

To: Planning Commission

July 20, 2016

From: Mary Elizabeth

Re: USE PERMIT FOR A MICRO-BREWERY TO BE LOCATED AT 110 N SAN JOAQUIN STREET (P16-0159) and 222 N Sutter St, Stockton CA 95202

I urge you to consider limiting the hours that the micro-brewery is allowed to operate. The definition of micro-brewery allows only what is brewed on site to be sold or poured. Essentially, this is a tasting room with 40% off sale to the public or to licensed wholesalers. Only the beer that is brewed on site can be sold.

A type 23 liquor license: A micro-brewery is a small-scale brewery operation that typically is dedicated solely to the production of specialty beers. Authorizes the sale of beer to consumers for consumption on or off the manufacturer's licensed premises. Minors are allowed on the premises.

To have a tasting room open downtown after 10:00 on any night will not contribute to having family friendly draw downtown.

I ask that the hours be limited to no later than 10:00 on any night.

Also since the applicant has stated there will not be a permitted food facility on site that they will be serving only serving packaged" small food items and restaurant service available from Cast-Iron Cheese, an adjacent restaurant set to open this spring" I decided some investigation was warranted. The Cast-Iron Cheese restaurant aka Cast Iron Trading Company has an ABC Beer and Wine Liquor license application for 114 N San Joaquin pending review. I guess they will also be requesting a use permit since there had not been a beer and wine license there. On July 20, 2016, I contacted City of Stockton Planning Department and San Joaquin County Environmental Health and at this time no use permit application with the City of Stockton has been filed nor has a restaurant permit been filed with San Joaquin County Environmental Health

The issue of crime and overconcentration in the staff report was not emphasized enough and there should be something other than downtown investment to warrant waivers. I also question the comment attributed to the City of Stockton Police Department that even though they stated that the crime reporting district is a high crime district they state crime has been decreasing. I am having a hard time understanding why you all are not given the exact statistics to fact check. I have included a copy of the protest I filed for Rubie's located at 222 N Sutter which is in the same crime reporting district as the proposed Channel Brewery. Rubie's at 222 N Sutter has submitted a use permit change although when it will come to you I do not know. The use permit change for 222 N Sutter should be denied under all conditions because they have the use permit that came with the property for that they failed to use properly and ABC has a hold on the license. I also included crime statistics in my 222 N Sutter protest which are applicable to the Channel Brewery use permit.

PROTEST AGAINST ALCOHOLIC BEVERAGE LICENSE APPLICATION

- Refer to Form ABC-510, Information Regarding ABC License Application and Protests (Rev. April 2010), before completing and submitting your protest. The ABC-510 is located at www.abc.ca.gov and in each district office.
- **Please print legibly or type.** Incomplete and/or illegible information will cause the protest to be rejected.
- You will be notified by letter whether or not your protest is accepted.
- If the Department recommends licensure, you will be afforded the opportunity to request a hearing on your protest.
- If a hearing is scheduled as to whether or not a license should be granted, you or your authorized representative will need to attend the hearing to testify and/or present evidence to support your protest, or your protest will be deemed abandoned.
- All protests submitted to the ABC are public records and are open to inspection pursuant to the California Public Records Act (CPRA). (Gov. Code sec. 6254 *et seq.*)
- A copy of all valid and verified protests (ABC-510-A) and Protestant's/Complainant's Declaration (ABC-128) will be provided to the applicant as part of the licensing process.

I hereby protest the issuance of a license under the Alcoholic Beverage Control Act to:

Amar Singh Mathfullu

(Name(s) of Applicant(s))

For premises at:

222 N Sutter St, Stockton CA 95202

(Exact address of proposed premises)

on the grounds that:

The applicant location in Census Tract 1 is over concentrated, in a high crime reporting district and the applicant has not maintained a history of compliancy.

Census Tract Overconcentration Since the applicant is applying for a Type 48 license that includes both on sale general and off sale beer and wine sales the overconcentration of both types of licenses should be considered.

