TO ESTABLISH A TYPE #20 OFF-SALE BEER AND WINE LIQUOR LICENSE AT 725 SOUTH CHEROKEE LANE WITH THE CONDITION THAT THE APPLICANT TRANSFER AN EXISTING LICENSE FROM WITHIN LODI TO THE PROPOSED LOCATION

**LEGAL AD**

**PUBLISH DATE:** SATURDAY MAY 10, 2003

**TEAR SHEETS WANTED:** Three (3) please

**SEND AFFIDAVIT AND BILL TO:** SUSAN BLACKSTON, CITY CLERK  
City of Lodi  
P.O. Box 3006  
Lodi, CA 95241-1910

**DATED:** THURSDAY, MAY 8, 2003

**ORDERED BY:**

*Patricia Ochoa*  
PATRICIA OCHOA  
ADMINISTRATIVE CLERK

JACQUELINE L. TAYLOR  
DEPUTY CITY CLERK

JENNIFER M. PERRIN  
DEPUTY CITY CLERK

**Verify Appearance of this Legal in the Newspaper – Copy to File**

Faxed to the Sentinel at 369-1084 at 11:11 am (time) on 5/8/03 (date) 2 (pages)  
LNS 5/8/03 Phoned to confirm receipt of all pages at 11:40 (time) Jac PO Tricia Jen (Initials)

**EXHIBIT B**

## Diaz Appeal

1. 04745027;GIANULIAS, CHRIS & PAULINE ;3220 PROVINCE TOWN CT ;MODESTO ;CA;95355
2. 04731301;KHAN, JUMMA ETAL ;533 W TOKAY ST ;LODI ;CA;95240
3. 04731302;BHAKTA, HASMUKH M & RITA H ;807 S CHEROKEE LN ;LODI ;CA;95240
4. 04737007;ARREDONDO, LUPE JR ETAL ;513 HAROLD ST ;LODI ;CA;95240
5. 04742004;DANCER, BONNIE TRUSTEE ;430 VALLEY DR ;LODI ;CA;95240
6. 04745003;BEST WESTERN ROYAL HOST INN LL;710 S CHEROKEE LN ;LODI ;CA;95240
7. 04745028;B N K DEVELOPMENT LLC ;PO BOX 9367 ;STOCKTON ;CA;95208
8. 04736002;CHATWOOD, SUSAN ETAL ;524 TOKAY ST ;LODI ;CA;95242
9. 04732309;SHAH, BISMILLAH & ZAHIDA ;747 S CENTRAL AVE ;LODI ;CA;95240
10. 04732311;SCHLAHT, RICHARD & R ;3477 BODE DR ;S LAKE TAHOE ;CA;96150
11. 04732403;HESS, IDA M TR ;1505 W IRIS DR ;LODI ;CA;95242
12. 04732404;ZIMMERMAN, ADELINE A TR ;519 MAPLE ST ;LODI ;CA;95240
13. 04732405;JAFFAR, SAJJAD KHAN ;521 E MAPLE ST ;LODI ;CA;95240
14. 04732406;KHAN, BANARAS ;525 MAPLE ST ;LODI ;CA;95240
15. 04732408;C R STAR INC ;409 APPLEWOOD DR ;LODI ;CA;95242
16. 04732410;HESS, BEVERLY TR ;PO BOX 35 ;LODI ;CA;95241
17. 04736001;CHATWOOD, SUSAN ETAL ;524 E TOKAY ST ;LODI ;CA;95240
18. 04736003;TRIOLO, RUSSELL & HELEN G TR ;1827 EDGEWOOD DR ;LODI ;CA;95240
19. 04736004;LIRA, JERRY ;532 E TOKAY ST ;LODI ;CA;95240
20. 04736005;KHAN, NAJIM ;532 1/2 E TOKAY ST ;LODI ;CA;95240
21. 04736006;CHAN, PETER & YUK MUI ;701 S CHEROKEE LN ;LODI ;CA;95240
22. 04737010;GONZALEZ, EFREN L & MARIA ;525 E HAROLD ST ;LODI ;CA;95240
23. 04737011;MARROQUIN, MANUEL ETAL ;529 E HAROLD ST ;LODI ;CA;95240
24. 04737012;KLUVER, GARY L ;533A HAROLD ST ;LODI ;CA;95240

25. 04737013;HUNT, ALFRED A & BETTE J ;4237 LELIA DR ;RIO VISTA  
;CA;94571
26. 04737014;KOEHLER, MICHAEL & BECKY L ;535 HAROLD ST ;LODI ;CA;95240
27. 04737015;GELSOMINI, SISTO C ;1806 N WILSON WAY ;STOCKTON ;CA;95205
28. 04737016;ARIOLA, DONALD BRADFORD TR ;PO BOX 2114 ;LODI ;CA;95241
29. 04737017;DIAZ, JUAN & IRMA ;12773 N LOWER SAC RD ;LODI ;CA;95242
30. 04737018;BRUCE, SHEILA K ;538 E HAROLD ST ;LODI ;CA;95240
31. 04737019;MARTIN, RITA ;532 E HAROLD ST ;LODI ;CA;95240
32. 04737020;PATEL, GHANSHYAM A & MITA G ET;528 E HAROLD ST ;LODI  
;CA;95240
33. 04737021;GONZALEZ, MARIA D ;PO BOX 3214 ;HUNTINGTON PARK;CA;90255
34. 04737022;DODSON, JOHNNY & ALLIE ;520 HAROLD ST ;LODI ;CA;95240
35. 04737023;GEORGE, MARK & ANNE ;9855 E LIBERTY RD ;GALT ;CA;95632
36. 04737026;CERVANTES, ADAN ETAL ;512 HAROLD ST ;LODI ;CA;95240
37. 04742001;ABU ARQOUB, MOHAMMAD Y ;645 HALE RD ;LODI ;CA;95240
38. 04742003;ABU ARQOUB, MOHAMMAD Y ;2310 PORTSMOUTH DR ;LODI ;CA;95242
39. 04744001;IBARRA, RAMON LOZANO ;2211 SEAHAWK LN ;LODI ;CA;95240
40. 04744060;KOENIG, WALTER & LINDA L TR ;19186 SPYGLASS CT ;WOODBRIDGE  
;CA;95258
41. 04737008;CEJA, SALVADOR ETAL ;517 HAROLD ST ;LODI ;CA;95240



