

..title

USE PERMIT TO ALLOW THE ESTABLISHMENT OF A CARD ROOM IN AN EXISTING COMMERCIAL BUILDING AT 3121 WEST BENJAMIN HOLT DRIVE (P18-0550)

..recommended action

RECOMMENDATION

Staff recommends that the Planning Commission adopt a resolution approving a Use Permit to allow the relocation of a card room to an existing commercial building at 3121 West Benjamin Holt Drive, in accordance with the Findings of Fact detailed herein.

..body

Summary

This item has been continued from the September 27, 2018, Planning Commission meeting. The Applicants attorney Michael Hakeem has submitted a request to withdrawal the application.

The applicant, Delta RE LLC, has submitted a Use Permit application to authorize the relocation of an existing card room (Cameo Club Casino) from 552 West Benjamin Holt Drive to 3121 West Benjamin Holt Drive. If approved the 9,500 SQFT building will contain a maximum of 8 card tables, a banquet room, full service kitchen, dining area, and a bar with on-sale alcohol. Application referrals for the proposed Use Permit were sent to various City departments, including the Police Department and State Department of Justice-Bureau of Gambling Control. No objections were raised in response. If Use Permit approval is granted, the applicant will separately apply for a card room license with the Police Department in accordance with Stockton Municipal Code Chapter 5.32. Review of that application includes, amongst other items, the adequacy of a security plan. Based on the relevant facts and applicable standards, the project would strengthen the integrity of the surrounding area by occupying an underutilized building, provide local employment in an existing commercial setting, and not jeopardize or be hazardous to public peace and welfare. Therefore, staff recommends approval, subject to conditions.

DISCUSSION

Background

The proposed use would occur within an existing building at the Marina Marketplace shopping center adjacent to the West Benjamin Holt interchange with Interstate 5. The shopping center is zoned CG (Commercial, General) and is bounded to the:

- North by Blue Ridge Circle and single-family homes in a Residential Medium Density (RM) Zone
- West by Herndon Place and various commercial office buildings in a

Commercial Office (CO) Zone

- East by Interstate 5
- South by West Benjamin Holt Drive and single-family homes in the unincorporated San Joaquin County

Present Situation

This item has been continued from the September 27, 2018, Planning Commission meeting. The Applicants attorney Michael Hakeem has submitted a request to withdrawal the application.

The applicant, Delta RE LLC, has submitted a Use Permit application to relocate an existing card room (Cameo Club Casino) from 552 West Benjamin Holt Drive to 3121 West Benjamin Holt Drive. The proposed use would occur within an existing building at the eastern edge of an existing shopping center, known as Marina Center, at the corner of West Benjamin Holt Drive and Herndon Place (Attachment A - Aerial Photo and Location Map).

Based on City records the building has been vacant since March of 2017. If approved the 9,500 SQFT building will contain a maximum of 8 card tables, a banquet room, full service kitchen, dining area, and a bar with on-sale alcohol (Attachment B – Site Plan and Floor Plan). The card room would operate 24 hours per day, as permitted by Stockton Municipal Code (SMC) §5.32.090. The application indicates the card room and restaurant will employ approximately 95 full time personnel.

The application states that a security system will be installed throughout the facility including the parking lot. Security personnel will be onsite at all times during hours of operation. The proposed use is required to apply for a card room license issued by the Chief of Police, as outlined in SMC §5.32. As part of the licensing process the applicant must demonstrate adequate safety and security measures which must include provisions for security personnel patrolling the area. Such measures will be evaluated as part of a separate card room licensing application filed with the Police Department.

SMC §5.32.080 allows a maximum of four (4) card rooms within the City. Presently, there are three (3) card rooms authorized and operating. Approval of this Use Permit will not increase the number of card rooms within the City limits as it is a relocation and since, as provided by the recommended conditions of approval, the existing Use Permit (for 552 West Benjamin Holt Drive) would be voluntarily surrendered by the applicant.

Application referrals for the proposed Use Permit were sent to various City departments and external agencies, including the Police Department and State Department of Justice-Bureau of Gambling Control. No objections were raised in response.

Land Use

The proposed card room will be located in a Commercial General (CG) zone. Under SMC §16.20.020, Table 2-2 (Allowable Land Uses and Permit Requirements) a Commission Use Permit is required for card rooms in the CG zone which are defined as:

Card Rooms (Land Use). Business, activity, or enterprise conducting card games, as defined in Title 5 of SMC. Does not apply to any bona fide nonprofit society club, fraternal, labor, or other organizations having adopted bylaws and duly elected directors and members having exclusive use of these facilities at no charge, and whose operation is incidental to the main purpose of the organization. Does not include bridge clubs, chess clubs, and other nongambling board games ("Bridge clubs and nongambling board games"). Card rooms shall comply with the standards for problem uses (Section 16.80.270).