I summarized the 40 existing active retail licenses in Census Tract 1 in San Joaquin County as of June 11, 2016

- 1 Type 52. This is an onsale license for Veterans' Club
- 8 Type 20. This is an off sale license - OffSale Beer and Wine
- 1 Type 21. This is an off sale license - OffSale General
- 1 Type 40. This is an onsale license - OnSale Beer
- 12 Type 41. This is an onsale license - OnSale Beer and Wine for Bona Fide Public Eating Place
- 11 Type 47. This is an onsale license - OnSale General for Bona Fide Public Eating Place
- 6 Type 48. This is an onsale license - OnSale General for Public Premises

☒ Check here if additional sheets attached

I, Mary Elizabeth, declare under penalty of perjury:

PRINT (Name of Protestant)

- (1) That I am the Protestant herein;
- (2) That I have read the above protest and know the contents thereof; and
- (3) That the same is true of my own knowledge except as to those matters which are therein stated on information and belief, and as to those matters I believe to be true.

MEL

PROTESTANT'S SIGNATURE

Stockton California

TELEPHONE NUMBER (Optional & non-public)

SIGNED AT (City and State)

PO Box 160442, Sacramento CA 95816

DATE SIGNED

June 12, 2016

PROTESTANT'S ADDRESS (Full address - Street name & number, Unit or Apt. No., City, State, & Zip Code)

Since the 47 and 48 are combined on sale and off sale the actual number of licenses allowing off sale of beer and wine is 25 (6+11+8) and off sale general which also includes beer and wine is 1 so all together there are 26 locations to buy and take away alcohol and 31 on sale licenses. Using the ABC Census Tract allocations published September 2015 given the 2010 Census Tract population there should be at most 3 on sale and 3 off sale licenses to not be over concentrated.

Currently Census Tract 1 is: On sale over concentrated $|(3-31)/3| \times 100 = 933.33\%$
 Off sale over concentrated $|(3-26)/3| \times 100 = 766.66\%$

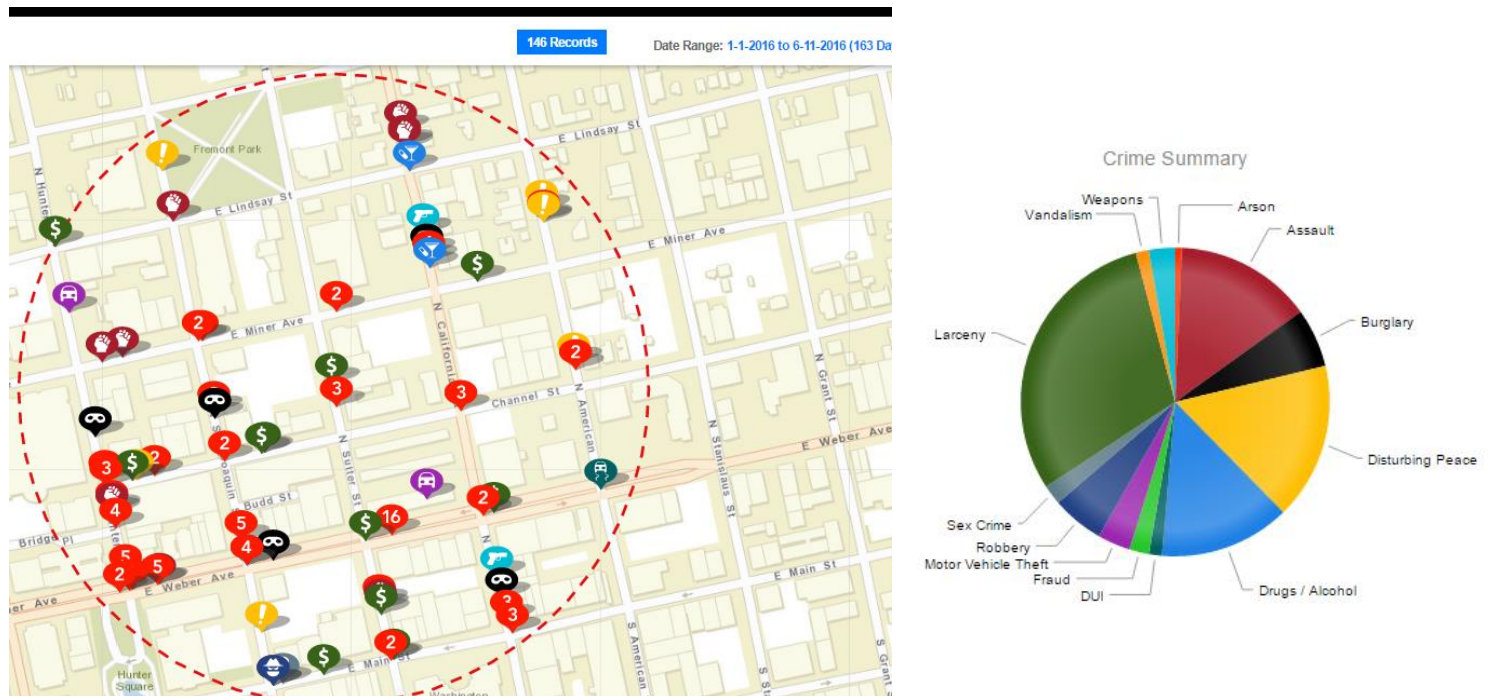
This level of over concentration warrants denial of liquor licenses that contribute to over concentration.