## DECLARATION OF POSTING

**PUBLIC HEARING REGARDING THE APPEAL OF JUAN DIAZ OF A PLANNING COMMISSION APPROVAL OF A USE PERMIT TO ESTABLISH A TYPE #20 OFF-SALE BEER AND WINE LIQUOR LICENSE AT 725 SOUTH CHEROKEE LANE WITH THE CONDITION THAT THE APPLICANT TRANSFER AN EXISTING LICENSE FROM WITHIN LODI TO THE PROPOSED LOCATION**

On Thursday, May 8, 2003, in the City of Lodi, San Joaquin County, California, a copy of the notice to set public hearing for May 21, 2003, to consider the appeal of Juan Diaz of a Planning Commission approval of a Use Permit to establish a Type #20 Off-Sale Beer and Wine liquor license at 725 South Cherokee Lane with the condition that the applicant transfer an existing license from within Lodi to the proposed location (attached hereto, marked Exhibit "A") was posted at the following four locations:

Lodi Public Library  
Lodi City Clerk's Office  
Lodi City Hall Lobby  
Lodi Carnegie Forum

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

Executed on May 8, 2003, at Lodi, California.

ORDERED BY:

**SUSAN J. BLACKSTON  
CITY CLERK**

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Jacqueline L. Taylor  
Deputy City Clerk

A handwritten signature in cursive script, appearing to read "Patricia Ochoa".

Patricia Ochoa  
Administrative Clerk

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Jennifer M. Perrin  
Deputy City Clerk



## DECLARATION OF MAILING

**PUBLIC HEARING REGARDING THE APPEAL OF JUAN DIAZ OF A PLANNING COMMISSION APPROVAL OF A USE PERMIT TO ESTABLISH A TYPE #20 OFF-SALE BEER AND WINE LIQUOR LICENSE AT 725 SOUTH CHEROKEE LANE WITH THE CONDITION THAT THE APPLICANT TRANSFER AN EXISTING LICENSE FROM WITHIN LODI TO THE PROPOSED LOCATION**

On May 8, 2003, 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 public hearing notice regarding the appeal of Juan Diaz of a Planning Commission approval of a Use Permit to establish a Type #20 Off-Sale Beer and Wine liquor license at 725 South Cherokee Lane with the condition that the applicant transfer an existing license from within Lodi to the proposed location, 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 May 8, 2003, at Lodi, California.

ORDERED BY:

**SUSAN BLACKSTON  
CITY CLERK, CITY OF LODI**

ORDERED BY:

\_\_\_\_\_  
JACQUELINE L. TAYLOR  
DEPUTY CITY CLERK

\_\_\_\_\_  
JENNIFER M. PERRIN  
DEPUTY CITY CLERK

  
\_\_\_\_\_  
PATRICIA OCHOA  
ADMINISTRATIVE CLERK

CITY COUNCIL

SUSAN HITCHCOCK, Mayor  
EMILY HOWARD  
Mayor Pro Tempore  
JOHN BECKMAN  
LARRY D. HANSEN  
KEITH LAND

# CITY OF LODI

CITY HALL, 221 WEST PINE STREET  
P.O. BOX 3006  
LODI, CALIFORNIA 95241-1910  
(209) 333-6702  
FAX (209) 333-6807  
cityclrk@lodi.gov

H. DIXON FLYNN  
City Manager  
SUSAN J. BLACKSTON  
City Clerk  
RANDALL A. HAYS  
City Attorney

May 2, 2003

Juan Diaz  
La Capilla  
725 S. Cherokee Lane  
Lodi, CA 95240

**RE: Set public hearing for May 21, 2003, to consider the appeal from Juan Diaz to the Planning Commission's approval of a Use Permit to establish a Type #20 Off-Sale Beer and Wine Liquor License at 725 S. Cherokee Lane with the condition that the applicant transfer an existing license from within Lodi to the proposed location**

Please be advised that the above matter is scheduled on the May 7, 2003, City Council agenda. The Community Development Department is requesting that the Council **set a public hearing** for May 21, 2003, to consider the appeal of the Planning Commission's approval of a Use Permit to establish a Type #20 Off-Sale Beer and Wine Liquor License at 725 S. Cherokee Lane with the condition that the applicant transfer an existing license from within Lodi to the proposed location.

The setting of this public hearing will be acted upon under the Consent Calendar, as shown on the enclosed agenda. Should you wish to speak on this subject, please arrive at the meeting prior to 7:00 p.m. and submit a "Request to Speak" card directly to me.

Should you have any questions regarding this matter, please do not hesitate to contact me.

Sincerely,



Susan J. Blackston  
City Clerk

SJB/JMP  
Enclosure