

CITY COUNCIL MEETING  
DECEMBER 2, 1987

PUBLIC HEARINGS

APPEAL OF TIM  
VALLEM, T.J. AND  
THE DUCK, 698 WEST  
LODI AVE., LODI, OF  
THE PLANNING  
COMMISSIONS  
APPROVAL OF THE  
TENTATIVE PARCEL  
MAP 87 P 014

CC-53(b)

Notice thereof having been published according to law, an affidavit of which publication is on file in the office of the City Clerk, Mayor Olson called for the Public Hearing to consider the appeal of Tim Vallem, T. J. and the Duck, 698 West Lodi Avenue, Lodi, of the Planning Commissions approval of the Tentative Parcel Map 87 P 014 concerning 610 West Lodi Avenue and 708 West Lodi Avenue, Lodi.

Following introduction of the matter by City Manager Peterson, Community Development Director Schroeder presented the staff report, including diagrams of the subject area, and responded to questions regarding the matter.

Mr. Schroeder outlined the Planning Commissions conditions of approval and the compromise parking plan which was to be used during the construction period of Taco Bell and the new buildings.

Speaking in favor of the appeal were:

- 1. Mr. Tim Vallem, 698 West Lodi Avenue, Lodi
- 2. Ms. Eileen St. Yves, 310 South Orange, Lodi
- 3. Mike LaCuyer, Manager of Lucky's Market, 530 West Lodi Avenue, Lodi

Speaking in opposition of the appeal were:

- 1. Cecil Dillon, 1820 West Kettleman Lane, Lodi
- 2. Manual Rocha, Rocha's Shoe Repair, 692 West Lodi Avenue, Lodi
- 3. Harry Bader, 341 LaVida Drive, Lodi
- 4. Fred Lewis, 1000 West Lodi Avenue, Lodi

There being no other persons wishing to address the Council regarding the matter, the public portion of the hearing was closed.

A lengthy discussion followed with questions being directed to Staff.

CONTINUED DECEMBER 2, 1987

On motion of Council Member Reid, Snider second, Council denied the appeal of Mr. Tim Vallem for approval of the Tentative Parcel Map 87 P 014 concerning 610 West Lodi Avenue and 708 West Lodi Avenue, Lodi.

## COUNCIL COMMUNICATION

TO: THE CITY COUNCIL

DATE:

NO.

FROM: THE CITY MANAGER'S OFFICE

December 2, 1987

SUBJECT: TIMOTHY VALLEM APPEAL OF APPROVAL OF PARCEL MAP 87 P 014

### INDICATED ACTION.

Hear the appeal of Timothy Vallem of the Planning Commission's approval of the request of Dillon Engineering on behalf of Harry S. Bader, for a Tentative Parcel Map to divide 610 West Lodi Avenue (i.e. APN 033-190-31) into Parcels "A" and "B", and to join 708 West Lodi Avenue (i.e. APN 033-190-28) to new Parcel "B", in an area zoned C-1, Neighborhood Commercial and take the appropriate action.

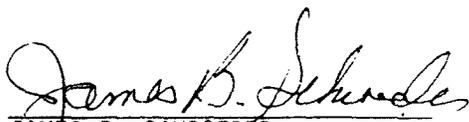
### BACKGROUND INFORMATION

For some period of time Harry S. Bader has been attempting to redevelop a shopping center at 610 West Lodi Avenue, which presently houses two restaurants, a beauty shop, a barber shop, a shoe repair business and a laundromat. Mr. Vallem is the owner of one of the restaurants, T.J. and The Duck. For many years the site was the home of the Pizza Garden.

Dr. Bader's plans are to sell Parcel "A" to the owners of Taco Bell for a new location, to build two new structures on Parcel "B" to house his present and future tenants and to remove most of the existing structures. The existing structures will not be removed until the present tenants can be housed in the first building to be erected on Parcel "B".