High Crime Reporting District

Between 1/1/16 and 6/11/12 there were 146 records within 1000 feet of the applicant's location 222 North Sutter Street Stockton CA 95202. CrimeMapping data source:

http://www.crimemapping.com/map/location/222%20N%20Sutter%20St,%20Stockton,%20California,%20USA?id=GST7YMc0AM9UOsE3GY8tIS9GOghnYnwZlip_GQypG1c915KOYsWHSFaOYsW1HFaOYgbHYNcpOh9bZgKZQoc3YSyaagDIzhkZQBNaCP1uGTyGZbyaCRcGYMy0ZN4p#

I am not able to access the crime data at the crime reporting district level. Annually, an average crime rate for a district is around 92. A 5 block radius is a relatively small area and to have 146 records of crime in 6 months is high crime. A large proportion of crime is disturbing the peace, drugs and alcohol, assault, and larceny all crimes that can be exasperated by alcohol.



Compliance History

The applicant has not maintained compliance with ABC rules and regulations as shown on the disciplinary history associated with liquor license 543250. The ABC May 15 2016 to May 21 2016 Legal Action Finalized Report dated May 25 2016 included the decision from the Administrative Hearing to Suspend the liquor license 543250 because the owner and license holder, Amar Singh MATHFALLU, failed to operate as a bona fide public eating place and purchased A/B for resale from other than wholesaler. I am not sure about what A/B for resale from other than wholesaler means. Another citation Reg. Number: 14081687 for Section: 25658(B), Section: 23300 AND 23355. The resultant discipline was suspension Days: 25 Stayed Days 10 POIC/Fine: 1350. Section 25658(B) - Sales to minors - § 25658 B&P: Sales of alcoholic beverages to person(s) under 21 - 15 day suspension. Section: 23300 AND 23355 Undisclosed Ownership – 23300 & 23355 B&P: Hidden owner qualified 15 day suspension Indefinite until ownership corrected

Another is Reg. Number: 15082841 for Section: 23402, Section: 23038, and Section 23396
Proceeding Status: CLOSED Decision: SUSPEND Suspension Days: 15 Stayed Days POIC/Fine:
Suspension Start Date: 03-MAR-2016: Suspension End Date: INDEFINITE SUSPENSION

Section: 23402 Sale to Purchase Between Retailers – 23402 B&P 15 day suspension

Section: 23038 and Section 23396 Not Operating Bona Fide Eating Place – 23038 & 23396 B&P
10 day suspension indefinite until compliance

The business at 222 N Sutter is boarded up shown in pictures taken 6/12/16 and an undated license application notice is on the building as shown below:



NEW PERMIT APPLICATION

The owner Amar Singh Mathfallu has applied for a License Type 48-On-Sale General for Public Premises . According to ABC License Type 48 ON SALE GENERAL – PUBLIC PREMISES - (Bar, Night Club) Authorizes the sale of beer, wine and distilled spirits for consumption on the premises where sold. Authorizes the sale of beer and wine for consumption off the premises where sold. Minors are not allowed to enter and remain (see Section 25663.5 for exception, musicians). Food service is not required.



