



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

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

Jacqueline L. Taylor
Deputy City Clerk

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

Patricia Ochoa
Administrative Clerk

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

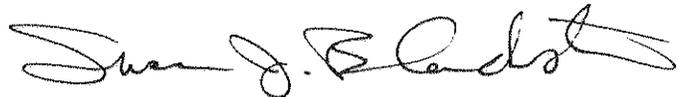
RE: Set public hearing for May 21, 2003, to consider the appeal from Juan Diaz to the Planning Commission's approval of a Use Permit to establish a Type #20 Off-Sale Beer and Wine Liquor License at 725 S. Cherokee Lane with the condition that the applicant transfer an existing license from within Lodi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