Access, Circulation, and Parking

The subject shopping center has two existing points of connection with West Benjamin Holt Drive (including a signalized intersection at Grigsby Place) and two points at Herndon Place. Both adjoining public streets have sidewalks, and a Class II bike path spans the West Benjamin Holt Drive frontage. Representatives of each department within Community Development, Municipal Utilities, Stockton PD, and Fire Prevention have reviewed the site plan and found that the site is adequate to support the proposed use.

Access and parking within the shopping center is shared. Off-street parking requirements for the proposed card room are less than the prior restaurant use of the building. Card Rooms are required to provide off-street parking at a rate of four (4) per table equating to 32 spaces for the proposed use. The previous restaurant use would require 48 spaces at a rate of one (1) space per 200 square feet for the 9,500-sq. ft. building. Therefore, existing off-street parking is considered sufficient for the proposed card room use.

Required Findings

The standards of review for this application includes SMC Chapter 16.168 (Use Permits) and SMC §16.80.270 (Problem Uses). The Planning Commission's authority does not extend to SMC Chapter 5.32 (Card Rooms) which is administered under the authority of the Police Chief. Generally, the regulatory jurisdiction for card rooms is split by assigning the Planning Commission review authority over the land use characteristics and the Police Chief overseeing public safety matters.

Use Permit: General Findings

In order to approve the application, the Planning Commission must make all findings in SMC §16.168.050(A) (General Findings) and 16.167.050(B) (Problem Uses). As indicated in the staff report's Proposed Resolution, the subject use is allowed in the CG zone with an approved Use Permit and complies with applicable provisions of the Development Code. The subject use would be consistent with the Commercial land use

designation of the General Plan and the site would be physically suitable for the proposed use, including the provision of utility services (e.g. sanitation and water), public access, and the absence of physical constraints (e.g. earth, movement, flooding, etc.). Further, staff's recommendation is emphasized by the project's ability to strengthen the integrity of the surrounding area by occupying an underutilized building and providing local employment in an existing commercial setting that would not jeopardize or be hazardous to public peace and welfare.

Problem Use Findings/Criteria

SMC §16.240.020 defines card rooms as a Problem Use; thereby triggering the requirements of SMC §16.168.050B (Problem Use: Findings) and SMC §16.80.270 (Problem Use: Standards). In order to approve the Use Permit, the Commission must consider the following six criteria identified in SMC §16.80.270:

1. The proposed use with respect to the proximity and type of other problem uses;
2. The effect of dispersal or concentration of problem uses in the general area;
3. The effect that the proposed use is likely to have on the neighborhood;
4. The noise, traffic, and/or visual impacts, as well as other relevant factors, on the compatibility of the proposed use with the surrounding institutional, business, and residential uses;
5. The potential of the proposed use to create or increase loitering or vandalism in the area; and
6. The degree that traffic safety, both on- and off-site, will be adversely affected by the proposed activity.

SMC §16.240.020 defines problem uses as follows:

Problem Uses. Uses that have a blighting and/or deteriorating effect upon their surroundings, and which may be dispersed to minimize their adverse impacts. These uses include billiard parlors and pool halls, card rooms, convenience stores, off-sales of alcoholic beverages, on-sale of alcoholic beverages that are not in conjunction with a restaurant, and parole offices. Problem uses are subject to the requirements of Section 16.80.270 (Problem uses).

Presently there are three (3) off-sale alcohol establishments located within 1000 feet of the subject location, a 7-11 convenience store to the south, and a Quick Stop Market and AM/PM to the east separated by the Interstate 5 Freeway. No additional problem uses have been identified in the area. The recreational/restaurant use is compatible with the restaurant use previously in place in the same commercial building. As noted in the findings, the anticipated customer base, traffic patterns, noise levels, and general operational conditions of the subject card room are similar to the previous use and is

compatible with the other commercial uses within the integrated center. The hours of operation (24 hours per day) will spread use throughout the day and night, however according to Cameo Club management a majority of business is generated on Friday and Saturday evening from 7PM to 11PM. The closest residential area is 300 feet away from the proposed use across West Benjamin Holt Drive to the south, the residences are further separated by a masonry wall which is designed to minimize noise and glare. There are no anticipated visual impacts as no expansion of the building is proposed. Additionally, the proposed security measures and occupation of a vacant building will serve to deter loitering and vandalism in the area.