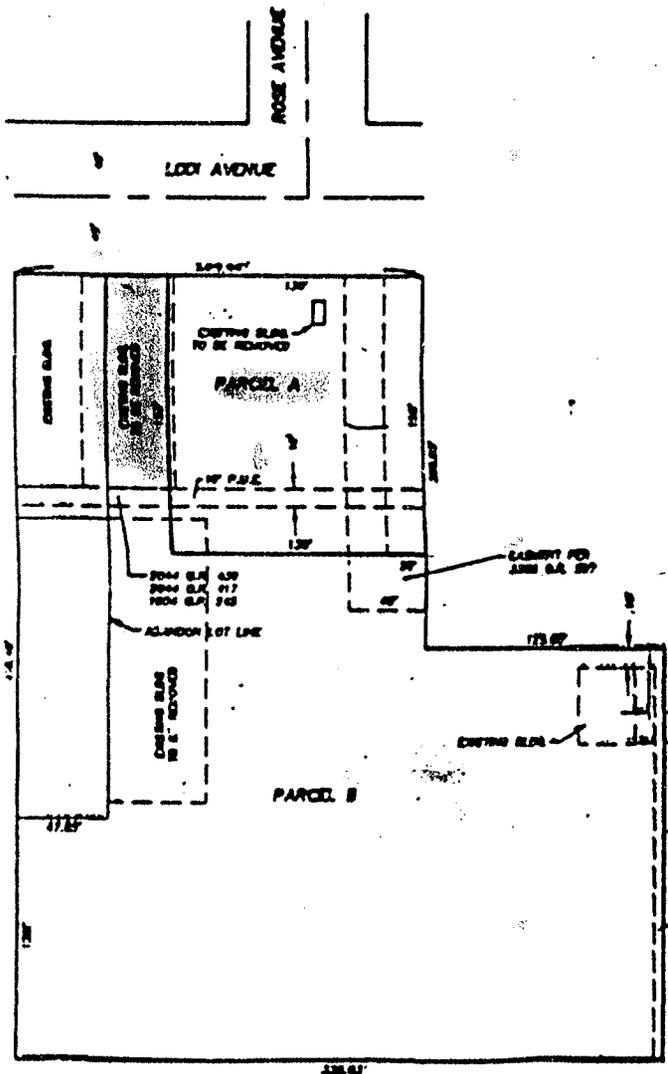
At the October 12, 1987 meeting of the Planning Commission, Mr. Vallem and other tenants voiced their concern about the loss of off-street parking during the time that the new Taco Bell was under construction. The tenants feared that their businesses would be adversely affected if adequate parking was not available. The Planning Commission continued the matter until October 26, 1987 so that the City Staff and Dr. Bader's engineer could develop an interior parking plan.

The interim parking layout was presented to the Commission at the meeting of the 26th and that plan, as well as the Parcel Map, were approved. Apparently, although not stated in the appeal, Mr. Vallem is still not satisfied that he will be able to conduct his business without interruption or hardship.

  
JAMES B. SCHROEDER  
Community Development Director

Attachments

CC13/TXTD.01B



**TENTATIVE MAP**  
SEPTEMBER, 1987

**OWNER**  
HARRY BADER  
3101 S. CRENSHAW AVENUE  
LOS ANGELES, CA 90008  
(213) 294-3871

**SUBMITTER & ENGINEER**  
GILSON ENGINEERING  
8 SOUTH MATTHEW STREET  
SUNNYVALE, CA 94086  
(415) 324-0073

**PROPERTY ADDRESS**  
PARCEL A: 610 W. LODI AVENUE (APPROX.)  
PARCEL B: 610 W. LODI AVENUE (APPROX.)

**PRESENT ZONING**  
C1 COMMERCIAL RESIDENTIAL

**LEGAL DESCRIPTION**  
THAT CERTAIN REAL PROPERTY SITUATED IN THE CITY OF LOS ANGELES, COUNTY OF SAN JOAQUIN, STATE OF CALIFORNIA, DESCRIBED AS FOLLOWS:

**PARCEL A**  
A PORTION OF THE NE 1/4 OF SECTION 11, TOWNSHIP 3 NORTH, RANGE 8 EAST, MOUNT SHALE BASIN AND MORGAN, ACCORDING TO THE OFFICIAL PLAT THEREOF, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

PARCEL CONTAINING 2.3040 AC. AS SHOWN UPON THAT SECTION PLAT MAP FILED FOR RECORD APRIL 24, 1988 IN BOOK 28 OF PARCEL MAPS, PAGE 194, SAN JOAQUIN COUNTY RECORDS.

