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November 28, 2016

Dawn Mitchell, Paralegal



NOV 28 2015

CITY OF STOCKTON PERMIT CENTER / PLANNING DIV.

City of Stockton Planning Commission Council Chamber, City Hall 425 N. El Dorado Street Stockton, CA 95202

Re: Use Permit Application #16-3018 Applicant: Amar Mathfallu Supplemental Submission and Rebuttal to Staff Recommendation

Dear Commissioners:

Our office represents Amar Mathfallu, who is the applicant for a Use Permit to change the operation of a restaurant located at 222 N. Sutter (Rubie's) [ABC License type 47] to a bar [ABC license type 48].

His application was item 5.1, #16-3018 on the agenda for the Planning Commission meeting on November 17, 2016.

Mr. Mathfallu's aunt died a few days before the November 17, 2016 hearing, and unfortunately the funeral service was scheduled on the same day as the hearing. On Mr. Mathfallu's behalf, we asked for and were granted a continuance of the hearing on his Use Permit application to December 15, 2016.

In the interim, we have located some additional information which we believe should be considered before the December 15, 2016 hearing, which we are enclosing herewith.

Supplemental Submission and Rebuttal to Staff Recommendation

Proximity to Schools and Parks 16.80.040.D(2)

Section 2. Location Restrictions. (a) provides, in pertinent part: *New alcoholic beverage sales activities or establishments shall not be located within 500 feet of any of the following....*

The pending Use Permit Application <u>does not involve a new</u> alcoholic beverage sales establishment.

As noted in the Staff Recommendation at page 2, first full paragraph: *The building* [located at 222 N. Sutter] has been occupied by various restaurants since approximately 1947, under a variety of names, including Seven Seas, the Pump Room, the Pancake and Chicken Pantry, Joe's and Torino's. For the past several years the site has been operated as "Rubie's" [Alcoholic Beverage License Type 47–On-Sale-General-for Bona-Fide-Public Eating Place).

The proposed Use Permit Application involves only a reconfiguration of an existing alcoholic beverage sales establishment; not the creation of a new alcoholic beverage establishment. As noted in the Staff Recommendation at page 2, fifth paragraph: According to ABC staff, exchanging the applicant's Type 47 license for a Type 48 license will not result in a net increase in the number of active licenses and will not increase the existing over concentration. Therefore, a Finding of Public Convenience or Necessity (PCN) will not be required for this project.

Section 2. Location Restrictions. (a) provides, in pertinent part: New alcoholic beverage sales activities or establishments shall not be located within 500 feet of *a public or private academic school for students in kindergarten through the 12th grade, nursery school, preschool, or day-care facility...public park, playground, recreational area, or youth facility.*

The Staff Recommendation at page 3, second paragraph, acknowledges that the nearest school, Stockton Collegiate Elementary and High School, a charter school located at 321 East Weber Avenue, is approximately 390 feet to the southwest of the project site.

As noted above, the Use Permit Application <u>does not involve a new</u> alcoholic beverage sales establishment. Even if the proximity of the Stockton Collegiate Elementary and High School were to warrant consideration, the location of the

school to the project site should be evaluated in light of the actual times of the operations of both:

The school's instructional schedule published on its website <u>http://www.stocktoncollegiate.org/</u> indicates:

The Primary Years Program (PYP) students in grades K-5 attend school from 8:00 a.m. to 2:10 p.m. Flex Time is available Tuesday, Wednesday, and Thursday from 2:15 p.m. to 3:15 p.m. for enrichment and interventionactivities. Mondays and Fridays are reserved for teacher collaboration. Enrichment activities are voluntary. Intervention activities may be required if deemed necessary. These are not drop in childcare hours, but rather planned extensions of the school day that offer enrichment or extra targeted assistance.

The Middle Year Program (MYP) students in grades 6-10 and Diploma Program (DP) students in grades 11-12 attend school from 7:30 to 2:35 in block schedule periods of 95 minutes each on alternating A and B days. Students have four classes a day, with a total of 8 classes over each twoday period. Flex Time, from 2:40-3:35 Tuesday, Wednesday, and Thursday, offers the opportunity for extra help or for clubs and other extracurricular activities.

The proposed hours of operations by the Applicant at the project site are listed in the Staff Recommendation, at page 2, paragraph 3: "...two days per week–Friday and Saturday–between the hours of 5:00 p.m. and 12:00 a.m. (midnight) for a total of 14 hours per week."

