

Resolution No.

## STOCKTON PLANNING COMMISSION

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### RESOLUTION APPROVING A USE PERMIT FOR A MICRO-BREWERY TO BE LOCATED AT 110 N SAN JOAQUIN STREET (P16-0159)

The applicant, Channel Brewing Company, submitted an application for a Use Permit to allow the establishment of a micro-brewery at 110 N San Joaquin Street; and

The project site is located in an area of the City that is a diverse mix of land uses and a vital center of the community. Approval of the proposed brewery tasting room on the subject site would have the potential aid in the transformation and economic stimulus to the downtown area; now; therefore

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

The Planning Commission hereby approves the request for a Use Permit to allow the establishment of a micro-brewery at 110 N San Joaquin Street (See Exhibit 1 - Site and Floor Plan) based on the following findings and conditions of approval:

#### General Findings

1. The proposed use is allowed within the subject zoning district with the approval of a use permit and complies with all other applicable provisions of this Development Code and the Municipal Code; because it is a compatible use with the Commercial (CD) zoning and meets Development Code requirements with the approval of waivers.
2. The proposed use would maintain or strengthen the integrity and character of the neighborhood and zoning district in which it is to be located because the use is a component of a lively Downtown district that consists of a wide mix of land uses intended to provide goods and services that appeal to residents and visitors alike, and because it is in line with the Urban Land Institute (ULI) Advisory Report recommendations to incorporate a broad mix of uses in the downtown and additionally in the City of Stockton Economic Development Strategic Plan as one of the plan's major themes stated under the quality of life initiatives that one of the components is downtown revitalization to promote/prioritize downtown as destination for events.

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 because the General Plan land use is Commercial and allows for a wide variety of retail, service, and commercial recreational uses, including community or regional commercial centers as well as freestanding commercial establishments.
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.) because it maintains like capacity uses and does not substantially increase capacity needs.
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, peace, or general welfare of persons residing or working in the neighborhood of the proposed use because the conditions of approval address any issues that may be associated with the project.
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; because it contributes to a mix of land uses that make the downtown a unique district.
7. The proposed action would be in compliance with the provisions of the California Environmental Quality Act (CEQA) and the City's CEQA Guidelines; under exemption 15301 Class 1, Existing Facilities, because it will be located within an existing commercial building with no expansion of the structure, and existing infrastructure is adequate to serve the site.

#### Problem Use Findings

1. The proposed use is not likely to interfere with the comfortable enjoyment of life or property in the area because the building is not located adjacent to residential uses; the applicant has indicated that the micro-brewery will only be open past 10pm on two nights of the week and not be open to the public before 10:30 a.m. during operating days; and, unlike most off-sale problem uses where 100% of sales are off-sale, the applicant has indicated that his business model focuses on the manufacturing of craft beer with off-sale only being an ancillary portion of the

business, thereby reducing concerns about customers purchasing alcohol and consuming it in the surrounding neighborhood.

2. The proposed use will not increase or encourage the deterioration or blight of the area because the proposed project is not within 500 feet of another off-sale; will improve lighting; will add security cameras; will make façade improvements that will enhance the appearance of the building; and will replace a vacant storefront with a new business, thereby reversing blight or deterioration in the area.
3. 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 no such programs in place in the subject neighborhood. The proposed alcohol establishment will support any conservation, improvement, and redevelopment efforts in the area, because the proposed micro-brewery is consistent with approved redevelopment initiatives in the downtown such as the Open Window project that encourages a mix of land use types. Additionally, the project is consistent with the City's Economic Development Strategic Plan to promote and prioritize Downtown as a destination and event center by attracting business and encouraging entrepreneurship and innovation, because it represents a new, innovative business type for the Downtown.

#### Findings for Alcoholic Beverages

1. The proposed use will not result in repeat nuisance activity on or in close proximity to the premises. Nuisance activity includes, but is not limited to: disturbing the peace, illegal drug activity, public drunkenness, drinking in public, harassment of passersby, gambling, prostitution, sale of stolen goods, public urination/defecation, theft, assaults, batteries, acts of vandalism, excessive littering, loitering, graffiti, illegal parking, excessive loud noise (especially in the late night or early morning hours), traffic violations, curfew violations, lewd conduct, or police detentions and arrests, because the applicant will be installing surveillance cameras on-site along with a zero tolerance policy on violence and service to minors. The applicant has indicated that they will work with law enforcement to combat any problems in the surrounding area and establish a complaint response community relations program as outlined in the conditions of approval within the attached resolution.
2. The owners and all employees of the establishment would complete an approved course in Licensee Education on Alcohol and Drugs (LEAD), or other "Responsible Beverage Sales" (RBS) or any other California Department of Alcoholic Beverage Control Board (ABC) approved program within 60 days of hire for employees hired after the passage of this Development Code or within