**PARCEL B**  
BEGINNING AT THE NW CORNER OF PREVIOUSLY MENTIONED PARCEL, NORTH 89° 24' 30" WEST 47.821 FEET; THENCE SOUTH 0° 07' 10" EAST 298.61 FEET; THENCE SOUTH 89° 24' 30" EAST 47.821 FEET; THENCE NORTH 0° 07' 10" WEST 298.61 FEET TO THE TRUE POINT OF BEGINNING CONTAINING 0.179 ACRES MORE OR LESS.

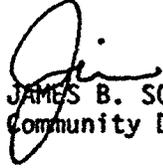
**HARRY S. BADER**  
610 W. LODI AVENUE  
87 P 014      10-12-87



Mr. Cecil Dillon  
c/o Dillon Engineering  
October 2, 1987  
Page 2

5. That on-site fire protection be provided per Fire Department requirements;
6. That the Map contain the standard note re: "Requirements to be met at time of development or Building Permit";
7. That the developer provide landscape and sprinkler plans in conformance with City policy;
8. That buildings on proposed lot line be removed prior to Final Map filing;
9. That additional public utility easements be dedicated on the map, if possible, rather than by separate instrument;
10. That the driveway be of special commercial design conforming to Standard Plan 111;
11. That driveway installation and water main relocation be done at time of Building Permit issuance and that the water main be looped from Lodi Avenue to the 6" main in the easement near the southwest corner of the parcel;
12. That the Final Map show all existing easements to be retained; and
13. That crossover agreements between Parcels "A" and "B" be recorded.

Sincerely,

  
JAMES B. SCHROEDER  
Community Development Director

cc: Harry S. Bader



1 LAURA E. DAINBRIDGE  
2 Attorney at Law  
3 433 W. Pine Street  
4 Lodi, California 95240  
5 (209) 333-8511

6 Attorney for Plaintiff

FILED  
1987 MAR 31 AM 11:21  
RALPH W. EPPERSON, CLERK  
BY Sharon Beking  
DEPUTY

7  
8 SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN JOAQUIN

9  
10 TIMOTHY VALLEM and JUDITH VALLEM ) NO. 195652  
11 dba T.J. & THE DUCK, )  
12 Plaintiffs, ) PRELIMINARY INJUNCTION  
13 vs. )  
14 HARRY L. BADER and ROBERT O. BADER )  
15 dba H & R PROPERTIES, )  
16 Defendants. )

17 The above matter was heard in Department No. 8, on January  
18 26, 1987, pursuant to Order to Show Cause. ROBERT B. STERNFELS  
19 appeared as attorney for Plaintiff, and STEVEN A. HERUM, of  
20 NEUMILLER and BEARDSLEE, a Professional Corporation, appeared as  
21 attorney for defendants. The matter having been fully argued and  
22 submitted and proof being made to the satisfaction of the Court  
23 and good cause appearing,

24 IT IS ORDERED that during the pendency of this action or  
25 until further order of the Court, defendants, their agents,  
26 officers, employees, and representatives, and all persons acting

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in concert or participating with them, are hereby enjoined from engaging in or performing any and all of the following:

a. Any act which interferes with the peaceful and quiet enjoyment of Plaintiff's business premises, located at 698 W. Lodi Avenue, Lodi, California.

b. Initiating any negotiations or entering into any agreements to lease the plaintiff's business premises, at the above address, unless it be with the plaintiff.