SMC §16.168.050(B) contains three findings that must be made for Problem Uses as follows:

1. The proposed use is not likely to interfere with the comfortable enjoyment of life or property in the area;
2. The proposed use will not increase or encourage the deterioration or blight of the area; and
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.

As noted in the Proposed Resolution, the subject use, as conditioned, is not likely to interfere with the comfortable enjoyment of life or property in the area. The Card Room Licensing process requires the business owner to implement security measures (e.g., video surveillance system inside and outside of the commercial building, security guard). The adequacy of the site-specific security plan will be evaluated by Stockton Police Department. The reuse and improvement of a vacant building will discourage blight and deterioration in the area.

According to Police Department staff, the Cameo Card Room at its current location, 552 W Benjamin Holt Drive, has not generated significant calls for police service or high levels of criminal activity. Calls for service over the prior two years show only four calls that resulted in a crime report (Attachment C – Calls for Service).

Public Comments

Notice for this item was published in The Record on Tuesday, September 11, 2018, and a notice was sent to all property owners within a 350-foot radius of 3121 West Benjamin Holt Drive on September 13, 2018, in accordance with SMC §16.88.030. Staff has not received any comment from the public on this project.

Environmental Clearance

The proposed project is a Categorical Exempt from the California Environmental Quality

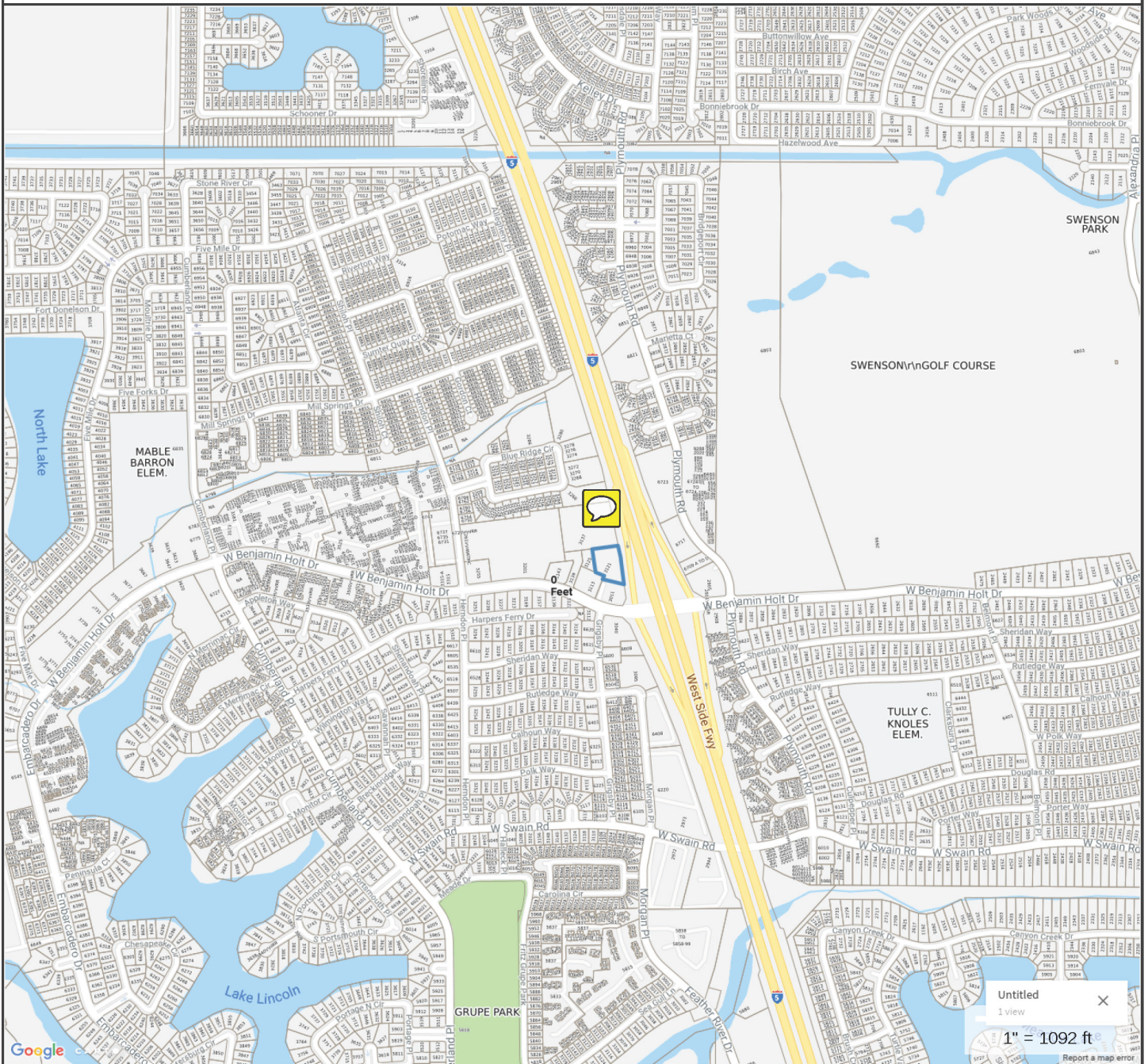
Act (CEQA) under CEQA Guidelines §15301 (Class 1, Existing Facilities) since it consists of the operation of a commercial use within an existing commercial building. The project is also not subject to any of the exceptions to the use of a Categorical Exemption enumerated at CEQA Guidelines §15300.2.

