

Resolution No.

STOCKTON PLANNING COMMISSION

RESOLUTION APPROVING A USE PERMIT TO ALLOW THE RELOCATION OF A CARD ROOM TO AN EXISTING COMMERCIAL BUILDING AT 3121 W BENJAMIN HOLT DRIVE (P18-0550)

The applicant, Delta RE LLC, submitted a Use Permit application to authorize the relocation of an existing card room including a maximum of eight card playing tables at a property located within the CG (Commercial, General) zoning district; and

The proposed use would relocate the existing Cameo Club Casino (P15-079) from 552 W Benjamin Holt Drive to 3121 W Benjamin Holt Drive; now, therefore,

BE IT RESOLVED BY THE PLANNING COMMISSION OF THE CITY OF STOCKTON, AS FOLLOWS:

1. The foregoing recitals are true and correct and incorporated here in reference.
2. Based on its review of the entire record herein, the Planning Commission makes the following findings:

Use Permit: General Findings

1. The subject use is allowed in the CG (Commercial, General) zoning district, subject to approval of a Use Permit by the Planning Commission and complies with all applicable provisions of the Development Code and the Municipal Code. Presently, there are three card rooms authorized and operating within the City of Stockton. Stockton Municipal Code (SMC) section 5.32.080 allows a maximum of four card rooms. As conditioned, the subject of this application would result in a relocation of an existing card room where a previously issued Use Permit for a card room would be voluntarily surrendered. Therefore, the proposed use would not increase the number of card rooms within the City. Moreover, the proposed use includes a maximum of eight card playing tables, as permitted by SMC section 5.32.080.

2. The subject use, as conditioned, would maintain the integrity and character of the surrounding neighborhood, because it would result in the use of an underutilized building, it provides local employment in an existing commercial setting and, through the implementation of conditions imposed here as well as security measures required by SMC Chapter 5.32, it would not jeopardize or be hazardous to public peace and welfare.

3. The proposed use is consistent with applicable general land uses, objectives, policies, and programs of the General Plan because it is a commercial use on a site designated for such uses and is consistent with the following General Plan policies:

Land Use Policy No. LU-4.1, Commercial Revitalization - The City shall encourage the upgrading, beautification, revitalization, and appropriate reuse of existing commercial areas and shopping centers.

LU-4.10, Commercial Cluster Encouragement/Protection - The City shall encourage the clustering of commercial uses and discourage the splitting of commercial clusters or centers by arterial roadways.

The subject use complies with the above General Plan policies, because it will result in the reuse of an existing commercial building. In addition, the subject use is located in an existing commercial center that is served, but not split, by arterial roadways. The proposed use is not subject to a Master Development Plan or Specific Plan.

4. The subject site is expected to be physically suitable for the type and density/intensity of use being proposed, including the provision of services (e.g., sanitation and water), public access, and the absence of physical constraints (e.g., earth movement, flooding, etc.), because the area is already supplied by the required infrastructure, the subject use is located in an existing commercial building, and there are no known physical constraints associated with the subject site.

5. The establishment, maintenance, or operation of the subject use at the location proposed and for the time period(s) identified, if applicable, is not expected to endanger, jeopardize, or otherwise constitute a hazard to the public convenience, health, interest, safety, peace, or general welfare of persons residing or working in the neighborhood of the proposed use because, as conditioned, security measures deemed adequate by the Police Department will be put in place for the proposed use. The passive recreational nature of the card room and its related restaurant raise no potential public health and safety issues in the subject commercial setting.

6. The design, location, size, and operating characteristics of the subject use are expected to be compatible with existing and future land uses on the site and in the vicinity of the subject property, because the subject use is classified as a recreation/assembly-type use, in accordance with Table 2-2 (Allowable Land Uses and Permit Requirements) of the Development Code and is compatible with the restaurant/lounge use previously in place in the same commercial building. The anticipated customer base, traffic patterns, noise levels, and general operational conditions of the subject card room are similar to the previous use and is compatible with the other commercial uses within the integrated center.

Problem Use Findings

1. The subject use is not likely to interfere with the comfortable enjoyment of life or property in the area, because security measures deemed adequate by the

Police Department will be put in place for the proposed use.

2. The subject use is not expected to increase or encourage the deterioration or blighting of the area, because the project would occupy an underutilized building and provide local employment in an existing commercial setting.

3. The establishment of the subject use will not be contrary to any program of neighborhood conservation, improvement, or redevelopment, either residential or nonresidential, because there are no such programs in place in the subject neighborhood.

California Environmental Quality Act

4. The proposed project is a Categorical Exempt from the California Environmental Quality Act (CEQA) under CEQA Guidelines section 15301 (Class 1, Existing Facilities) since it consists of the operation of a commercial use within an existing commercial building. The project is also not subject to any of the exceptions to the use of a Categorical Exemption enumerated at CEQA Guidelines section 15300.2.

Planning Commission Action

Based on its review of the entire record herein, including the September 27, 2018 Planning Commission staff report, all supporting, referenced, and incorporated documents, and all comments received, the Planning Commission hereby approves a Use Permit for a Card Room, as defined at SMC Title 5 and SMC section 16.240.020, subject to the following conditions of approval:

Conditions of Approval

1. Comply with all applicable Federal, State, County, and City codes, regulations, and adopted standards, and pay all applicable fees.
2. In the event the operation of this use should prove detrimental to the health, safety, peace, or general welfare of the surrounding neighborhood, this Use Permit shall be subject to revocation or modification, as provided in the Development Code.
3. The Use Permit shall become effective following the completion of a ten-day appeal period following approval of the application.
4. The Use Permit shall be posted in a conspicuous place and be made available immediately to City personnel upon inspection of the premises.
5. The establishment's operators and employees shall discourage loitering on or near the premises and ask persons loitering longer than 15 minutes to leave the area and contact local law enforcement officials for enforcement of

applicable trespassing and loitering laws, if persons requested to leave fail to do so.

6. No exterior building remodeling (e.g., building color, materials) is authorized with this action.
7. No signage is authorized by this action. If proposed, signs are subject to SMC Chapter 16.76 (Sign Standards).
8. Prior to initiation of the use, a security plan deemed adequate by the Police Chief shall be approved, as provided at SMC Chapter 5.32 (Card Rooms).
9. Prior to initiation of the use, Use Permit (P15-079) issued to 552 W Benjamin Holt Drive shall be voluntarily surrendered and deemed null/void.

PASSED, APPROVED, and ADOPTED September 27, 2018.

DON M. AGUILARD, CHAIR
City of Stockton Planning Commission

ATTEST:

DAVID W. KWONG, SECRETARY
City of Stockton Planning Commission