IT IS FURTHER ORDERED that the above injunction shall issue on plaintiff's filing a bond in the amount of \$15,000.00 on or before February 2, 1987, as required by law. Temporary restraining orders shall remain in full force and effect until February 2, 1987.

Dated: 3/3/87

MICHAEL N. GARRIGAN  
JUDGE OF THE SUPERIOR COURT

CITY COUNCIL

EVELYN M. OLSON, Mayor  
JOHN R. (Randy) SNIDER  
Mayor Pro Tempore  
DAVID M. HINCHMAN  
JAMES W. PINKERTON, Jr.  
FRED M. REID

# CITY OF LODI

CITY HALL, 221 WEST PINE STREET  
CALL BOX 3006  
LODI, CALIFORNIA 95241-1910  
(209) 334-5634  
TELECOPIER : (209) 333-6795

THOMAS A. PETERSON  
City Manager

ALICE M. REIMCHE  
City Clerk

RONALD M. STEIN  
City Attorney

October 14, 1987

Mr. Cecil Dillon  
c/o Dillon Engineering  
1820 West Kettleman Lane, Suite E  
Lodi, CA 95242

Dear Mr. Dillon:

RE: Tentative Parcel Map 87 P 014  
610 West Lodi Avenue  
Harry S. Bader

At its meeting of Monday, October 12, 1987 the Lodi City Planning Commission continued until 7:30 p.m., Monday, October 26, 1987 its consideration of your request on behalf of Harry S. Bader for the approval of a Tentative Parcel Map to divide 610 West Lodi Avenue (i.e. APN 033-190-31) into Parcels "A" and "B" and to join 708 West Lodi Avenue (i.e. APN 033-190-28) to new Parcel "B" in an area zoned C-1, Neighborhood Commercial.

This matter was continued so that your office could submit a parking layout for the total area. We would also suggest that your submittal include the locations for new structures to be erected and structures to remain on site; and dotted lines showing the building to be removed.

Sincerely,

  
JAMES B. SCHROEDER  
Community Development Director

cc: Harry S. Bader

CITY COUNCIL

EVELYN M. OLSON, Mayor  
JOHN R. (Randy) SNIDER  
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City Manager

ALICE M. REIMCHE  
City Clerk

RONALD M. STEIN  
City Attorney

October 27, 1987

Mr. Cecil Dillon  
c/o Dillon Engineering  
P. O. Box 2180  
Lodi, CA 95241

Dear Cecil:

RE: Tentative Parcel Map 87 P 014  
610 West Lodi Avenue  
Harry Bader

At its meeting of Monday, October 26, 1987, the Lodi City Planning Commission approved the Tentative Parcel Map to divide 610 West Lodi Avenue (i.e. APN 033-190-31) into Parcel "A" and "B" and to join 708 West Lodi Avenue (APN 033-190-28) to new Parcel "B" in an area zoned C-1, Neighborhood Commercial as requested by you on behalf of Harry S. Bader.

The Planning Commission's approval is subject to the following conditions:

1. That the developer install all off-site utilities and street improvements;
2. That engineering improvement plans be prepared for all public improvements prior to Final Map filing;
3. That public utility easements as required by the various utility companies and the City of Lodi be dedicated;
4. That the developer pay all appropriate fees in effect at time of Final Map filing or issuance of Building Permit and enter into all applicable agreements related to the following:
  - a. Engineering
  - b. Fire Service
  - c. Water Main relocation and abandonment, and
  - d. Sewer Connection