Attachment A - Location Map and Aerial Photograph

Attachment B – Proposed Site Plan

Attachment C – Calls for Service

This staff report was prepared by Assistant planner Kanoa Kelley, (209)937-7564; Kanoa.Kelley@stocktonca.gov

**Property Information**

Property ID 10017008-18058
Location 3121 W BENJAMIN HOLT DR
Owner JR & RD MANAGEMENT LLC



MAP FOR REFERENCE ONLY
NOT A LEGAL DOCUMENT

City of Stockton, CA makes no claims and no warranties, expressed or implied, concerning the validity or accuracy of the GIS data presented on this map.

Parcels updated 08/29/2018
Properties updated 08/03/2018

**Property Information**

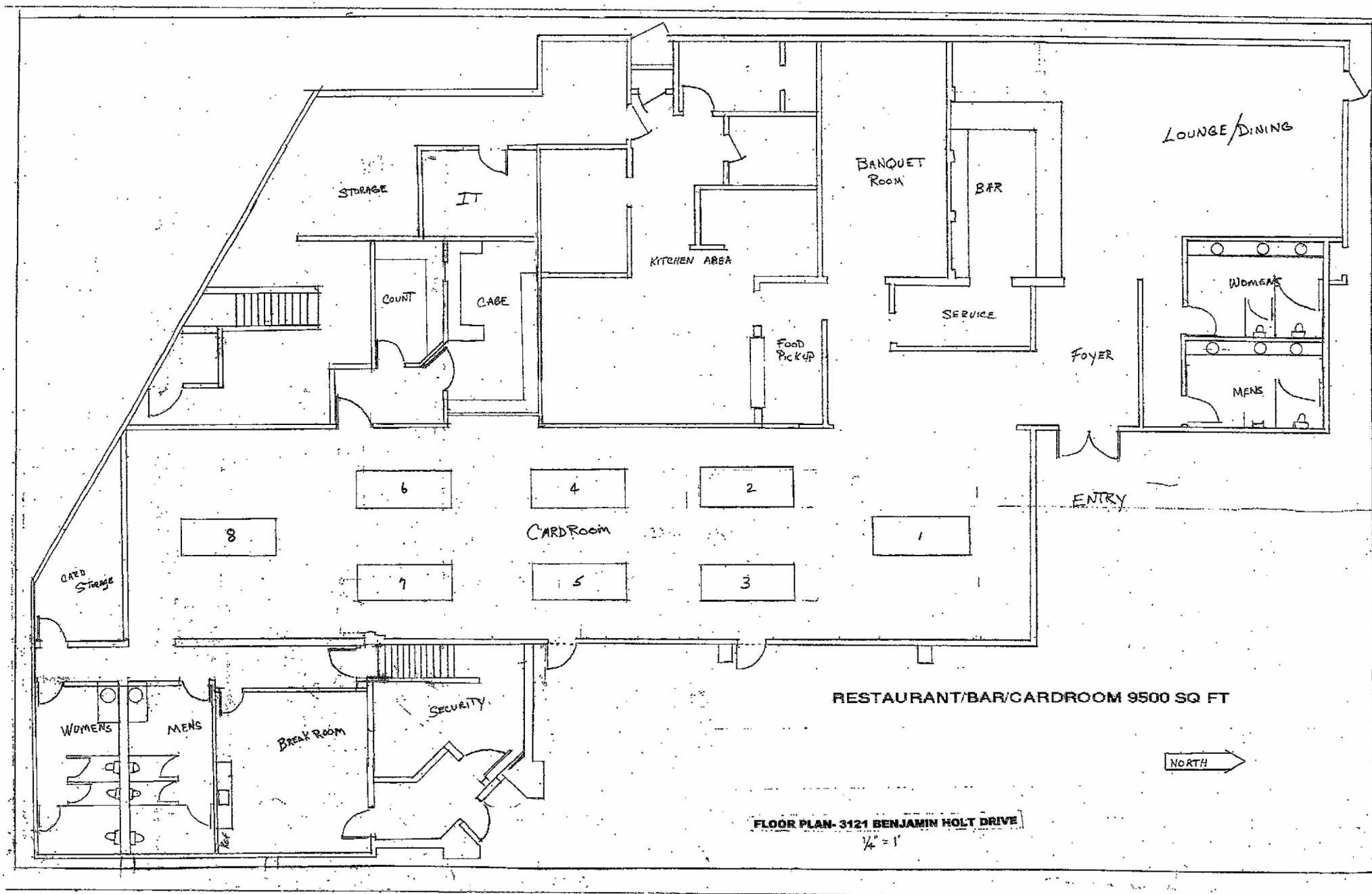
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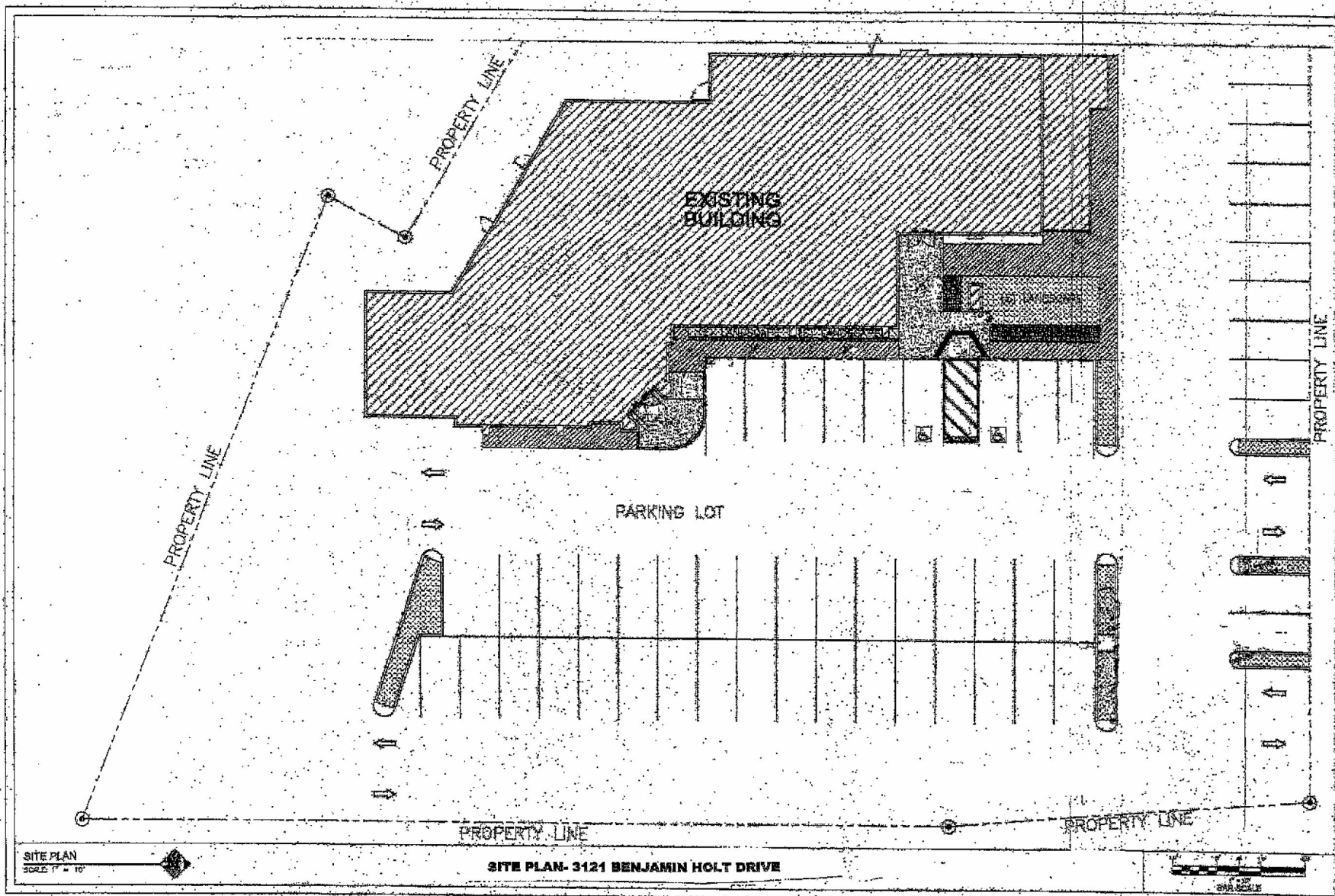