By the time the facility proposes to open on Fridays, all students have gone home. There is no school on Saturday. During the proposed operations of the facility, only the building housing the school will be within 500 feet of the facility; no students will be present nor will student activities be conducted within the minimum separation requirement.

On November 21, 2016 I contacted the school, and left a detailed message regarding my representation and the pending use permit application and asked for a response regarding whether the school had any input. To date I have not received any response.

High Crime Reporting District 16.80.040.D(2)(d)(I)

Section 2. Location Requirements (d) provides for consideration of specified factors and permissive grounds for denial of use permit applications for new alcoholic beverage sales establishments and upgrades or transfers of existing ABC licenses, which are considered problem uses as defined....

Although Applicant is not proposing a new alcoholic beverage sales establishment Applicant does acknowledge that the facility is located in a crime reporting district where the average number of crimes in the district exceeds the average number of crimes for all crime reporting districts city wide. Applicant urges that a specific review of this facility is warranted, so that proposed use permit considered on the merits of the operations of applicant's facility and not on matters which are beyond Applicant's control.

Applicant has obtained from the Stockton Police Department a 5 year service call history report for 222 N. Sutter which confirms that not a single Stockton Police Department service call has been placed for Rubie's located at 222 N. Sutter, as operated by Applicant. A copy of the report is attached.

In any event, The applicable Review Authority has the discretion to waive these restrictions to promote and support local economic business growth, throughout the City including areas like: the Downtown District...

Proximity to Other Alcoholic Beverage Sales Establishments 16.80.040.D(2)(d)(I)

A second factor which may provide permissive grounds for denial of use permit

applications for new alcoholic beverage sales establishments and upgrades or transfers of existing ABC licenses, is that the "Establishment shall not be located in an area within 500 feet of an existing on-sale alcoholic beverage establishment or any location that would lead to the grouping of more than four (4) on-sale alcoholic beverage establishments within a 1,000 foot radius."

It is worthy of note that in a draft of the Staff Recommendation report, these requirements were interpreted as follows: Though not specifically stated in the noted SMC section, these requirements apply only to on-sale Problem Uses, including bars and nightclubs, rather than to all on-sale alcohol-related uses. There are no bars or nightclubs with a 500-foot or a 1,000-foot radius of the subject site (Attachment D–Census Tract 1.00/Liquor Licenses). The subject Use Permit will not result in more than four on-sale Problem Use alcohol establishments within 1,000 feet of the project site. Based on the above information, the subject bar complies with both of the noted minimum separation requirements. A copy of the relevant portion of the draft Staff Recommendation report is attached.

The pending Use Permit Application involves an existing establishment, not a new one. A denial of the application will not result in any net change in the number or location or concentration of alcoholic beverage sales establishments, since Applicant already has an ABC license for the facility.

The applicable Review Authority has the discretion to waive these restrictions to promote and support local economic business growth, throughout the City including areas like: the Downtown District.... Currently, the facility is not in operation, pending the granting of the Use Permit Application and there is no economic business/growth being generated. Upon the granting of the Use Permit the facility will contribute to local economic business growth, albeit modestly.

Waivers

While Applicant believes he has successfully demonstrated above that the

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Location Restrictions have been satisfied, should the Planning Commission not concur, Applicant believes that waivers of the Location Restrictions is appropriate, in this case, for the following reasons:

The City of Stockton 2012 Urban Land Institute (ULI) Assessment's key characteristic of a successful downtown mentions recommendations, but not mandatory requirements of a broad mix of uses, activity across the day (into the evenings) and week (including weekends), and lively street frontages.

Currently Applicant proposes to operate commencing Friday in the late afternoon to midnight and Saturday commencing in the late afternoon until midnight. Applicant's proposed operating days and times satisfy the minimum requirements of *across the day (into the evenings) and week (including weekends)*. Applicant is willing to expand operations (days and times) as a condition of granting the Use Permit.

"Lively street frontages" is not an easy concept to quantify. Currently, Applicant is planning on repainting the front and back of the building and is considering adding signs/logos, and aesthetic lighting as street frontage improvements. Applicant is willing to make additional exterior improvements as a condition of granting the Use Permit. The location of the facility and the narrow sidewalk in front of the building do not permit outdoor dining or other activity areas.

Findings

Applicant has demonstrated that the Use Permit Application satisfies the Development Code findings.

Applicant has shown that the Location Restrictions are not applicable, or, in the alternative, that waivers are appropriate and feasible. Applicant has a 5 year history of operations at the facility which have not jeopardized or been hazardous to public peace and welfare (no Stockton Police Department service calls). Since the Use Permit Application is not for a new business, the continuance of

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operations at the facility cannot be incompatible with surrounding land uses.