Mr. Cecil Dillon  
c/o Dillon Engineering  
October 27, 1987  
Page 2

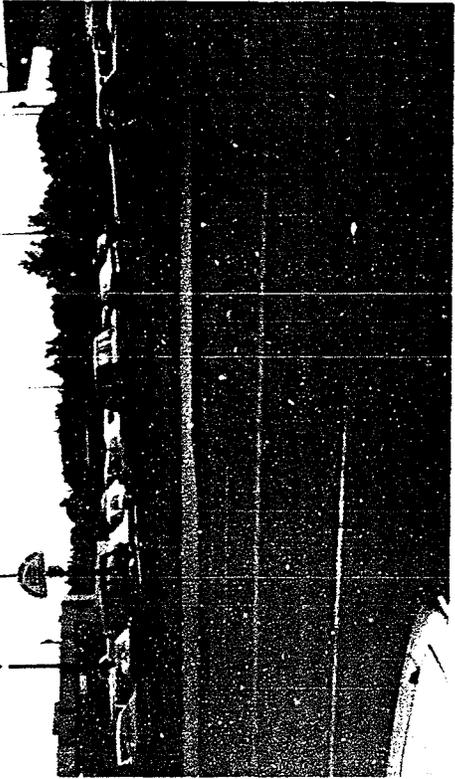
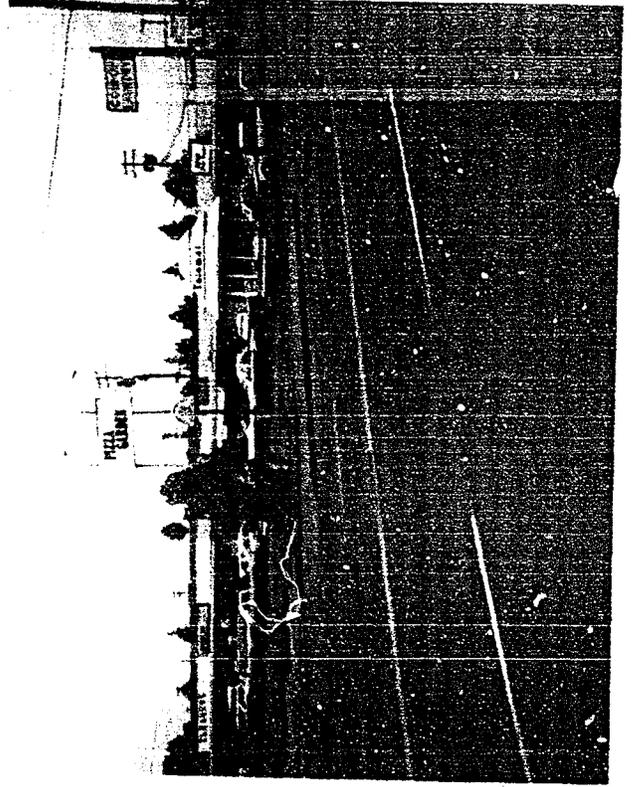
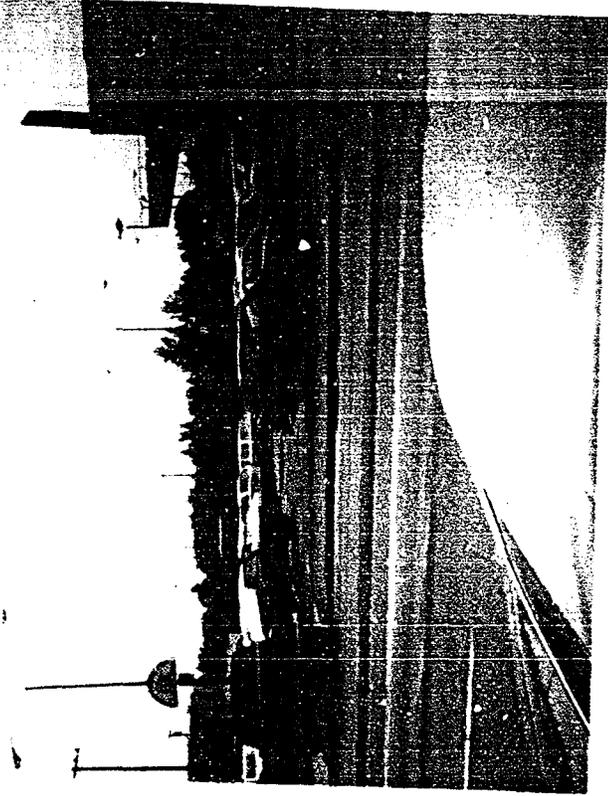
5. That on-site fire protection be provided per Fire Department requirements;
6. That the Map contain the standard note re: "Requirements to be met at time of development or Building Permit";
7. That the developer provide landscape and sprinkler plans in conformance with City policy;
8. That the Tentative Map be modified so that all proposed property lines are a minimum of 10 feet from any existing structure;
9. That additional public utility easements be dedicated on the map, if possible, rather than by separate instrument;
10. That the driveway be of special commercial design conforming to Standard Plan 111;
11. That driveway installation and water main relocation be done at time of Building Permit issuance and that the water main be looped from Lodi Avenue to the 6" main in the easement near the southwest corner of the parcel;
12. That the Final Map show all existing easements to be retained; and
13. That crossover agreements between Parcels "A" and "B" be recorded; and
14. That temporary off-street parking stalls be painted to serve 664 through 698 as shown on the drawing dated October 26, 1987, and on file in the office of the Community Development Director.

