

Resolution No.

# STOCKTON PLANNING COMMISSION

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## **RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF STOCKTON RECOMMENDING THAT THE CITY COUNCIL APPROVE AN AMENDMENT TO TITLE 16 OF THE STOCKTON MUNICIPAL CODE FOR ALCOHOLIC BEVERAGE SALES (P15-227)**

The Planning Commission is authorized by Section 16.116.030 of the Stockton Municipal Code (SMC) to amend the provisions for alcoholic beverages sales; and

Amending the provisions of Title 16 of the SMC for alcoholic beverage sales will provide more stringent location restrictions, permitting requirements, conditions of approval, operational standards for existing alcoholic beverage sales establishments, and enforcement mechanisms. Therefore, the code amendment will reduce and prevent associated criminal and illegal activities; and

On November 19, 2015, the Planning Commission adopted a resolution for a comprehensive amendment to Title 16 of the SMC related to alcoholic beverage sales; now, therefore.

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

1. The Planning Commission of the City of Stockton finds and determines:

a. The proposed amendment of the SMC's permitting requirements and development standards for the "Alcoholic Beverage Sales" land use is consistent with applicable General Plan land use policies and objectives and has been prepared in a comprehensive manner to maintain the internal consistency of the Development Code. The proposed amendment will serve to reduce nuisance activities and potentially harmful effects associated with alcoholic beverage sales establishments, including violent crimes, vandalisms, and general blight, and be consistent with the following General goals and policies:

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

- (2) ED-1.1 – The City shall continue to promote a healthy image among its citizens and the wider business community, because the proposed code amendment can protect the life and property of residents, businesses, and visitors to the City and reduce illegal activities generated associated with alcoholic beverage sales.

b. The proposed amendment will amend Title 16 of the SMC for alcoholic beverage sales, including Section 16.20.020, Table 2-2 “Allowable Land Uses and Permit Requirements;” Section 16.80.040, “Alcoholic Beverage Sales;” Section 16.88.030, “Public Hearing Notices;” Section 16.108.030, “Revocation and Modification Procedure;” Section 16.168.050, “Findings and Decision;” and Section 16.240.020, “Definitions of Specialized Terms and Phrases”. The proposed amendment will allow alcoholic beverage sales establishments to be continuously permitted in the same zoning districts in which they are currently allowed, but with more strict standards and requirements for approval of alcoholic beverage sales, in order to reduce and prevent associated criminal activities and public nuisances.

c. The proposed amendment will not be detrimental to the public in convenience, health, interest, safety, or general welfare of persons residing or working in the City, because the amendment will apply more stringent regulations to land use activities, and reduce or avoid crimes and public nuisances associated with alcoholic beverage sales. The amendment will enact permitting requirements, location restrictions, and operational standards that will protect sensitive land uses from potential negative impacts of land uses involving alcoholic beverage sales.

d. The proposed amendment is exempt from California Environmental Quality Act (CEQA) under the “general rule” that CEQA applies only to projects which have the potential for causing significant environmental effects, as specified in Section 15061(b)(3). The amendment will result in significantly enhanced review procedures and increase the threshold for approval. All future requests for the approval of a Commission Use Permit or Land Development Permit will be subject to compliance with CEQA at that time, and each location will be evaluated based on its own merit; now, therefore.

2. The Planning Commission hereby recommends to the City Council adoption of a comprehensive amendment to Title 16, Chapter 16.20, Section 16.20.020; Chapter 16.80, Section 16.80.040; Chapter 16.88, Section 16.88.030; Chapter 16.108, Section 16.108.030; Chapter 16.168, Section 16.168.050; and Chapter 16.240, Section 16.240.020 of the SMC related to alcoholic beverage sales as set forth in Exhibit 1, attached hereto and incorporated by this reference.

PASSED, APPROVED and ADOPTED: November 19, 2015.

AYES:

NAYS:

ABSENT:

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D'ADREA DAVIE, CHAIR  
CITY OF STOCKTON PLANNING COMMISSION

ATTEST:

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DAVID KWONG, SECRETARY  
SECRETARY CITY OF STOCKTON PLANNING COMMISSION