

Resolution No 2017-01-26-0301

## STOCKTON PLANNING COMMISSION

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### RESOLUTION APPROVING A USE PERMIT TO ALLOW THE OFF-SALE OF BEER AND WINE IN A PROPOSED CONVENIENCE STORE AT 6009 NORTH EL DORADO STREET (P16-0342)

The applicant Grin Investments Inc. has submitted a Use Permit application to allow the off-sale of beer and wine in a proposed convenience store with gasoline sales at 6009 North El Dorado Street and

On December 15, 2016, the Planning Commission conducted a public hearing regarding the Use Permit to allow the off-sale of beer and wine in a proposed convenience store and

Following public testimony, the Planning Commission directed staff to bring back Findings for Approval and Conditions of Approval for the Use Permit to allow the subject use now, therefore

BE IT RESOLVED BY THE PLANNING COMMISSION OF THE CITY OF STOCKTON AS FOLLOWS

1 The Planning Commission hereby approves a Use Permit to allow the off-sale of beer and wine in a proposed convenience store at 6009 North El Dorado Street (See Exhibit 1 – Site/Floor Plans and Color Elevations), based on the following findings

#### General Findings

a The subject use is allowed within the CN (Commercial, Neighborhood) and CG (Commercial General) zoning districts, subject to approval of a Use Permit by the Planning Commission. The use does not comply with three required Location Restrictions regarding proximity to sensitive land uses being located in a high-crime Crime Reporting District and proximity to other alcoholic beverage sales establishments; however, the subject use warrants a Waiver of the noted Location Restrictions, because it would promote and support local economic development by the redevelopment of the existing vacant parcel within the existing commercial shopping center. Further, the proposed use would allow area residents to purchase merchandise and/or alcohol within a reasonable walking distance, thereby reducing traffic congestion on neighborhood streets.

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b The subject use, as conditioned would maintain the integrity and character of the surrounding neighborhood because the building's design has been reviewed by the City's Architectural Review Committee (ARC) and determined to be in compliance with applicable provisions of the Citywide Design Guidelines. The planned structure's architectural design and treatments would be compatible with existing retail and office uses in the adjacent shopping center and on nearby parcels.

c The subject use as conditioned would be consistent with the general land uses, objectives, policies, and programs of the General Plan. The project site has a General Plan Land Use designation of Commercial and the subject use is consistent with the following General Plan policies:

LU 4.5 – The City shall require that new commercial development incorporate landscaping and good design in accordance with Citywide Design Guidelines. The City's ARC has reviewed and determined that the project's proposed elevations, renderings, and materials are substantially in compliance with applicable provisions of the Citywide Design Review Guidelines.

LU-4.10 – The City shall encourage the clustering of commercial uses and discourage the splitting of commercial clusters or centers by arterial roadways. The development of the vacant parcel in the existing commercial shopping center will allow area residents to purchase a greater variety of merchandise within the existing shopping center, thereby reducing traffic congestion on neighborhood streets.

d The subject site would be physically suitable for the type and density/intensity of the use being proposed, including the provision of services (e.g., sanitation and water), public access, and the absence of physical constraints (e.g., earth movement, flooding, etc.) because the project site will be occupied by a gasoline station and convenience store located in an existing shopping center that is provided with adequate access and services and is not hindered by physical constraints.

e The establishment, maintenance, or operation of the subject use at the location proposed and for the time period(s) identified, is not expected to 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 subject use, because the use will be subject to conditions of approval that require a security surveillance video system, the installation of lighting around the premises, and patrolling of the subject site by a licensed uniformed security guard.

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f The design, location, size, and operating characteristics of the subject use are expected to be compatible with existing and future land uses on-site and in the vicinity of the subject property, because the planned convenience store with the off-sale of beer and wine is classified as a commercial use that is compatible with other retail uses already in place in the shopping center on the subject site. The anticipated customer base, traffic patterns, noise levels, and general operational characteristics of the proposed convenience store with the off sale of beer and wine are similar to those of nearby commercial uses.

g The subject action is expected to be in compliance with applicable provisions of the California Environmental Quality Act (CEQA) Guidelines (Section 15332 Class 32) as an in-fill development project. The subject use is consistent with the site's Commercial General Plan designation and applicable Development Code requirements. The subject use is not expected to result in any significant, adverse impacts related to traffic, noise, air quality, or water quality and would be adequately served by all required utilities and public services.