Problem Use Findings

The proposed continued/altered use of the facility in not likely to interfere with the comfortable enjoyment of life or property, because it has a 5 year clean record of no crimes committed or alleged to have been committed. The continued use of the facility will not cause deterioration in the area, but, rather, with the proposed exterior improvements the conservation and improvement of the area will be enhanced. The continued use of the facility will not cause deterioration in the area because in many respects the use of the property will be the same, just fewer days and fewer hours.

Alcoholic Beverage Findings

There is no basis for an expected result in nuisance activities due to additional calls for police service that can be expected from the use. The Stockton Police Department records show that for the last 5 years, there have been no calls for service. Any implication that "additional" calls can be expected is speculative.

The proposed Use Permit Application involves only a reconfiguration of an existing alcoholic beverage sales establishment; not the creation of a new alcoholic beverage establishment. As noted in the Staff Recommendation at page 2, fifth paragraph: According to ABC staff, exchanging the applicant's Type 47 license for a Type 48 license will not result in a net increase in the number of active licenses and will not increase the existing over concentration. Therefore, a Finding of Public Convenience or Necessity (PCN) will not be required for this project.

No Public Comments

As noted in the Staff Recommendation, no one from the public has expressed any concerns for the modified use of the facility.

Conclusion

In light of the foregoing, Applicant requests that the Staff Recommendation that the Planning Commission adopt a resolution denying a Use Permit to Applicant not be accepted, but, rather that the Planning Commission adopt a resolution approving Applicant's Use Permit to Applicant, subject to any reasonable requirements for days and hours of operations and any exterior improvements which the Planning Commission may deem appropriate.

Thank you for your consideration.

Very truly yours,

Mott Malm.

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Attachments

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		Attachment E
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COMPLETE #'S 1-13 - <u>RE</u>	QUIRED	
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2. REPORT NUMBER (LIST ALL REQUESTED)		
3. NAMES OF OTHER PARTIES INVOLVED?	Rubie's LLC	
4. LOCATION OF INCIDENT? 222 N. Sa	HE- Stockton CA	
5. DATE OF INCIDENT? 6. 7 History of service calle at 222 N. Sutter, Stockform, Sycars	WAS A JUVENILE INVOLVED? IF YES, JUVENILE'S NAME YOUR RELATIONSHIP TO JUVENI	
7. TYPE: □ ACCIDENT / PCRIME / PARREST 8. A	RE YOU INVOLVED IN THE REPO	$\overrightarrow{PRT?} \square \underline{YES} / \overrightarrow{PNO}$
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05-02-2014 16:31	05-03-2014 20:18	05-07-2014 17:43	05-07-2014 19:22	05-07-2014 20.47	02-11-2014 10:40	05-13-2014 19:34	05-15-2014 00:49	06-05-2014 01:49	06-06-2014 20:56	06-09-2014 22:55	06-11-2014 20:41	06-12-2014 13:40	06-19-2014 16:57	06-13-2014 19:54	05-21-2014 15:55	05-23-2014 00:23	07-03-2014 00:16	07-04-2014 00:46	07-05-2014 00:28	08-02-2014 00:38	08-02-2014 00:12	08-16-2014 08:50	08-16-2014 20:09	08-22-2014 19:14	08-24-2014 22:43	08-28-2014 15:44	08-29-2014 02:00	08-04-2014 07:49	09-04-2014 23:14	08-09-2014 09:49	09-06-2014 14:12	09-09-2014 04:27	09-09-2014 05:23	09-10-2014 16:32	09-13-2014 07:14
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- 6	·	_						Wireless 9-1-1 HANG-UP NO INDIC OF PROB 141350032			HANG-UP NO INDIC OF PROB	HANG-UP NO INDIC OF PROB	HANG-UP NO INDIC OF PROB		Wireless 9-1-1 HANG-UP NO INDIC OF PROB 141640854		HANG-UP NO INDIC OF PROB		HANG-UP NO INDIC OF PROB		HANG-UP NO INDIC OF PROB		HANG-UP NO INDIC OF PROB	HANG-UP NO INDIC OF PROB	HANG-UP NO INDIC OF PROB		HANG-UP NO INDIC OF PROB	HANG-UP NO INDIC OF PROB	HANG-UP NO INDIC OF PROB	1		Wireless 9-1-1 HANG-UP NO INDIC OF PROB 142530724			
242 N SUITER ST	242 N SUTTER ST	242 N SUTTER ST	242 N SUTTER ST	242 N SUTTER ST	242 N SUTTER ST	242 N SUTTER ST	242 N SUTTER ST	242 N SUTTER ST	242 N SUTTER ST	242 N SUTTER ST	242 N SUTTER ST	242 N SUTTER ST	242 N SUTTER ST	242 N SUTTER ST	242 N SUTTER ST	242 N SUTTER ST	242 N SUTTER ST	242 N SULLER ST	242 N SUTTER ST	242 N SUTTER ST	242 N SUTTER ST	242 N SUITER ST	242 N SUTTER ST	242 N SUTTER ST	242 N SUTTER ST	242 N SUTTER ST	242 N SUTTER ST	242 N SULTER ST							