California Department of Alcoholic Beverage Control
License Query System Summary
as of 6/11/2016

License Information
License Number: 543250
Primary Owner: MATHFALLU, AMAR SINGH
ABC Office of Application: 29 - STOCKTON
Business Name
Doing Business As: RUBIES RESTAURANT & NIGHT CLUB
Business Address
Address: 222 N SUTTER ST Census Tract: 0001.00
City: STOCKTON County: SAN JOAQUIN
State: CA Zip Code: 95202
Licensee Information
Licensee: MATHFALLU, AMAR SINGH
License Types
1) License Type: 47 - ON-SALE GENERAL EATING PLACE
License Type Status: ACTIVE
Status Date: 03-MAR-2016 Term: 12 Month(s)
Original Issue Date: 13-AUG-2014 Expiration Date: 31-JUL-2016
Master: Y Duplicate: 0 Fee Code: P40
License Type was Transferred On: 13-AUG-2014 FROM: 47-416096
2) License Type: 48 - ON-SALE GENERAL PUBLIC PREMISES
License Type Status: PENDING
Status Date: 11-APR-2016 Term: 12 Month(s)
Original Issue Date: Expiration Date:
Master: Y Duplicate: 0 Fee Code: P40
License Type was Transferred On: FROM:
Current Disciplinary Action
. . . No Active Disciplinary Action found . . .
Disciplinary History
Reg. Number: 14081687
1) Section: 25658(B)
2) Section:
3) Section: 23300 AND 23355
Proceeding Status: CLOSED Decision: POIC
Suspension Days: 25 Stayed Days: 10 POIC/Fine: 1350
Suspension Start Date:
Suspension End Date:
Reg. Number: 15082841
1) Section: 23402
2) Section: 23038, 23396
Proceeding Status: CLOSED Decision: SUSPEND
Suspension Days: 15 Stayed Days: POIC/Fine:
Suspension Start Date: 03-MAR-2016
Suspension End Date: INDEFINITE SUSPENSION
Hold Information
Hold Date: 11-APR-2016 Type: FORM 220
Escrow
. . . No Escrow found . . .

- - - End of Report - - -



**California Department of Alcoholic Beverage Control
For the County of SAN JOAQUIN - (Retail Licenses)
and Census Tract = 1**

Report as of 6/11/2016

	License Number	Status	License Type	Orig. Iss. Date	Expir Date	Primary Owner and Premises Addr.	Business Name	Mailing Address	Geo Code
1)	106376	ACTIVE	52	5/27/1981	6/30/2016	VFW LUNETA POST 52 513 N CENTER ST CIVIC AUDITORIUM STOCKTON, CA 95202	VFW LUNETA POST 52	PO BOX 92 STOCKTON, CA 95201	3905
2)	263642	ACTIVE	20	9/17/1991	2/28/2017	Census Tract: 0001.00 KOGA, THOMAS S 331 N CALIFORNIA ST STOCKTON, CA 95202	TOMS MARKET		3905
3)	291170	ACTIVE	41	1/20/1994	12/31/2016	Census Tract: 0001.00 CHAN, EDWIN P 146 S SUTTER ST STOCKTON, CA 95202	GAN CHY CHINESE RESTAURANT		3905
4)	296113	ACTIVE	41	6/22/1994	5/31/2016	Census Tract: 0001.00 RODRIGUEZ, IRMA 524 E WEBER AVE STOCKTON, CA 95202	IRMAS PLACE		3905
5)	315440	ACTIVE	21	1/17/1996	12/31/2016	Census Tract: 0001.00 PEREZ, J ROBERT 142 S EL DORADO ST STOCKTON, CA 95202	ROBERTOS LIQUOR		3905
6)	338578	ACTIVE	47	3/10/1998	2/28/2017	Census Tract: 0001.00 HUANG, GUO G 104 E MARKET ST STOCKTON, CA 95202	CHINESE RESTAURANT	5290 BARBADOS CIR STOCKTON, CA 95210	3905
7)	35965	ACTIVE	47	1/16/1987	5/31/2017	Census Tract: 0001.00 YASOO YANI RESTAURANT CORP 326 E MAIN ST STOCKTON, CA 95202	YASOO YANI		3905
8)	369325	ACTIVE	47	5/8/2001	6/30/2016	Census Tract: 0001.00 RUVALCABA, ELIA FLORES 135 E MINER AVE STOCKTON, CA 95202	CANCUN RESTAURANT		3905
9)	396809	ACTIVE	41	1/29/2003	1/31/2017	Census Tract: 0001.00 VARGAS, CARLOS 201 E WEBER AVE STOCKTON, CA 95202	CASA FLORES RESTAURANT		3905
10)	408833	ACTIVE	20	3/1/2004	2/28/2017	Census Tract: 0001.00 NASSER, JOHN OTHMAN 443 S CALIFORNIA ST STOCKTON, CA 95203	U SAVE MARKET		3905
11)	410071	ACTIVE	47	3/15/2004	2/28/2017	Census Tract: 0001.00 NEW ON LOCK SAM INC 333 S SUTTER ST STOCKTON, CA 95203	NEW ON LOCK SAM INC		3905
12)	427722	ACTIVE	47	11/7/2005	11/30/2016	Census Tract: 0001.00 MISAKI LLC 222 N EL DORADO ST M STOCKTON, CA 95202	MISAKI		3905
13)	464105	ACTIVE	20	6/24/2008	2/28/2017	Census Tract: 0001.00 SHARMA, SANDHIA DEVI 48 N CALIFORNIA ST STOCKTON, CA 95202	SHARMAS MARKET	8662 TRUMPET CT ELK GROVE, CA 95624	3905
14)	464364	ACTIVE	41	5/2/2008	9/30/2016	Census Tract: 0001.00 MAGALLON, SILVIA PADILLA 311 E WEBER AVE STOCKTON, CA 95202-2707	EL ZARAPE RESTAURANT		3905
15)	471752	ACTIVE	48	1/21/2009	12/31/2016	Census Tract: 0001.00 GOLDEN STATE REAL PROPERTY	CHARLIES		3905