#### Problem Use Findings-- Alcoholic Beverage Sales, Off-Sale

h The subject use, as conditioned, is not expected to interfere with the comfortable enjoyment of life or property in the area, because the conditions of approval require the operator to install a video surveillance system in the commercial building that would decrease crime and other impacts associated with problem uses in the vicinity area of the project site. It would also allow the operator to monitor activities around the premises and would allow the maintenance of surveillance records for review by Police Department personnel, as necessary.

i The subject use, as conditioned, is not expected to increase or encourage the deterioration or blight of the area, because the use will be contained wholly within a new commercial building and the required installation of security lighting around the exterior of the premises will help to provide a safer environment for the store's customers and area residents. Further, the operator and employees involved in the sale of alcoholic beverages will be required by the conditions of approval to participate in a Licensing Education of Alcohol and Drugs training course offered by ABC, which includes the reduction of blight and deterioration.

j The subject use, as conditioned, is not expected to be contrary to any program of neighborhood conservation, improvement, or redevelopment plan, either residential or non-residential, because there is not any recognized or City sanctioned neighborhood conservation, improvement, or redevelopment program applicable to the project site or in the immediate area.

#### Alcoholic Beverages Findings

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k The subject use is not expected to result in additional nuisance activities on or in close proximity to the premises because the applicant is required to provide on-site security personnel to patrol the subject site between 9 00 a m and 11 00 p m seven days a week install indoor and outdoor cameras on the premises, and lock beer cases during school hours

l The owners and all employees of the establishment will complete an approved course in Licensee Education on Alcohol and Drugs (LEAD), or other Responsible Beverage Sales (RBS) or any other California Department of Alcoholic Beverage Control Board (ABC) approved program within 60 days of being hired To satisfy this requirement a certified program must meet the standards of the Alcohol Beverage Control Responsible Beverage Service Advisory Board Service Advisory Board or other certifying/licensing body designated by the State of California

m The proposed use will comply with all provisions of local state and federal laws, rules regulations, policies or orders, including, but not limited to those promulgated and or enforced by the ABC, California Business and Professions Code Sections 24200 24200 6 and 25612 5 and any conditions imposed on any valid permits issued pursuant to applicable laws regulations or other authority This includes compliance with annual city business license

n A finding of Public Convenience or Necessity is not required because ABC has determined that transferring an active off sale beer and wine license (Type 20) within the same census tract does not result in a net increase in the number of active off sale licenses and does not increase the existing overconcentration of off-sale alcohol licenses in the Census Tract

2 In accordance with Stockton Municipal Code (SMC) Section 16 168 070 the following Conditions of Approval are imposed to ensure compliance with the Findings of Approval for the Use Permit

Standard

a The business operator shall comply with all applicable Federal State County and City codes regulations laws and other adopted standards and pay all applicable fees

b Compliance with these Conditions of Approval is mandatory Failure to comply with these Conditions of Approval is unlawful and may constitute a public nuisance subject to the remedies and penalties identified in the SMC including but not limited to, monetary fines and revocation

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c This Use Permit shall be posted in a conspicuous place and shall be immediately made available to City personnel upon inspection of the store

d All signs shall be subject to approval by the Community Development Department

Specific

e The consumption or carrying of open containers of alcoholic beverages in the store on the subject site or on adjacent public streets and sidewalks shall not be permitted. Signs advising patrons of this prohibition shall be posted adjacent to the front door on the interior of the building.

f Store windows shall be left unobstructed to allow interior surveillance of the store during operating hours. No more than 20% of the windows may be covered by any form of temporary or permanent sign, poster, graphic, or lettering.

g Prior to the initiation of alcohol sales, lighting shall be installed around the exterior of the building to provide a safe and visible environment for the store's customers and area residents. The lighting shall be fully shielded to prevent glare to adjacent properties and rights-of-way.

h Prior to the initiation of alcohol sales, a video surveillance system with at least a seven-day continuous recording capability shall be in place. Video recordings shall be archived for at least 30 days. The video surveillance system shall cover the entire exterior of the building, including the parking lot and entrances to the store.

i Loitering shall be prohibited on the subject site.

j No single sales of beer or malt liquor in containers of 40 ounces or less shall be sold in the convenience store.

k Pay phones shall be prohibited on the premises.

l The property owner or business operator shall hire a uniformed, licensed security guard to patrol the project site and the vicinity of the subject site between 9:00 a.m. and 11:00 p.m., seven days a week.

m The property owner or business operator shall acquire a recorded parking easement/agreement from the adjacent property owner in the existing shopping center to use three (3) parking spaces adjacent to the subject site to comply with the parking requirement of the Development Code prior to the issuance of the Building Permit for the convenience store.