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09-16-2014 18:53	09-17-2014 14-24	N2-11 2102-71-00	10-22-2014 11:04	00 02 001 / 10:00	00-20-2014 10:30		08-30-2014 22:40	10-01-2014 22:29	09-11-2014 04:11	09-11-2014 18:02	09-12-2014 14:25	09-12-2014 14:26	10-02-2014 13:46	10-03-2014 15:07	10-07-2014 00:04	10-13-2014 16:43	03-21-2016 13:28	03-21-2016 18:39	03-22-2016 18:03	03-22-2016 09:14	03-22-2016 21:10	03-22-2016 00:09	03-23-2016 10:48	03-23-2016 10:49	03-23-2016 16:05	03-23-2016 20:49	03-23-2016 16:48	03-23-2016 12:41	03-23-2016 17:38	111-07-2014 16:14	03-24-2016 20:11	03-24-2016 00:53	03-25-2016 07:45	03-25-2016 13-19	03-25-2016 21:34	03-25-2016 22:25
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242 N 21 H FL 31	242 N SULLEK SL	242 N SULLER ST	242 N SUTTER ST	242 N SUTTER ST	242 N SUTTER ST	242 N SUTTER ST	242 N SUTTER ST	242 N SUITER ST	242 N SUTTER ST	242 N SUTTER ST	242 N SUTTER ST		-16	242 N 901 LEN 31	242 N SULLEN SI	242 N SULLER SI	242 N SULLEK SL	242 N SULLEK SL		242 N SULLER SI	242 N SULLER SI	242 N SUTTER ST	242 N SULLER SI	242 N SULLER ST	242 N SULLEK SL	242 N 301 [EK 0]	242 N SULLER SI			242 N SULLER SI	242 N SU 1EK SI	242 N SULLER ST	242 N SULLER ST	Ð	Ξļ	242 N SUITER ST

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03-25-2016 23:56	03-25-2016 10:13	03-25-2016 20:40	03-25-2016 20:41	03-26-2016 08:30	03-26-2016 03:50	03-26-2016 07:13	03-26-2016 23-21	03-27-2016 04-19	03-27-2016 19:19	03-27-2016 00-07	03-27-2016 14:27	03-28-2016 18:41	03-28-2016 22:49	03-28-2016 19:02	03-28-2016 15-19	03-30-2016 08-26	03-30-2016 20-53	03-30-2016 21-10	03-30-2016 18-38	03-30-2016 18-38	03-30-2016 01-02	03-30-2016 02-58	03-29-2016 17:30	03-31-2016 14:51	03-31-2016 15:18	04-01-2016 16:18	04-01-2016 09:24	04-01-2016 05:27	04-02-2016 16:03	04-02-2016 14:13	04-02-2016 14:18	04-02-2016 14:23	04-02-2016 03:27	03-31-2016 00:49	04-02-2016 05:27	04-02-2016 05:29
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HANG-UP NO INDIC OF PROB	HANG UP NO INDIC OF PROB	HANG-UP NO INDIC OF PROB	HANG-UP NO INDIC OF PROB	HANG-UP NO INDIC OF PROB	I HANG-UP NO INDIC OF PROB	I HANG-UP NO INDIC OF PROB	HANG-UP NO INDIC OF PROB	HANG-UP NO INDIC OF PROB	_ [I HANG-UP NO INDIC OF PROB	HANG-UP NO INDIC OF PROB		Wireless 9-1-1 HANG-UP NO INDIC OF PROB 160880604	HANG-UP NO INDIC OF PROB	HANG-UP NO INDIC OF PROB	HANG-UP NO INDIC OF PROB		Wireless 9-1-1 HANG-UP NO INDIC OF PROB [160900976	I HANG-UP NO INDIC OF PROB		Writeless 9-1-1 HANG-UP NO INDIC OF PROB 160890802	HANG-UP NO INDIC OF PROB	I HANG-UP NO INDIC OF PROB	HANG-UP NU INDIC UP PROB	WINNERSS 8-1-1 FANG-UP NO INDIC OF PROB 160920242		HANG-UP NO INDIC OF PROB	HANG-UP NO INDIC OF PROB	HANG-UP NO INDIC OF PROB	-1 HANG-UP NO INDIC OF PROB	-1 HANG-UP NO INDIC OF PROB	HANG-UP NO INDIC OF PROB	IVVITEIESS 8-1-1 FANG-UP NO INDIC OF PROB 160930135			
242 N SULTER ST	242 N SUTTER ST		242 N SULLENSI 242 N SULLER ST	249 N SI ITTER ST	242 N SHTTED ST	242 N SULLEN SI			242 N 301 / EN 31				242 N 301 1EK 31	242 N SULLEN SL	242 N 301 LER 31	242 N SULLER ST	242 N SULLER SI	242 N SULTER ST	242 N SULLER SL	242 N SULLEK SL	242 N 301 LEK 31	242 N 501 LEK 51	242 N 301 LEK 31	242 N 301 LEN 31	242 N 301 LEN 31	242 N SULTER ST	242 N SUTTER ST	242 N SLITTER ST		242 N SUTTED ST		242 N SULLEN SI		242 N 301 LEN 31	242 N 301 1EN 31	