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Parcels updated 08/29/2018
Properties updated 08/03/2018





**Calls for Service - 552 W Benjamin Holt Dr
August 1, 2017 - July 31, 2018**

CALL TYPE	CALL DESCRIPTION	2017					2018							TOTAL
		AUG	SEP	OCT	NOV	DEC	JAN	FEB	MAR	APR	MAY	JUN	JUL	
10851	STOLEN CAR	0	0	0	0	1	0	0	0	0	0	0	0	1
211	ROBBERY	0	0	0	0	0	0	0	1	0	0	0	0	1
23152	DRUNK DRIVING	0	0	0	0	0	0	0	0	0	0	0	0	0
243	POSS	0	0	0	0	1	0	0	0	0	0	0	0	1
245	ATTEMPT W/VEH	0	0	1	0	0	0	0	0	0	0	0	0	1
415	DISTURBANCE	1	0	0	1	0	0	0	0	0	0	0	0	2
415C	DISTURBANCE UNKN	1	0	0	0	0	0	0	0	0	0	0	0	1
415D	DISTURBANCE DRUNK	0	0	0	0	1	0	0	0	0	0	0	0	1
415H	911 HANG UP	0	0	0	0	1	0	0	0	0	0	0	0	1
415HW	CELL 911 HANG UP	0	0	0	0	0	1	1	0	0	0	1	1	4
470	914 TYPE	0	0	1	0	0	0	0	0	0	0	0	0	1
487	GRAND THEFT	0	0	0	0	1	0	0	0	0	0	0	0	1
594	VANDALISM	0	0	0	0	0	0	0	0	0	1	0	0	1
715	PHOTO REQUEST	0	0	0	0	0	0	0	0	0	1	0	0	1
912	SUSPICIOUS PERSON	0	0	0	0	1	0	0	0	0	0	0	0	1
914	PHONE CALL	0	0	0	0	1	0	0	0	0	0	0	0	1
929	FIRE	0	0	0	0	0	1	0	0	0	0	0	0	1
945	AMBULANCE REQ	0	0	0	0	2	0	0	1	0	0	1	0	4
962	MEET CITIZEN	0	0	0	1	0	0	0	0	0	0	0	0	1
OTHER	MISCELLANEOUS	0	0	0	0	2	0	0	0	0	0	0	0	2
SEARCH	SEARCH WARRANT	0	0	0	0	0	0	0	1	0	0	0	0	1
WELCK	WELFARE CHECK	0	0	0	1	0	0	0	0	0	0	0	0	1
TOTAL		2	0	2	3	11	2	1	3	0	2	2	1	29

Data Source: Tiburon - Crystal Report Query

Query Filters: PCALLS, Date Range: 08/01/2017 to 07/31/2018, Location: 552 W BENJAMIN HOLT DR

**Calls for Service that Resulted
in a Crime Report**

CALL TYPE	CALL DESCRIPTION	TOTAL
10851	STOLEN CAR	
211	ROBBERY	1
23152	DRUNK DRIVING	
243	POSS	
245	ATTEMPT W/VEH	
415	DISTURBANCE	1
415C	DISTURBANCE UNKN	
415D	DISTURBANCE DRUN	
415H	911 HANG UP	
415HW	CELL 911 HANG UP	
470	914 TYPE	
487	GRAND THEFT	1
594	VANDALISM	1
715	PHOTO REQUEST	
912	SCREWDRIVER	
914	PHONE CALL	
929	FIRE	
945	AMBULANCE REQ	
962	MEET CITIZEN	
OTHER	MISCELLANEOUS	
SEARCH	SEARCH WARRANT	
WELCK	WELFARE CHECK	
TOTAL		4