

Resolution No.

STOCKTON CITY COUNCIL

RESOLUTION DENYING AN APPEAL AND UPHOLDING THE PLANNING COMMISSION'S DENIAL OF A USE PERMIT TO UPGRADE FROM THE OFF-SALE OF BEER AND WINE TO THE OFF-SALE OF GENERAL ALCOHOLIC BEVERAGES IN AN EXISTING CONVENIENCE STORE AT 7906 NORTH EL DORADO STREET (P15-0453)

On March 24, 2016, the City Planning Commission denied a Use Permit to upgrade from the off-sale of beer and wine to the off-sale of general alcoholic beverages in an existing convenience store at 7906 N. El Dorado Street; and

On March 29, 2016, pursuant to the provisions of Section 16.100.040 of the Stockton Municipal Code (SMC), the applicant's attorney submitted an appeal of the Planning Commission's denial of the subject Use Permit; and

On July 12, 2016, the City Council convened a public hearing regarding the appeal of the Planning Commission's decision; now, therefore,

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

1. The City Council hereby denies the appeal and upholds the decision of the Planning Commission to deny a Use Permit to upgrade from the off-sale of beer and wine to the off-sale of general alcoholic beverages in an existing convenience store at 7906 N. El Dorado Street, based on the following findings:

General Findings

a. The proposed use would not maintain or strengthen the integrity and character of the neighborhood and zoning district in which it is to be located, because the proposed use would introduce a more intensive alcohol-related use into an area that is already over concentrated and is adequately served by numerous existing alcohol establishments. Approval of the proposed off-sale general alcohol use could potentially increase illegal activities associated with alcohol sales, including loitering, vandalism, panhandling, public drunkenness, and vagrancy. Further, allowing the off-sale of general alcoholic beverages in the subject convenience store has the potential to result in additional demands for police services.

b. The establishment, maintenance, or operation of the proposed use at the location proposed and for the time period(s) identified would 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, because the subject site is located in a high crime reporting district and is located adjacent to three other high crime reporting districts, and the off-sale of general alcoholic beverages in the subject convenience store is a potentially detrimental use due to possible additional calls for police services related to illegal activities from alcohol sales, including noise, public drunkenness, vandalism, and panhandling, and thereby placing a further strain on existing police resources.

c. The design, location, size, and operating characteristics of the proposed use would not be compatible with existing and future land uses on-site and in the vicinity of the subject property, because the proposed off-sale of general alcoholic beverages in the subject convenience store has the potential to be incompatible with offices, retail uses, and other personal services in the shopping center and residential uses in the nearby residential neighborhoods, due to the creation of additional alcohol-related impacts, such as noise, public drinking and drunkenness, illegal drug usage and sales, theft, or violent behavior.

Problem Use Findings

a. The proposed use is likely to interfere with the comfortable enjoyment of life or property in the area, because intensifying the existing alcoholic beverage sales activities in the subject convenience store has the potential to result in increased loitering and vandalism, as well as lead to additional calls for police services.

b. The proposed use will increase or encourage the deterioration or blight of the area, because the proposed use has the potential to result in increased alcohol-related problems, including: noise, public drinking and drunkenness, panhandling, illegal drug usage and sales, or theft, which would adversely affect the surrounding neighborhood.

c. The intensification of the existing off-sale alcohol use in the area will be contrary to the redevelopment of the surrounding neighborhood. While the City has no specific programs for the conservation, improvement, or redevelopment of the area, approval of the proposed use will be contrary to the improvement and redevelopment of the area, because such an establishment has the potential to increase alcohol-related illegal activities, which would adversely affect the quality of life for area residents and the viability of future retail/commercial development in the existing shopping center.

//
//
//
//
//
//
//

2. The City Manager is authorized to take whatever actions are necessary and appropriate to carry out the purpose and intent of this resolution.

PASSED, APPROVED, and ADOPTED July 12, 2016.

ANTHONY SILVA
Mayor of the City of Stockton

ATTEST:

BONNIE PAIGE
City Clerk of the City of Stockton