

RESOLUTION NO. 2005-246

A RESOLUTION OF THE LODI CITY COUNCIL OVERRULING THE PLANNING COMMISSION'S DECISION AND APPROVING THE REQUEST OF KIRK SMITH ON BEHALF OF THE VELVET GRILL FOR A USE PERMIT TO ALLOW A TYPE 41 ALCOHOLIC BEVERAGE CONTROL LICENSE FOR ON-SALE BEER AND WINE WITH A RESTAURANT AT 1421 SOUTH HAM LANE, SUITE A, SUBJECT TO THE CONDITIONS AS RECOMMENDED BY THE PLANNING COMMISSION

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WHEREAS, notice thereof having been published according to law, an affidavit of which is on file in the office of the City Clerk, a public hearing was held November 16, 2005, by the Lodi City Council to consider the appeal of Kirk Smith on behalf of the Velvet Grill for a Use Permit (U-05-011) to allow a Type 41 Alcoholic Beverage Control license for on-sale beer and wine with a restaurant at 1421 South Ham Lane, Suite A.

NOW, THEREFORE, BE IT RESOLVED that the Lodi City Council determines that public convenience or necessity would be served by the issuance of Use Permit (U-05-011) and does hereby overrule the Planning Commission's decision and does approve the request of Kirk Smith on behalf of the Velvet Grill for a Use Permit to allow a Type 41 Alcoholic Beverage Control license for on-sale beer and wine with a restaurant at 1421 South Ham Lane, Suite A, subject to the following conditions as recommended by the Planning Commission:

- A. The applicant shall operate and abide under all conditions of the State of California Department of Alcoholic Beverage Control license Type 41.
- B. The Type 41 license shall be limited to the on-site sale and consumption of beer and wine during the hours that the restaurant is open for dining and that no off-sale of alcohol be allowed.
- C. Prior to the issuance of a Type 41 license, the applicant shall complete Licensee Education on Alcohol and Drugs as provided by the State Department of Alcoholic Beverage Control.
- D. The applicant shall ensure that the serving of alcohol does not cause any condition that will cause or result in repeated activities that are harmful to the health, peace, or safety of persons residing or working in the surrounding area. This includes, but is not limited to, disturbances of the peace, illegal drug activity, public drunkenness, drinking in public, harassment of passersby, assaults, batteries, acts of vandalism, loitering, excessive littering, illegal parking, excessive loud noises (especially in the late night or early morning hours), traffic violations or traffic safety based upon last drink statistics, curfew violations, lewd conduct, or police detention and arrests.

BE IT FURTHER RESOLVED that this conditional use permit shall be subject to periodic review for compliance with these conditions by the Planning Commission.

BE IT FURTHER RESOLVED that no variance from any City of Lodi adopted code, policy, or specification is granted or implied by the approval of this resolution.

Dated: November 16, 2005

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I hereby certify that Resolution No. 2005-246 was passed and adopted by the City Council of the City of Lodi in a regular meeting held November 16, 2005, by the following vote:

AYES: COUNCIL MEMBERS – Hansen, Hitchcock, Johnson, and Mounce

NOES: COUNCIL MEMBERS – None

ABSENT: COUNCIL MEMBERS – None

ABSTAIN: COUNCIL MEMBERS – Mayor Beckman



SUSAN J. BLACKSTON  
City Clerk