six (6) months of the passage of this Development Code for existing employees. To satisfy this requirement, a certified program must meet the standards of the Alcohol Beverage Control Responsible Beverage Service Advisory Board, Service Advisory Board or other certifying/licensing body designated by the State of California as required under the Code and in the conditions of approval contained in the proposed resolution.

3. The proposed use will comply with all provisions of local, state and federal laws, rules, regulations, policies, or orders, including, but not limited to, those promulgated and or enforced by the ABC, California Business and Professions Code Sections 24200, 24200.6, and 25612.5, and any condition imposed on any valid permit(s) issued pursuant to applicable laws, regulations or other authority. This includes compliance with annual city business license fees; because this is required under the code and the applicant has indicated that all federal, state and local regulations will be adhered to.
4. If required by Business and Professions Code Section 23958.4, public convenience or necessity would be served by the issuance of this commission use permit or land development permit. This project does not require a finding of public convenience or necessity.

#### Conditions of Approval

1. Comply with all applicable Federal, State, County and City codes, regulations, and adopted standards, and pay all applicable fees.
2. In the event the operation of this use should prove detrimental to the health, safety, peace, or general welfare of the surrounding neighborhood, this Use Permit shall be subject to revocation or modification as provided in the Development Code.
3. The Use Permit shall be posted in a conspicuous place and be made available immediately to City personnel upon inspection of the premises.
4. The following signs are required to be prominently posted in a readily visible manner on an interior wall or fixture, and not on windows, in English, Spanish, and any other predominant language of the patrons:
  - (A) "California State Law prohibits the sale of alcoholic beverages to persons under 21 years of age."
  - (B) "No Loitering or Public Drinking" signs shall be posted on the exterior of the business.
  - (C) The business shall post E.A.S.Y. (Eliminate Alcohol Sales to Youth) materials that are visible from outside the business.

5. The owners and all employees of the alcoholic beverage sales establishment who are involved in the sale of alcoholic beverages shall complete an approved course in “Responsible Beverage Sales” (RBS), or any other ABC approved course, within 60 days of hire for new employees. To satisfy this requirement, a certified program must meet the standards of the Alcohol Beverage Control Responsible Beverage Service Advisory Board, other certifying/licensing body Service Advisory Board, or other certifying/licensing body designated by the State of California.
6. The establishment shall be required to operate in a manner appropriate with mitigating alcohol-related problems that negatively impact those individuals living or working in the neighborhood, including, but not limited to: sales to minors, the congregation of individuals, violence on or near the premises, drunkenness, public urination, solicitation, drug-dealing, drug use, loud noise, and litter.
7. Exterior areas of the premises shall be provided with sufficient lighting in a manner that provides adequate illumination for alcoholic beverage sales establishment patrons while not spilling onto surrounding parcels and rights-of-way. A photometric study may be required to demonstrate compliance once the use is initiated.
8. The commission use permit is specifically issued for a micro-brewery, not a bar, and shall be valid for the duration of the use, but if the alcohol sales license is revoked by the State of California or changed to another license type, the use permit may be subject to revocation following a public hearing.
9. The operator shall establish a “complaint response community relations program” that will include:
  - A. Posting at the entry of the establishment that provides the telephone number for the area commander of the local law enforcement substation to any requesting individual.
  - B. Coordinating efforts with the Police Department to monitor community complaints about the establishment’s activities.
  - C. Having a representative of the establishment meet with neighbors, or the applicable neighborhood association on a regular basis and at their request to attempt to resolve any neighborhood complaints regarding the establishment.

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10. Prior to the initiation of alcoholic beverage sales activity, the most current technology for a video surveillance system with at least a seven (7) 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.

PASSED, APPROVED, and ADOPTED June 23, 2016.

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KEVIN HERNANDEZ, CHAIR  
City of Stockton Planning Commission

ATTEST:

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DAVID KWONG, SECRETARY  
City of Stockton Planning Commission