						INVESTMENTS LLC 48 S AMERICAN ST STOCKTON, CA 95202-3001			
16)	507602	ACTIVE	47	3/7/2011 1:35:47 PM	2/28/2017	Census Tract: 0001.00 STOCKTON ARENA HOTEL AND CONFERENCE CENTER LLC 110 W FREMONT ST STOCKTON, CA 95202-1910	UNIVERSITY PLAZA WATERFRONT HOTEL		3905
17)	510247	ACTIVE	20	6/16/2011 12:35:12 PM	5/31/2017	Census Tract: 0001.00 PHENGPHANH, SOMPHANAT 541 N SUTTER ST STOCKTON, CA 95202	SP MARKET		3905
18)	513713	ACTIVE	41	10/12/2011 11:20:23 AM	9/30/2016	Census Tract: 0001.00 MANN FOODS INC. 335 E WEBER AVE STOCKTON, CA 95202-1107	ALFALFAS PIZZA & FOOD MART		3905
19)	516156	ACTIVE	47	12/6/2011 11:37:51 AM	4/30/2017	Census Tract: 0001.00 TORRES, ELIZABETH 30 S EL DORADO ST STOCKTON, CA 95202	TROPICANA	2253 PORT TRINITY CR STOCKTON, CA 95206	3905
20)	517128	ACTIVE	48	1/27/2012 3:11:54 PM	12/31/2016	Census Tract: 0001.00 UHL, CHARLES E 235 E FREMONT ST STOCKTON, CA 95202	STORE THE		3905
21)	529785	ACTIVE	47	3/29/2013 1:20:57 PM	2/28/2017	Census Tract: 0001.00 MR. D'S PIZZA AND PUB, INC. 122 E OAK ST STOCKTON, CA 95202	MR. D'S PIZZA AND PUB		3905
22)	530340	ACTIVE	47	4/2/2013 4:20:42 PM	2/28/2017	Census Tract: 0001.00 MATMOL INC 110 N EL DORADO ST STOCKTON, CA 95202	FRENCH 25		3905
23)	531186	ACTIVE	48	3/25/2013 3:44:57 PM	8/31/2016	Census Tract: 0001.00 WILLIS, JERRY D 548 E WEBER AVE STOCKTON, CA 95202-3017	GAVEL THE		3905
24)	531652	ACTIVE	20	9/30/2013 3:49:21 PM	8/31/2016	Census Tract: 0001.00 NIPOTE WINE IMPORTS, LLC 119 E WEBER AVE STOCKTON, CA 95202-2704	NIPOTE WINE IMPORTS, LLC		3905
25)	533630	ACTIVE	41	7/8/2013 4:29:07 PM	6/30/2016	Census Tract: 0001.00 JOHNSON, WASUMA 222 N EL DORADO ST, STE D STOCKTON, CA 95202	ROYAL SIAM 2		3905
26)	535503	ACTIVE	41	7/30/2013 4:14:47 PM	3/31/2017	Census Tract: 0001.00 RODRIGUEZ, ROSA F 135 E LINDSAY ST STOCKTON, CA 95202	TIO PEPES II		3905
27)	536687	ACTIVE	41	10/4/2013 9:20:49 AM	9/30/2016	Census Tract: 0001.00 LOPEZ, REYMUNDO MARIN 36 S SAN JOAQUIN ST STOCKTON, CA 95202	XOCHIMILCO CAFE		3905
28)	539069	SUREND	48	12/10/2013 1:36:22 PM	6/30/2016	Census Tract: 0001.00 MARIANI, ROBERT PETER JR 250 N HUNTER ST STOCKTON, CA 95202 Census Tract: 0001.00	DAVOLIS AVENUE INN	1243 CHAPARRAL CIRCLE SAN LUIS OBISPO, CA 93401	3905
29)	541410	ACTIVE	20	3/4/2014 3:26:17 PM	2/28/2017	GHALEB, ALI ABDURAHMAN 704 E SONORA ST STOCKTON, CA 95203	SONORA MARKET	2790 24TH ST SAN FRANCISCO, CA 94110	3905
30)	543250	ACTIVE	47	8/13/2014 11:02:59 AM	7/31/2016	Census Tract: 0001.00 MATHFALLU, AMAR SINGH 222 N SUTTER ST STOCKTON, CA 95202	RUBIES RESTAURANT & NIGHT CLUB	PO BOX 581 ACAMPO, CA 95220-0581	3905
31)	543924	ACTIVE	40	11/18/2014 2:15:14 PM	10/31/2016	Census Tract: 0001.00 DELALUZ, OFELIA 130 S EL DORADO ST STOCKTON, CA 95202 Census Tract: 0001.00	EL DORADO RESTAURANT		3905