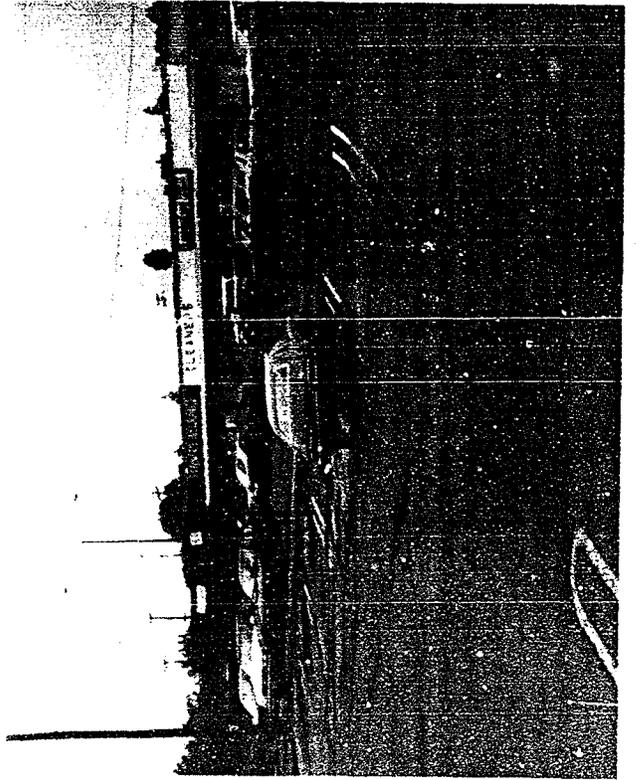
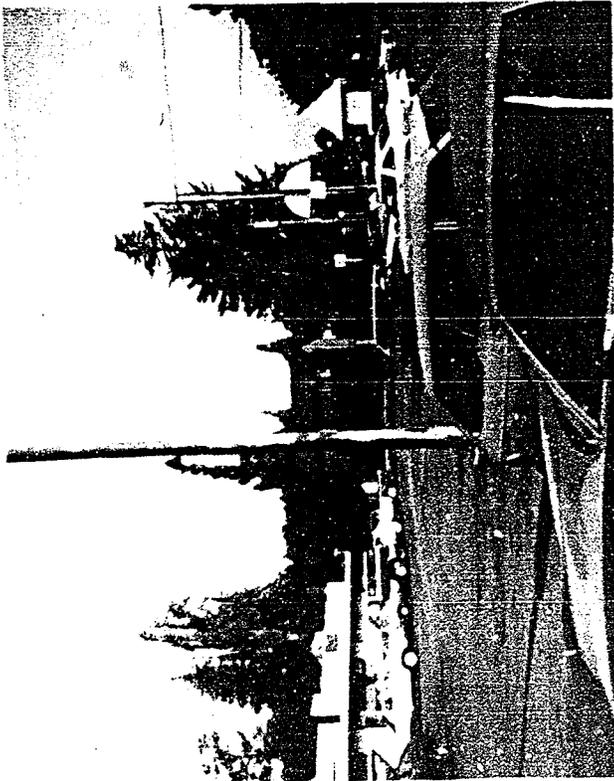
