

16. HEARINGS***

16.1 14-0051 APPEAL OF 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 RETAIL OUTLET AT 8024 NORTH EL DORADO STREET (P13-148)

Legislation TextAttachment A - Appeal LetterAttachment B - Project Location MapsAttachment C - September 12, 2013 Planning Commission Staff ReportAttachment D - Findings for DenialProposed Resolution - Affirming Planning Commission DenialPowerPoint Presentation

Vice Mayor Canepa noted publicly that he spoke with council outside of current meeting

Mike Hakeem representing applicant spoke in opposition to the denial

Mayor Silva addressed City Attorney John Luebberke for clarification regarding possible council action per Stockton Municipal Code

City Attorney, John Luebberke explained the need for a vote of 5 in favor of approving the appeal of the Planning Commission's denial

Vice Mayor Canepa spoke to previous Council appeal decisions; expressed the need to establish set policy within the City; suggested possible referral to Legislative Environmental Committee

Councilmember Holman inquired about length of ownership at current location and current license; complaints on current location

Councilmember Miller disclosed conversation with Mr. Hakeem prior to meeting; asked for clarification regarding existing licenses; when type 21 open was there increased calls to PD; referenced map for existing type 21 licenses; questioned distance to travel to next type 21; does not feel that this is an over concentration of type 21 establishments in area

Community Development Deputy Director Forrest Ebbs clarified that although there was a high volume of calls to Stockton PD, the fact that the type 21 in question was a department store a majority of calls to PD were for shoplifting which is normal for establishments like that

Councilmember Burgos Medina inquired about standard concentration in census tract and ratio of types of licenses; is there an increase in crime or calls to PD when establishments change from type 20 to 21

Community Development Deputy Director Forrest Ebbs explained that per capita the City of Stockton has 2.4 times the recommended alcohol sales than surrounding cities; possible training for establishment owners/managers

Councilmember Zapien spoke to the standard for review; disclosed prior conversation with Mr. Hakeem; asked for clarification as to what the Planning Commission heard with the first presentation

City Attorney, John Luebberke noted that Municipal Code establishes voting threshold

Councilmember Holman disclosed prior conversation with Mr. Hakeem; is there defined criteria in place to revoke permit

Councilmember Miller spoke to floor space limitation

Gary Malloy shared his experience at Rite Aide

Cynthia Gail Boyd asked for clarification regarding hours of operation; expressed concern for saturation in her area

Anthony Berger spoke in support of advancement; expressed concern of the value that would be added

Motion to continue Public Hearing directing staff to return on a date certain February 25, 2014 with resolution granting appeal with conditions

Moved by: Mayor Silva, seconded by Councilmember Holman .

Vote: Motion carried 5-1

Yes: Councilmember Burgos Medina, Councilmember Holman , Councilmember Miller, Vice Mayor Canepa, and Mayor Silva.

No: Councilmember Zapien.

Absent: Councilmember Tubbs.

17. COUNCIL COMMENTS