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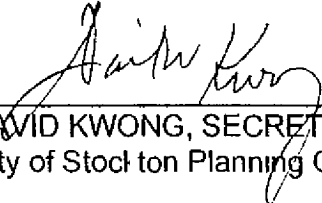
n The beer cases shall be locked from 9 00 a m to 5 00 p m  
Monday through Friday with the opening control buzzer at the cashier's station

o The Use Permit shall be subject to a six (6) month and a one year  
review following initiation of the subject use

PASSED, APPROVED and ADOPTED January 26, 2017

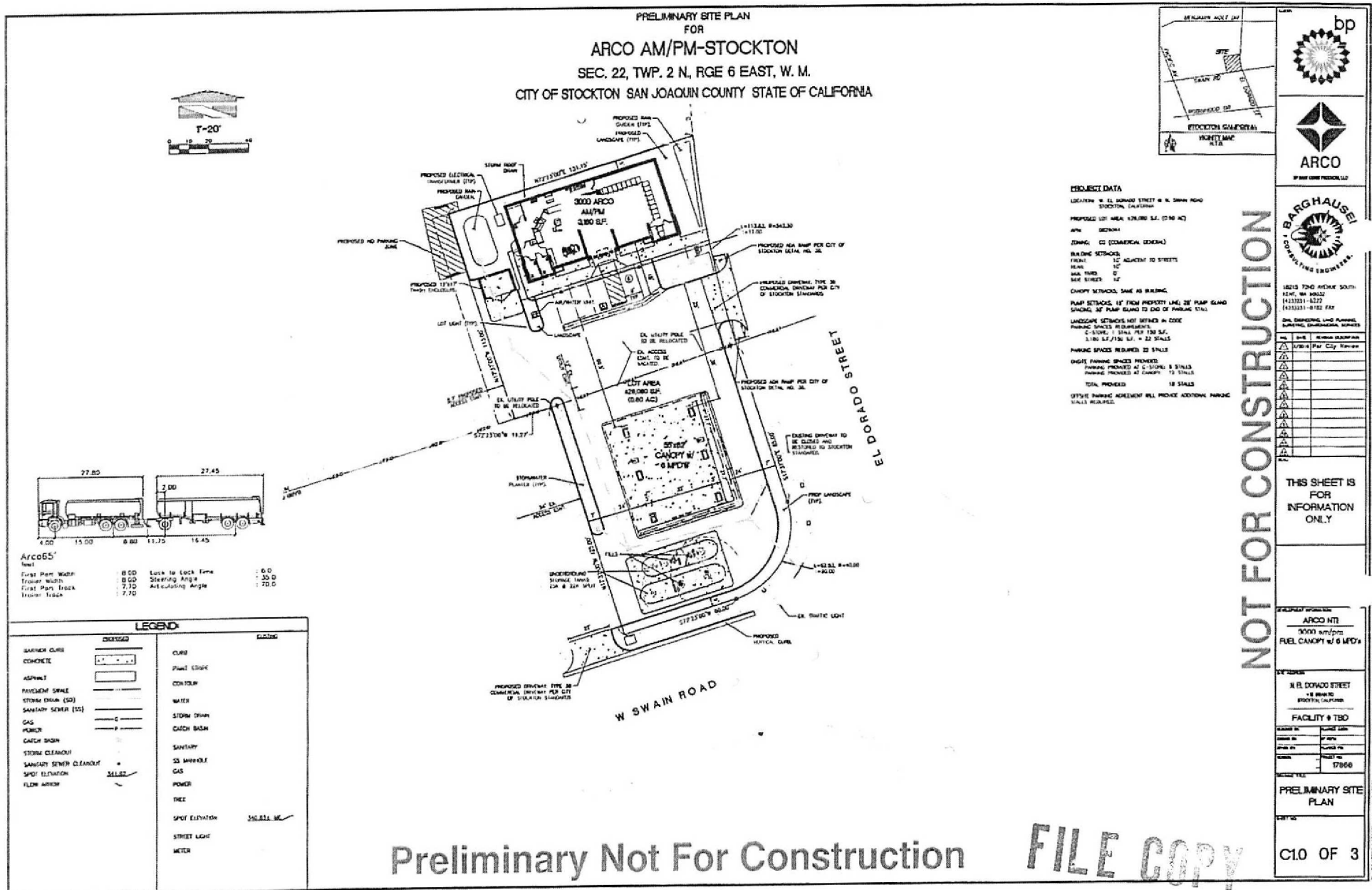
  
\_\_\_\_\_  
KEVIN HERNANDEZ CHAIR  
City of Stockton Planning Commission

ATTEST

  
\_\_\_\_\_  
DAVID KWONG, SECRETARY  
City of Stockton Planning Commission

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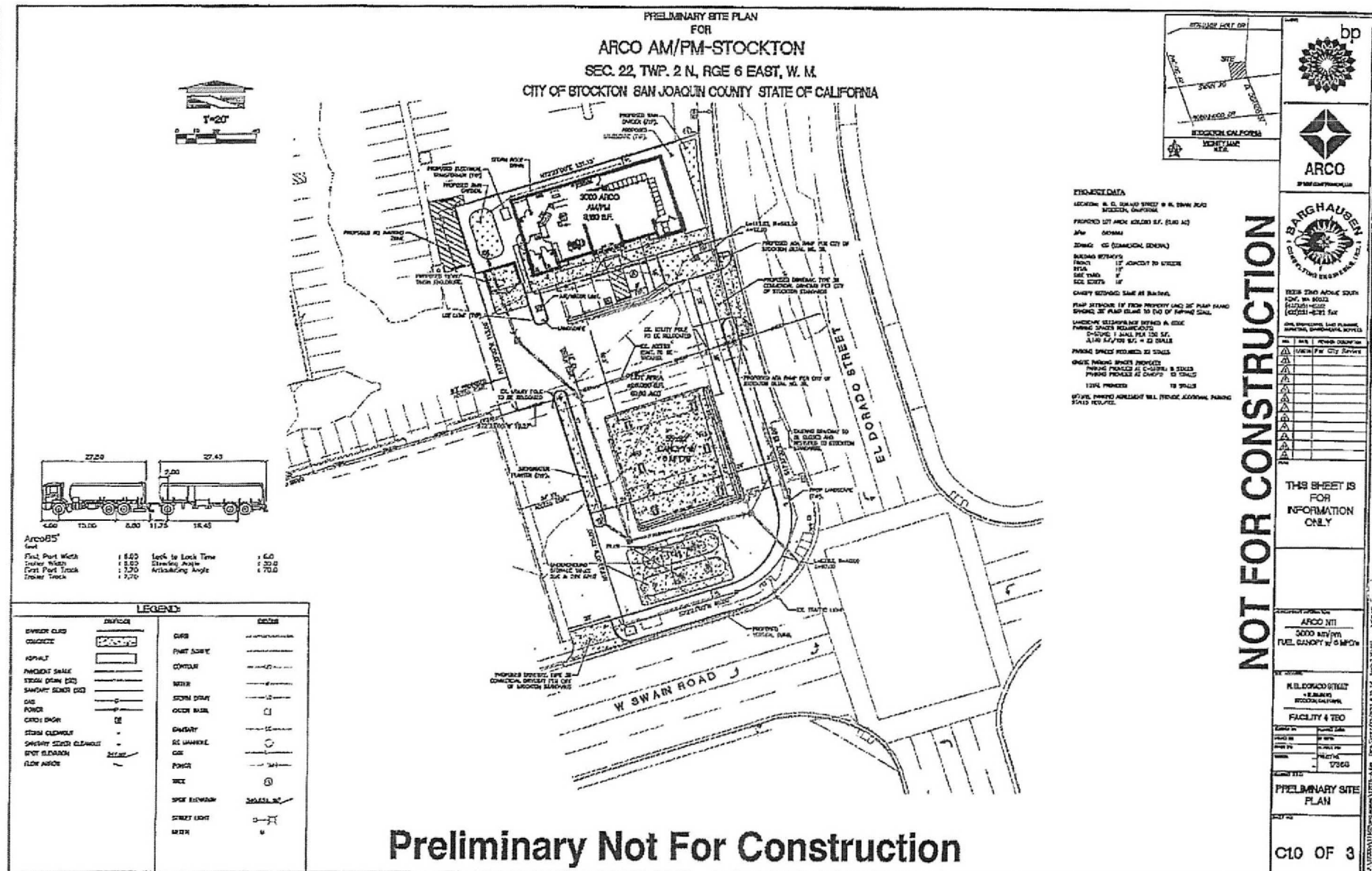