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04-02-2016 11:05	04-02-2016 11:06	04-03-2016 15-18	04-03-2016 08:53	04-03-2016 19:11	04-04-2016 12:37	04-04-2016 17:36	04-04-2016 18:32	04-04-016 05:37	104-04-2016 22:23	04-04-2016 03:20	04-04-2016 04:16	04-05-2016 02:36	04-05-2016 22:05	04-03-2016 09:27	04-05-2016 17:41	04-05-2016 18:18	04-05-2016 06:55	04-07-2016 10:01	04-07-2016 17:04	04-08-2016 15:23	04-08-2016 10:12	04-08-2016 05:18	04-08-2016 05:22	04-08-2016 05:22	04-08-2016 05:23	04-09-2016 21:36	04-09-2016 11:01	04-09-2016-07:35	04-09-2016 07:41	04-09-2016 18:34	04-09-2016 14:42	04-09-2016 09:11	04-10-2016 21:04	04-10-2016 11:47	· 104-10-2016 04-27
None	None	None	None	None	None	None	None	None	None	None	None	None	None	None	None	None	None	None	None	None	None	None	None	None	None	None	None	None	None	None	None	None	None	None	None
HANG-UP NO INDIC OF PROB	HANG-UP NO INDIC OF PROB	Wireless 9-1-1 HANG-UP NO INDIC OF PROB 160930318	I HANG-UP NO INDIC OF PROB	HANG-UP NO INDIC OF PROB					HANG-UP NO INDIC OF PROB		HANG-UP NO INDIC OF PROB	HANG-UP NO INDIC OF PROB	HANG-UP NO INDIC OF PROB			1 HANG-UP NO INDIC OF PROB		HANG-UP NO INDIC OF PROB	HANG-UP NO INDIC OF PROB	HANG-UP NO INDIC OF PROB	I HANG-UP NO INDIC OF PROB	HANG-UP NO INDIC OF PROB	HANG-UP NO INDIC OF PROB	I HANG-UP NO INDIC OF PROB	HANG-UP NO INDIC OF PROB	I HANG-UP NO INDIC OF PROB	I HANG-UP NO INDIC OF PROB	I HANG-UP NO INDIC OF PROB	HANG-UP NO INDIC OF PROB	_ I	_ I	Writeless 9-1-1 HANG-UP NO INDIC OF PROB [161010349			
242 N SULLEK SI	242 N SUI LEK ST	242 N SULLER ST	242 N SULLER ST	242 N SULLER ST	242 N SULLER ST	242 N SUTTER ST	242 N SULLER ST	242 N SULTER ST	242 N SUTTER ST	242 N SULTER ST	242 N SULLER ST	242 N SULLEK SI	242 N SUTTER ST	242 N SULLEK SI	242 N SULLEK SI	242 N SUTTER ST	242 N SUTTER ST	242 N SULTER ST	242 N SULLER ST	242 N 3UTTER 31	242 N 3011EK 31	1242 N SULLEK ST	242 N SULLEK SI	242 N SULLER SL		242 N 301 LEN 31 243 N SI ITTED ST	242 N 001 LEN 01	242 N 301 LEN 31	242 N 301 LEK 31	242 N 3U 1 EK 31	242 IN SULLER SI			242 N 301 IEK 31	242 N 3U I EK 31

