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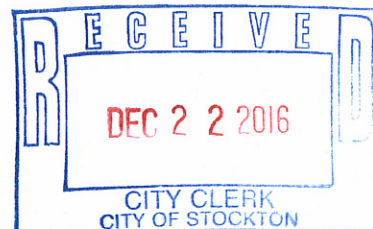
DEC 27 2016

CITY OF STOCKTON
PERMIT CENTER/PLANNING DIV



CITY OF STOCKTON

Attachment A



APPEAL OF PLANNING COMMISSION DECISION TO THE CITY COUNCIL

Today's Date: 12/22/2016

Date of Planning Commission Decision: 12/15/2016

Last day to file Appeal (ten days): 12/27/2016

APPELLANT: Scott Malm on behalf of Amar Mathfallu dba Rubie's LLC
(Name)
Malm Fagundes, LLP, 6 S. El Dorado St., Suite 315
(Address)
Stockton, CA 95202
(City, State, Zip)
(209) 870-7900
(Telephone)

APPEAL: 16-3185, Use Permit to Establish A Bar with the on-sale of General Alcoholic
Beverages in an Existing Building
(Case Number and Project Name)
222 North Sutter Street
(Property Address)

FEE: **\$420.00 (effective 7/1/16) per appeal (project)**

PAID BY: 22416 check/number Cash Money Order

HAND DELIVERED: X MAILED:


STATE REASON FOR FILING THIS APPEAL: The establishment has been in operation for many years
under its current ownership but the application was evaluated as if it were a new alcoholic beverage sales
establishment.

The distance location requirement for closeness to a charter school should not have been considered because the
establishment's operations pre-existed the commencement of the operations of a charter school.

The High Crime Reporting District criteria was inappropriately applied based on evidence which was made available
to applicant only moments before the hearing, which was not part of the Staff Report, which was presented by
summary oral testimony which did not adequately explain the last minute document, and which contradicted the
Stockton Police Department official records provided to applicant pursuant to a public records act request.

The location requirement in proximity to other alcoholic beverage sales establishments was improperly because the
establishment has been in operation for many years under its current ownership and would not result in an
increased number of alcoholic beverage sales establishments, but the application was evaluated as if it were a new
alcoholic beverage sales establishment.

SCOTT MALM
Print Your Name


Signature

Staff:

SCAN AND E-MAIL TO: *Esther Gilliland, Lori Asuncion, Karen Costa, Christian Clegg, Florence Low, David Kwong, Richard Larrouy, Thomas Pace, David Stagnaro, and Sylvia Sandoval* **AND CC TO:** *Bonnie Paige, Geoff Aspiras, and Eliza Garza.*

STOCKTON CITY COUNCIL
425 North El Dorado Street
Stockton, CA 95202
Phone: (209) 937-8458