

CITY OF STOCKTON
COMMUNITY DEVELOPMENT DEPARTMENT
 Use Permit P13-148
 8024 N. El Dorado Street



On January 25, 2014, the City Council of the City of Stockton approved application P13-148, authorizing a Use Permit for a Convenience Store with the Sale of Alcohol – Off Sale. This approval was based on the following findings:

Use Permit – Convenience Store – (16.168.050.A)

1. The proposed use, Convenience Store with the Sale of Alcohol – Off Sale, is allowed in the CG (Commercial, General) Zoning District with the approval of a use permit from the Planning Commission, per SDC 16.20.020, Table 2-2. The proposed use complies with all other applicable provisions of the Development Code including those prescribed in SDC and 16.80.040 and 16.80.140, which, as applicable, are as follows:
 - a. The minimum parcel size for a Convenience Store is 15,000 square feet and the subject parcel contains 1.08 acres (47,044 square feet).
 - b. The minimum parcel frontage for a Convenience Store is 150 feet and the subject parcel has 370 feet of frontage on Iris Avenue.
 - c. The site is located more than 300 feet from the nearest academic school as the nearest school (Nolan Pulliam Elementary School) is 1,170 feet away.
2. The proposed use, as conditioned, would maintain the integrity and character of the neighborhood and CG zoning district because it would provide additional retail sales opportunities.
3. The proposed use would be consistent with the general land uses, objectives, policies, and programs of the General Plan and any applicable specific plan or master development plan; The project site has a General Plan Land Use designation of Commercial. The use of the site for a retail store is consistent with the following General Plan's policies.

LU-4.1 – The City shall encourage the upgrading, beautification, revitalization, and appropriate reuse of existing commercial areas and shopping centers.

LU-4.8 – The City shall encourage small neighborhood-serving commercial uses adjacent to and within residential areas where such uses are compatible with the surrounding area and mitigate any significant impacts (i.e., traffic, noise, lighting).
4. The subject site would 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.). The proposed retail use is located within an established commercial shopping center that provides adequate access and services and is not hindered by physical constraints.

5. The establishment, maintenance, or operation of the proposed use at the location proposed and for the time period(s) identified, if applicable, would not endanger, jeopardize, or otherwise constitute a hazard to the public convenience, health, interest, safety, or general welfare of persons residing or working in the neighborhood of the proposed use. The proposed use, as conditioned, would be subject to common requirements for security and operation that will reduce the potential for hazard to an acceptable level.
6. The design, location, size, and operating characteristics of the proposed use would be compatible with the existing and future land uses on-site and in the vicinity of the subject property. The proposed retail use is compatible with the other retail, restaurant and service uses already in place at the shopping center.
7. The proposed action would be in compliance with the provisions of the California Environmental Quality Act (CEQA) and the City's CEQA Guidelines. The project is categorically exempt pursuant to Section 15301 of the CEQA Guidelines because it constitutes reuse of an existing facility.

Problem Use – Alcoholic Beverage Sales (Off-Sale) – 16.168.050(B)

The City Council directly considered the criteria contained in SDC Section 16.80.270 and found that:

8. The proposed use is not likely to interfere with the comfortable enjoyment of life or property in the area because the included conditions will require improved performance and training by the operator and installation of cameras and signs that will serve as a deterrent to crime or similar impacts associated with problem uses.
9. The proposed use, as conditioned, will not increase or encourage the deterioration of blight of the area because the use will be contained wholly within the existing commercial shopping center, which uses consistent architectural and sign programs.
10. The establishment of an additional use of this type in the area will not be contrary to any program of neighborhood conservation, improvement, or redevelopment, either residential or nonresidential, because there are not any recognized or City-sanctioned neighborhood conservation, improvement, or redevelopment programs applicable to the project site or immediate area.

Conditions of Approval

In accordance with SDC Section 16.168.070, the following Conditions of Approval are imposed to ensure compliance with the findings for approval recited above:

Standard

1. This Use Permit shall become valid immediately.
2. The business operator shall comply with all applicable Federal, State, County and City codes, regulations and adopted standards and pay all applicable fees.
3. Compliance with these Conditions of Approval is mandatory. Failure to comply with these Conditions of Approval is unlawful and constitutes a public nuisance, and is subject to the remedies and penalties identified in the SMC, including but not limited to, monetary fines and revocation.

4. This Use Permit shall be posted in a conspicuous place and shall be immediately made available to City personnel upon inspection of the premises.
5. All signs shall be subject to approval by the Community Development Department.

Specific

6. No more than twenty percent (20%) of the gross floor area of the tenant space may be devoted to the sale, storage, and/or display of alcohol.
7. All employees shall complete L.E.A.D. training (Licensing Education of Alcohol and Drugs) through the local office of the State Department of Alcoholic Beverage Control (ABC) within six months of their hire date, or within six months of the effective date of the Use Permit, whichever occurs later. ABC also maintains an approved list of other Responsible Beverage Service trainer courses which may be substituted for the L.E.A.D. training condition.
8. The consumption or carrying of open containers of alcoholic beverages on the premises is not permitted. Signs advising patrons of this prohibition shall be posted adjacent to the front door on the interior of the building.
9. Store windows shall be left unobstructed to allow interior surveillance of the premises during operating hours. No more than 20% of the window may be covered by any form of temporary or permanent sign, poster, graphic or lettering.
10. Prior to the initiation of alcohol sales, a video surveillance system with at least a seven-day continuous recording capability shall be in place. Video recordings shall be archived for at least 30 days. The video surveillance system shall cover the entire exterior of the premises, including the parking lot and the entrances to the building.
11. The current Type 20 alcohol sales license shall be forfeited concurrently with, or prior to, acquisition of the proposed Type 21 alcohol sale license.
12. This Use Permit shall be valid for the duration of the current business but shall be deemed to be forfeited if the alcohol sales license is revoked by the State of California, is transferred off-site, or if the establishment does not sell alcohol for a period of twenty-four months or more.
13. The hours of operation shall be limited to 7 am to 10 pm daily.

WITNESSED BY:

Forrest Ebbs

Secretary to the Planning Commission

Date