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Attachment E

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LIANG-UP NO INDIC OF PROB 160980043	04-10-2016 18:08
LANG-UP NO INDIC OF PROB 161010/11	04-11-2016 15:58
HANG-UP NO INDIC OF PROB 161020728	04-11-2016 17:37
HANG-UP NO INDIC OF PROB 161020837	04-11-2016 22:40
HANG-UP NO INDIC OF PROB 161021134	04-11-2016 12:33
	04-11-2016 12:33
HANG-UP NO INDIC OF PROB 161020495	04-11-2016 12:34
PANG-UP NO INDIC OF PROB 10102049/	04-13-2016 21:52
HAND IT NO INDIO OF PROB 101041013	04-13-2016 21:52
	04-13-2016 19:46
HANG-I IP NO INDIC OF PROB	04-13-2016 10:22
HANG-LIP NO INDIC OF PROR 16104003	11.00 01-201-00
HANG-UP NO INDIC OF PROB 161050303	04-14-2010 10,12
HANG-UP NO INDIC OF PROB 161050102	04-14-2016 19:36
161050817	04-14-2016 19:37
HANG-UP NO INDIC OF PROB 161050818	04-15-2016 14:17
HANG-UP NO INDIC OF PROB 161060505	04-12-2016 09:28
I HANG-UP NO INDIC OF PROB	. 04-12-2016 11:12
HANG-UP NO INDIC OF PROB 161030377	04-12-2016 16:53
HANG-UP NO INDIC OF PROB 161030795	04-12-2016 09:02
HANG-UP NO INDIC OF PROB	04-11-2016 12:47
HANG-UP NO INDIC OF PROB 161020520	04-11-2016 07:27
HANG-UP NO INDIC OF PROB	04-17-2016 13:32
I HANG-UP NO INDIC OF PROB 161080507	04-17-2016 13:37
I HANG-UP NO INDIC OF PROB [161080512	04-17-2016 19:39
I HANG-UP NO INDIC OF PROB	04-18-2016 19:42
_ I	04-18-2016 22:48
I HANG-UP NO INDIC OF PROB	04-18-2016 13:49
HANG-UP NO INDIC OF PROB	04-18-2016 23:11
I HANG-UP NO INDIC OF PROB	04-18-2016 21:46
HANG-UP NO INDIC OF PROB	04-16-2016 15:39
HANG-UP NO INDIC OF PROB	04-16-2016 12:51
HANG-UP NO INDIC OF PROB 161070402	04-16-2016 00:24
HANG-UP NO INDIC OF PROB [161070017	04-19-2016 04:14
HANG-UP NO INDIC OF PROB [161100117	04-19-2016 15:11
IVVITEIESS 9-1-7 HANG-UP NO INDIC OF PROB 1461400674	04-40-2046 08:43

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161120795	04-21-2016 18:17 04-21-2016 03:49
	04-22-2016 06:59
HANG-UP NO INDIG OF PROB 161130142 NODE	04-22-2016 11:16
161130077	04-22-2016 03:05
161130146	04-23-2016 19-23
161140779	04-23-2016 19:27
	04-24-2016 16:18
1611505/1	04-24-2016 06:41
HANG-UP NO INDIC OF PROB 161160169 None	04-25-2016 17:28
161160886	04-20-2016 18:40
161160268	04-26-2016 17-57
HANG-UP NO INDIC OF PROB 161170872 None	04-26-2016 23:10
161171167	04-26-2016 23:12
161171170	04-26-2016 22:32
	04-26-2016 01:36
0479710042	04-27-2016 23:58
	04-27-2016 07:30
161190833	04-20-2010 19:11
	04-28-2016 20:02
161190863	04-27-2016 11:18
161180398	04-29-2016 18:04
	04-29-2016 12:26
161200440	04-29-2016 12:28
	04-29-2016 12:29
164940004	04-30-2016 00:07
101210004	04-30-2016 09:50
101210202	04-30-2016 16:12
161210615	05-01-2016 08:14
161220215	05-01-2016 21:34
161220899	05-01-2016 17:44
	05-01-2016 01:40
HANG-UP NO INDIC OF PROB 161220077 None	05-01-2016 01:41
	05-01-2016 20:53

