



City of Stockton

Legislation Text

File #: 18-4550, Version: 1

SIX-MONTH REVIEW OF THE USE PERMIT FOR A LOUNGE WITH THE ON-SALE OF GENERAL ALCOHOLIC BEVERAGES AT 2333 PACIFIC AVENUE (P17-0431)

RECOMMENDATION

It is recommended that the Planning Commission approve a motion to:

1. Proceed with the scheduled one (1) year review; or
2. Initiate a public hearing for the modification/revocation of the Use Permit.

Summary

On August 10, 2017, the Planning Commission approved a modification to the Conditions of Approval for Use Permit (P17-0431) to allow a lounge with the on-sale of general alcoholic beverages, for property located at 2333 Pacific Avenue (The Ave). The modified conditions of the Use Permit deleted live entertainment conditions, restricted the speaker and amplified music located in the outdoor patio area, and required a six-month and one-year review (Attachment A - Planning Commission Staff Report, 8-10-2017; and Attachment B - Planning Commission Resolution, 2017-08-10-0502). On April 11, 2018, applicant, Kevin Hernandez, requested a continuance for the six-month review from April 12 to May 24, 2018. At the Planning Commission meeting of April 12, 2018, Chair Aguiard granted the applicant's request.

Discussion

Staff contacted the Police Department regarding any calls for service (CFS) for excessive noise violations and nuisance activities from the subject site during the six-month period (between 8/11/2017 and 2/10/2018). The Police Department provided the following reports:

1. Between 09/4/2017 to 01/31/2018 - There have been 12 CFS related to a variety of noise complaints. In 11 of those calls, citations were not issued as the police officers either deemed the music within acceptable limits, and therefore, not a violation or they arrived after the bar was closed, due to the time of the call and their call load.
2. On 01/31/2018 - A citation was issued to the operator because of a call for an excessive noise volume from the premises (Attachment C - Notice of Noise Violation, 01/31/2018).
3. 02/11/18 - Police Officers responded to a call for a noise violation at the subject site and subsequently issued a citation to the manager (Attachment D - Notice of Noise Violation, 02/11/2018).

File #: 18-4550, Version: 1

4. 02/14/2018 - A citation was issued to the operator due to a loud music violation, a fight, and underage drinking at The Ave (Attachment E - Notice of Noise Violation, 02/14/2018).
5. 02/22/2018 - A neighbor made complaints about excessive noise and disturbances from the Ave (Attachment F - Incident Report, 02/22/2018).
6. 03/21/2018 - A follow-up investigation was conducted regarding underage drinking in the Ave on the morning of 02/14/2018 (Attachment G - Incident Report, 03/21/2018).

Furthermore, the Police Department provided two CFS Statistics for The Ave before and after the modification of the Use Permit (Attachment H - CFS Statistics).

1. Between 01/1/2017 and 08/09/2017 (before the modification): There were 35 CFS and most common calls for service were loud music (16 calls) and disturbances (2 calls). There were a total 18 calls for loud music and any type disturbances or 51.4% of police response.
2. Between 08/18/2017 and 03/18/2018 (after the modification): There were 44 CFS. The most common calls for service were loud music (18 calls) and any type disturbances (8 calls). There were a total 26 calls for loud music and any type disturbances or 59.1% of police response.

Based on the noted Statistics, the CFS from the Ave after the modification of the Use Permit was higher than before the modification.

On February 27, 2018, the operator met with city staff from the Community Development and Police Department to discuss the noted citations for excessive noise violations from the subject site. The Director also advised the operator that a six-month review of the Use Permit would be scheduled on April 12, 2018. As explained above, the review was continued to May 24, 2018 at the request of the applicant.

Conclusion

Staff has determined that the business owner at 2333 Pacific Avenue has not complied with the modified Conditions of Approval for the Use Permit and recommends that the Planning Commission take one of the following actions:

1. Proceed with the scheduled one (1) year review, which will take place in August 2018; or
2. Initiate a public hearing for the modification/revocation of the Use Permit.

Attachment A - Planning Commission Staff Report, 8-10-2017
Attachment B - Planning Commission Resolution, 2017-08-10-0502
Attachment C - Notice of Noise Violation, 01/31/2018
Attachment D - Notice of Noise Violation, 02/11/2018
Attachment E - Notice of Noise Violation, 02/14/2018
Attachment F - Incident Report, 02/22/2018
Attachment G - Incident Report, 03/21/2018

File #: 18-4550, **Version:** 1

Attachment H - CFS Statistics

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