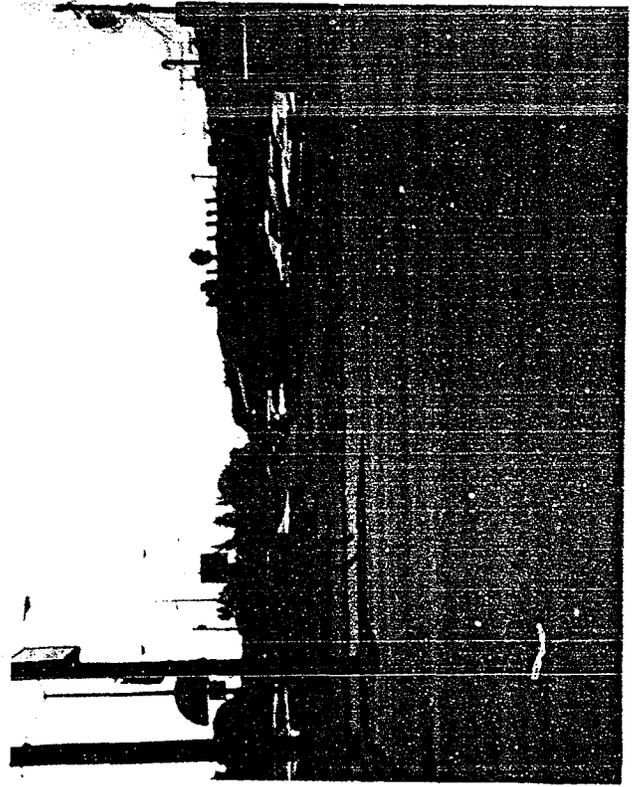
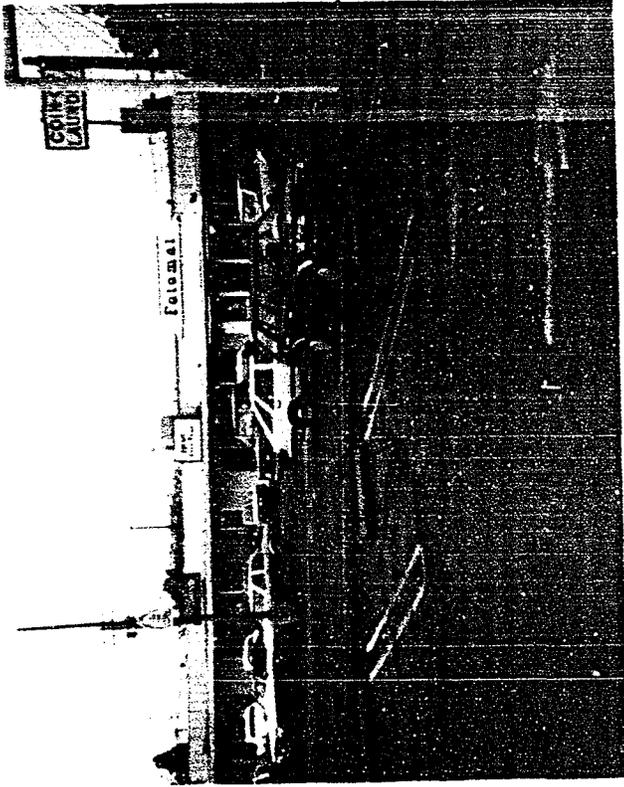
Sincerely,