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0E 04 2046 24.00	0.1 2010 21.00	102-01-2010 21:01 102-02-2010 21:01	02-02-201010:721	05-02-2010 12:23	05-0010103-201013-30	05-02-02-02-02-02-02-02-02-02-02-02-02-02-	05-02-22-00 14:20	105-03-2016 10-40	05-04-2016 07-04	05-04-2016 18-00	05-05-2016 15-47	05-05-2016 15-48	05-05-2016 15:52	05-05-2016 11-06	04-29-2016 04:43	05-01-2016 15:56	05-05-2016 05:28	05-05-2016 05:29	05-05-2016 19:12	05-05-2016 12:50	05-05-2016 13:44	00-00-2016 10:38	05-00-2010 Z1:03	05-07-00-00	02-02-20-21-20	05-07-2010 21:32	05-04-2018 18-28	05-08-2016 12:56	05-09-2016 03-11	05-09-2016 16:34	05-09-2016 09-21	05-09-2016 11:19	05-09-2016 11:20	05-09-2016 15:43	05-11-2016 14:49
 None	None	None	None	None	None	None	None	None	None	None	None	None	None	None	None	None	None	None	None	None		None	None	None	None	None	None	None	None	None	None	None	None	None	None
ANG-UP NO INDIC OF PROB 161220861	NG-UP NO INDIC OF PROB 161220871	161220872	161230641	161230437	161230901		161230568	161240828	NG-UP NO INDIC OF PROB 161240328	161250197	161250787	161260702		161260708		161200084	161220569	51260111 1200111	5126U112	1200920		1260680	31271032	1270033	NG-UP NO INDIC OF PROB 161280861	161280898	VG-UP NO INDIC OF PROB 161280769	NG-UP NO INDIC OF PROB 161290715	VG-UP NO INDIC OF PROB 161290433	161300084	NG-UP NO INDIC OF PROB 161300721	NG-UP NO INDIC OF PROB 161300262	NG-UP NO INDIC OF PROB 161300372	161300373	WII ELESS 3-1-1 HANG-UP NU INDIC OF PROB 161300652 N
242 N SULLEK SI	242 N SULLEK SI	242 N SULLER ST	242 N SULLEK ST	242 N SUTTER ST	42 N SUTTER ST	42 N SULLEK SL	242 N SULLEK ST	42 N SULLEN ST			242 N SULLEN SI 249 N SUTTED ST	10 N SUFFED ST	13 N SULLEN 31	2 N 301 JEN 31	2 N SULTER ST		2 N SULTER ST	2 N SUTTER ST	2 N SUTTER ST	2 N SUTTER ST	242 N SUITER ST	2 N SUTTER ST	2 N SUTTER ST	242 N SUTTER ST		242 N SULLEK SL		242 N SULLEK SI 243 N SULLER SI		242 N 301 LEK 31		242 N SUTTED ST	2 N SLITTED ST	242 N SLITTED ST	