32)	548058	ACTIVE	41	10/27/2014 5:18:47 PM	9/30/2016	HERRERA, ROSEVELIA 315 S HUNTER ST STOCKTON, CA 95203 Census Tract: 0001.00	CLUB RIO DE JAINARO RESTAURANT	1720 E FREMONT ST STOCKTON, CA 95205	3905
33)	548688	ACTIVE	41	12/9/2014 10:44:09 AM	11/30/2016	CASTRO, VIRGINIA 825 E MAIN ST STOCKTON, CA 95202 Census Tract: 0001.00	MARISCOS CULIACAN	3106 MISSION VALLEY STOCKTON, CA 95202	3905
34)	551270	ACTIVE	20	12/30/2014 1:21:27 PM	11/30/2016	WONG, KIM HON 319 S SAN JOAQUIN ST STOCKTON, CA 95203 Census Tract: 0001.00	WING FUNG GROCERY	936 S SUTTER ST STOCKTON, CA 95206	3905
35)	558239	ACTIVE	41	6/17/2015 11:21:10 AM	10/31/2016	DELAROSA, ANN T 126 E MARKET ST STOCKTON, CA 95202 Census Tract: 0001.00	RED ORCHIDS	1642 W POPLAR ST STOCKTON, CA 95203	3905
36)	558299	SUREND	48	7/23/2015 10:37:34 AM	6/30/2016	DUFFY, JOHN JAMES 344 N CALIFORNIA ST STOCKTON, CA 95202 Census Tract: 0001.00	FAT CITY LOUNGE	115 TERRA VISTA AVE SAN FRANCISCO, CA 94115	3905
37)	559841	ACTIVE	41	11/12/2015 4:16:14 PM	10/31/2016	REGAL CINEMAS INC 222 N EL DORADO ST STOCKTON, CA 95202 Census Tract: 0001.00	CITY CENTRE STADIUM 16	7132 REGAL LN KNOXVILLE, TN 37918-5803	3905
38)	561366	ACTIVE	47	11/30/2015 3:34:32 PM	10/31/2016	EBEER USA, INC. 222 N EL DORADO ST, STE J STOCKTON, CA 95202-2339 Census Tract: 0001.00	TAPS BAR & GRILL	9504 RAVENNA LN STOCKTON, CA 95212	3905
39)	66929	ACTIVE	20	12/1/1978	9/30/2016	SUN WONG KEE INC 333 S HUNTER ST STOCKTON, CA 95203 Census Tract: 0001.00	SUN WONG KEE INC		3905
40)	83789	ACTIVE	48	12/10/1979	9/30/2016	MONROY, BULMARO 847 E MAIN ST STOCKTON, CA 95202 Census Tract: 0001.00	AURORA CLUB		3905

- - - End of Report - - -

For a definition of codes, view our [glossary](#).