

Jenny Liaw

From: Addie Suguitan
Sent: Monday, November 02, 2015 3:12 PM
To: Lori Asuncion; Richard Larrouy; Jenny Liaw
Subject: FW: Proposed legislative text changes of SMC Title 16

FYI

From: Denise Jefferson [mailto:jeffergird@sbcglobal.net]
Sent: Monday, November 02, 2015 1:43 PM
To: Addie Suguitan <Addie.Suguitan@stocktonca.gov>
Subject: Fw: Proposed legislative text changes of SMC Title 16

Addie

Will you forward this to David Kwong for me?

thanks!

On Monday, November 2, 2015 10:53 AM, Denise Jefferson <jeffergird@sbcglobal.net> wrote:

Moses,

Thank you for forwarding this text to me. I commend the planning department for finally working towards resolving some the issues that have plagued our city, relative to alcohol use permits, for some time. In crafting these changes they have done a great job of clearing up some of these problems. I wish this information would be made public to those of us who are working to resolve these issues. I do take exception to several issues contained in the proposed ordinance amendment:

1. Since a "Land Use Permit" is required for "on-sale other establishments" it should be included in the definitions section (Attachment A, page 12).
2. Under "Standards, 2, Location Restrictions, On-sale Alcoholic Beverage Sales Establishment, "B" (page 17) should differentiate between "Bar/Night Club" on-sale (Type 48) and "Restaurant" on-sale (Type 47). Bars and Night Clubs are a potential public nuisance, but restaurants with alcoholic beverage service who are following the conditions of their license are generally not a problem and should not be restricted to "four within a 1,000 foot radius". This restriction inhibits economic development in areas that have become known as restaurant areas (such as the Miracle Mile). Existing businesses may want to thwart competition, but my experience indicates that more of similar businesses generally benefits all. If one business is over-flowing the excess customers tend to go to nearby establishments rather than leave the area. Type 48 licenses should be spaced to discourage bar-hopping, restaurants should not.

3. xviii. Expiration: 24 months is too long. This should be twelve months.
4. Conditions of approval, on-sale. Since License Types 40 - 48 allow for on-sale establishments to off-sell beer and wine I think it would be prudent to place a condition of approval on the on-sale establishments that they be restricted from off-sales. This will limit the number of establishments that are selling for off-site consumption and will probably have an impact on drunk driving. The exception could be breweries and wineries or wine tasting rooms.

I also feel that a use permit review of 12 months needs to be a condition with notification to the surrounding 500'. This gives those who may have been impacted negatively an opportunity to notify the City of their problems.

When I previously mentioned that the census tracts are not always correct I discovered this when I investigated the local ABC mapping as a planner. I obtained a list of all the active licenses in the Stockton and unincorporated area (we had to pay for the data). ABC staff were using our addresses indiscriminately in placing them in the Census Tracts. Census Tracts are divided in the middle of a street, so the "odd numbered" addresses would be in one census tract and the "even numbered" in the next tract, but ABC staff had placed them arbitrarily in either, causing problems in calculating over-concentration. I went through their entire listing, corrected the addresses (and thus the census tracts) and presented ABC with the corrections. Whether they ever corrected in their data I do not know as I soon left the City.

A problem I had on the Mile was linked to two establishments. One had a Type 48 licenses (bar/night club) that operated like a restaurant and allowed under age persons inside ("Minors are not allowed to enter or remain on the premises"). The other held a Type 47 license and operated as a night club. I complained to ABC but they claimed with their staffing cuts they had no one working nights or weekends in order to check.

I am hopeful that City staff and commissioners are cognizant of the conflict of interested involved in a commissioner who holds an ABC license from voting or encouraging any of these changes.

Thanks, Denise Jefferson