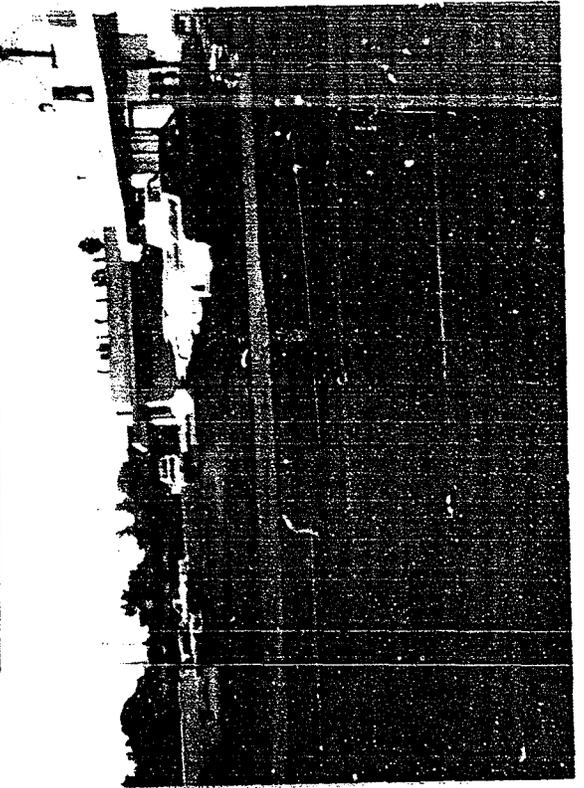
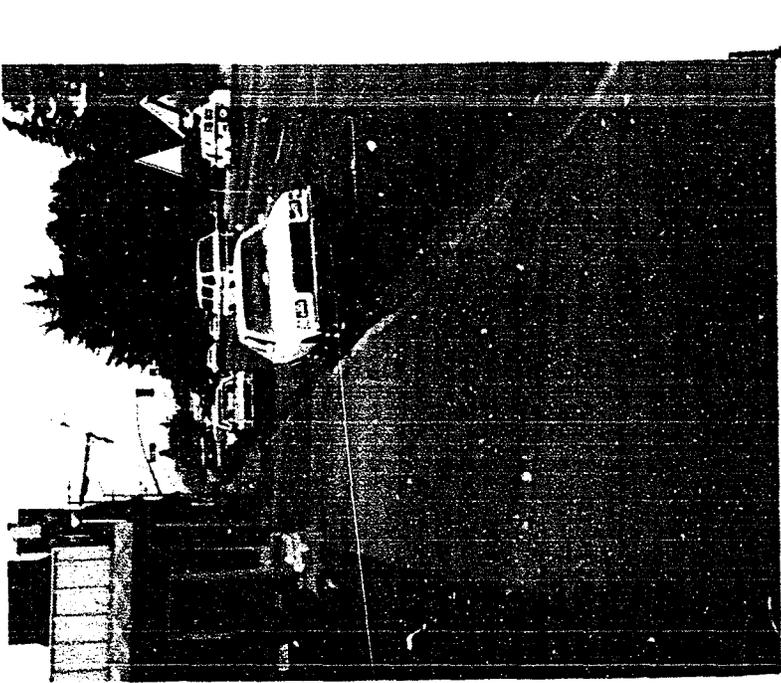


JAMES B. SCHROEDER  
Community Development Director

cc: Harry S. Bader









CITY COUNCIL

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RONALD M. STEIN  
City Attorney

December 11, 1987

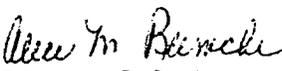
Mr. Tim Vallem  
T.J. and the Duck  
698 West Lodi Avenue  
Lodi, CA 95240

Dear Mr. Vallem:

This letter will confirm action taken by the Lodi City Council at its regular meeting of December 2, 1987 whereby, following a public hearing and discussion on the matter, Council denied your appeal of the Planning Commission's approval of the tentative Parcel Map 87 P 014 concerning 610 West Lodi Avenue and 708 West Lodi Avenue, Lodi.

Should you have any questions regarding this matter, please do not hesitate to call this office.

Very truly yours,

  
Alice M. Reimche  
City Clerk

AMR:jj

cc: Mr. James Schroeder  
Community Development Director