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Wireless 9-1-1 HANG-UP NO INDIC OF PROB 161320669 None Wireless 9-1-1 HANG-UP NO INDIC OF PROB 161321229 None None Wireless 9-1-1 HANG-UP NO INDIC OF PROB 161320605 None None Wireless 9-1-1 HANG-UP NO INDIC OF PROB 161320636 None None Wireless 9-1-1 HANG-UP NO INDIC OF PROB 16133006 None None Wireless 9-1-1 HANG-UP NO INDIC OF PROB 16133050 None None Wireless 9-1-1 HANG-UP NO INDIC OF PROB 161330510 None None Wireless 9-1-1 HANG-UP NO INDIC OF PROB 161330510 None None Wireless 9-1-1 HANG-UP NO INDIC OF PROB 161330510 None None Wireless 9-1-1 HANG-UP NO INDIC OF PROB 161330510 None None Wireless 9-1-1 HANG-UP NO INDIC OF PROB 161340624 None None Wireless 9-1-1 HANG-UP NO INDIC OF PROB 161340624 None None Wireless 9-1-1 HANG-UP NO INDIC OF PROB 161340624 None None Wireless 9-1-1 HANG-UP NO INDIC OF PROB 161340624 None None		05-11-2016 23:13	05-11-2016 13:58	05-11-2016 14:19	05-12-2016 00:06	05-12-2016 12:07	05-12-2016 14-53	05.49.2046.45.20	00-12-2010 10:22	05-12-2016 20-20	05.43 2018 20.20	2077 0107-01-00	92:01 01.02-13-CO	05-13-2016 15:36	05-13-2016 15:39	05-13-2016 15-40	05-13-2016 15-41	05-13-2016 15-28	05-10-2016 20-14	02 10 2010 20 10	ua-13-2016 12:32	05-13-2016 16:27	05-14-2016 21:53	
161320669 161321229 161320605 161320605 161320606 161330006 161330006 161330006 161330006 161330006 161340609 161340609 161340621 161340621 161340621 161340621 161340621 161340624 161340624 161340624 161340624 161340624 161340676 161350948 161350948 161350948 161350948 161350948 161350948 161350948 1613500948 1613500948 1613500948 1613500948 1613500948 1613500948 1613500948 1613500948 1613500948 1613500948 1613500948 1613500948 1613500948 1613500948 1613500948 1613500948 1613500948 1613500948 1613500948 1613500948 1613500948 1613500948 1613500948 1613500948 1613500000 1613500000000000000000000000000000000000			ne	ne	bre	ane	ine	ine	ne l	ine	vie	UB I			ne	ne	ne	ne	ue l			Ð	ne	ne
	ANG-LIP NO INDIC OF DROB 148422060	ANG LID NO INDIG OF PROF 101320069	AND IT NO INDIO OF PROB 161321229	161320605	161320636	161330006	ANG-UP NU INDIC OF PROB 161330415	ANG-UP NO INDIC OF PROB [161330590	ANG-UP NO INDIC OF PROB 161330617	HANG-UP NO INDIC OF PROB 161330810	HANG-UP INDIC OF PROB 161330906	ANG-UP NO INDIC OF PROB 161341028	ANG-UP NO INDIC OF PROB 161340609	ANG-LIP NO INDIC OF DROP 1484940649		ANG UP NO INUIC OF PROB 161340621	ANG-UP NU INDIC OF PROB 161340622	161340624	161340635	NG-UP NO INDIC OF PROB 161310962	ANG-UP NO INDIC OF PROR 144240304	100040101	1613406/6	NG-UP NO INDIC OF PROB 161350948

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Proximity to Schools and Parks

Section 16.80.040.D(2) generally requires a minimum separation of 500 feet between a new alcoholic beverage sales establishment (including both on-sale and off-sale uses) and public or private academic schools for students in kindergarten through 12th grade, nursery schools, preschools, day care facilities, public parks, playgrounds, recreational areas, or youth facilities. The nearest school, Stockton Collegiate Elementary and High School, a charter school located at 321 East Weber Avenue, is approximately 390 feet to the southwest of the project site. According to records maintained by the San Joaquin County Office of Education, there are no CountyOne Schools located within 500 feet of the project site. The nearest traditional public schools, Pittman and Alex D. Spanos Elementary Schools (Stockton Unified School District), are located approximately 2,000 and 2,700 feet, respectively, to the northeast and south of the project site. Finally, staff is not aware of any parks, playgrounds, recreational areas, or youth facilities within 500 feet of the project. Due to the proximity of the noted charter school, the subject use does <u>not</u> comply with the noted minimum required separation.

High Crime Reporting District

SMC Section 16.80.040.D(2)(d)(i) state that a business with the on-sale of alcoholic beverages shall not be located in a Crime Reporting District (CRD), where the average number of Part 1 crimes exceeds the average number of crimes for all CRDs Citywide by more than 20 percent. The project site is located in CRD No. 102, consisting of 24 blocks in the downtown area between Park Street, California Street, Weber Avenue, and El Dorado Street. According to statistics maintained by the Police Department, CRD No. 102 had 222 Part 1 crimes reported from 2013 through 2015. That number is 161.18% above the average number of calls City for that period: 85. Therefore, the subject use does not comply with the noted restriction.

Proximity to Other Alcoholic Beverage Sales Establishments

Section 16.80.040.D(2)(d)(i) also states that an on-sale alcohol establishment shall not be located in an area within 500 feet of an existing on-sale alcoholic beverage establishment or any location that would lead to the grouping of more than four (4) onsale alcoholic beverage establishments within a 1,000-foot radius. Though not specifically stated in the noted SMC section, there requirements apply only to on-sale Problem Uses, including bars and nightclubs, rather than to all on-sale alcohol-related uses. There are no bars or nightclubs within a 500-foot or a 1,000-foot radius of the subject site (Attachment D – Census Tract 1.00/Liquor Licenses). The subject Use Permit will not result in more than four on-sale Problem Use alcohol establishments within 1,000 feet of the project site. Based on the above information, the subject bar complies with both of the noted minimum separation requirements.

Rationale for Waivers