

Resolution No.

STOCKTON CITY COUNCIL

RESOLUTION DENYING THE APPEAL AND UPHOLDING THE PLANNING COMMISSION'S DENIAL OF THE REQUEST FOR A USE PERMIT TO UPGRADE THE OFF-SALE OF BEER AND WINE TO THE OFF-SALE OF GENERAL ALCOHOLIC BEVERAGES IN AN EXISTING CONVENIENCE STORE AT 4511 PACIFIC AVENUE (P13-163)

On November 14, 2013, the City Planning Commission denied a request for a Use Permit to upgrade the off-sale of beer and wine to the off-sale of general alcoholic beverages in an existing 1,500-square foot convenience store at 4511 Pacific Avenue; and

On November 22, 2013, pursuant to the provisions of Section 16.100.040 of the Stockton Municipal Code (SMC), the applicant sent a letter to the City Council appealing the Planning Commission's decision; and

On February 25, 2014, the City Council convened a public hearing regarding the appeal of the Planning Commission's decision; now, therefore,

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

1. The City Council hereby denies the appeal and upholds the decision of the Planning Commission to deny the request for a Use Permit to upgrade the off-sale of beer and wine to the off-sale of general alcoholic beverages in an existing convenience store at 4511 Pacific Avenue, based on the following findings:

a. The operation of the proposed use conflicts with the general findings for Use Permit applications found in Section 16.168.050.A of the SMC. Specifically, the proposed use endangers and jeopardizes public convenience, health, interest, safety, and general welfare of persons residing or working in the neighborhood of the proposed use as it is likely to attract and/or contribute to additional alcohol-related crimes and generate additional calls for police services further straining police resources.

b. The operation of the proposed use conflicts with the "Problem Uses" findings contained in SMC section 16.168.050.B. Specifically, it is likely to interfere with the comfortable enjoyment of life or property in the area, encourage deterioration or blight in the area, and is contrary to the conservation, improvement, and redevelopment of the area because having an overconcentration of problem uses in this

area will likely increase alcohol-related problems such as noise, panhandling, and public drunkenness in the area and the surrounding neighborhood.

c. The off-sale of general alcoholic beverages at the proposed business is incompatible with surrounding land uses and would contribute to increased crime, loitering, and vandalism in the area. Because the area already has one off-sale of alcohol problem use, allowing the applicant to upgrade to the off-sale of general alcoholic beverages in this convenience store would only increase the intensity of these problem uses by providing an additional venue for crime, loitering, and vandalism.

2. The City Manager is authorized to take whatever actions are necessary and appropriate to carry out the purpose and intent of this resolution.

PASSED, APPROVED, and ADOPTED February 25, 2014.

ANTHONY SILVA, Mayor
of the City of Stockton

ATTEST:

BONNIE PAIGE
City Clerk of the City of Stockton