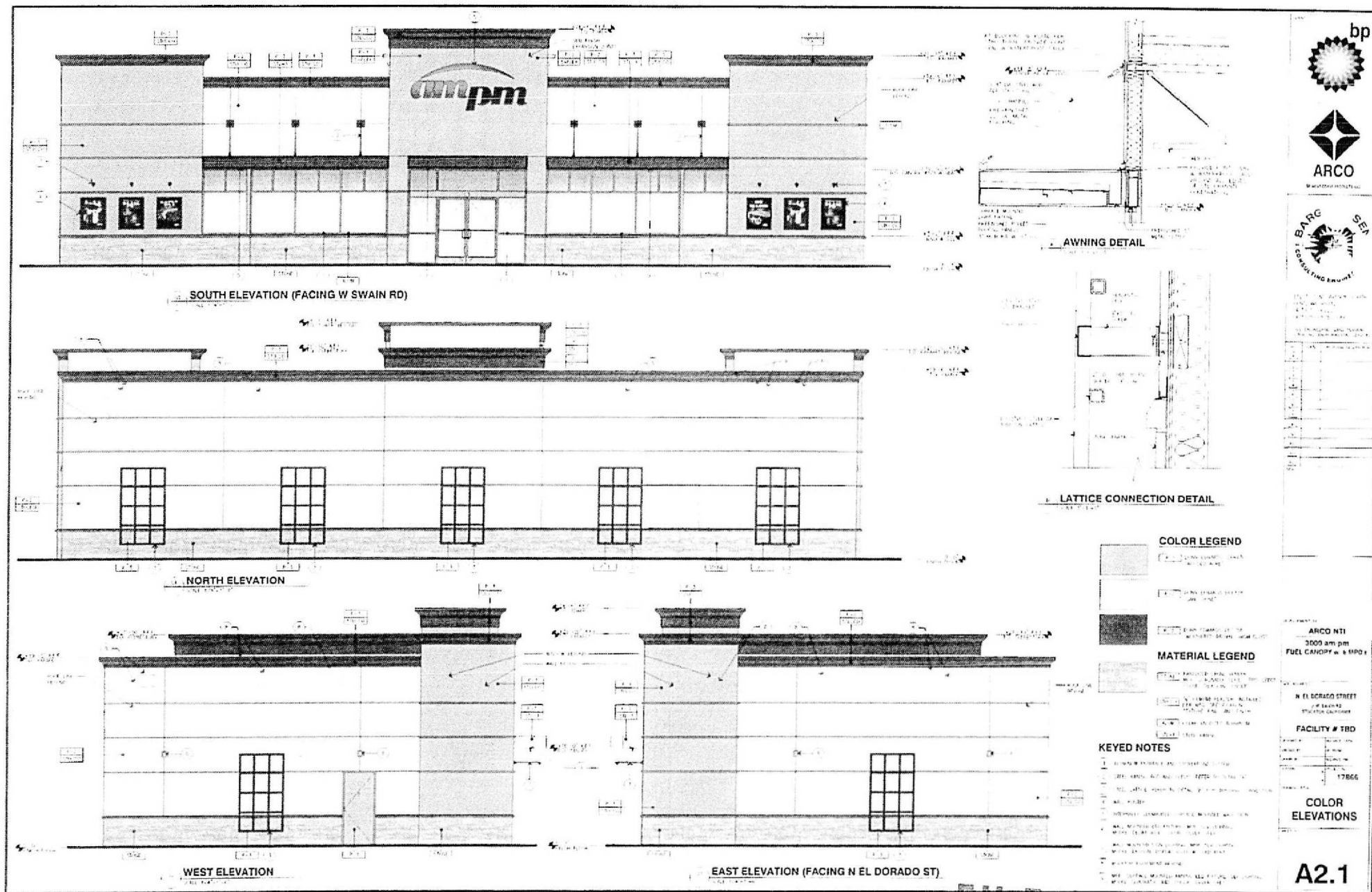
Preliminary Not For Construction

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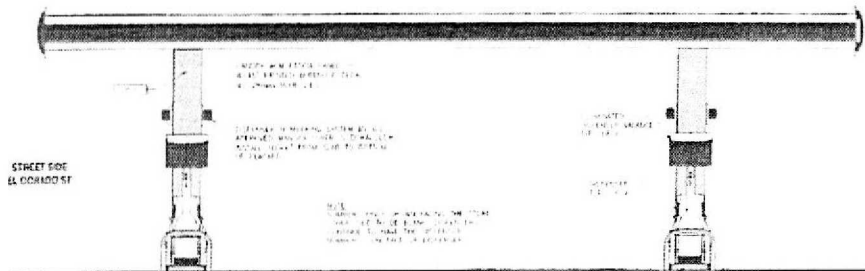




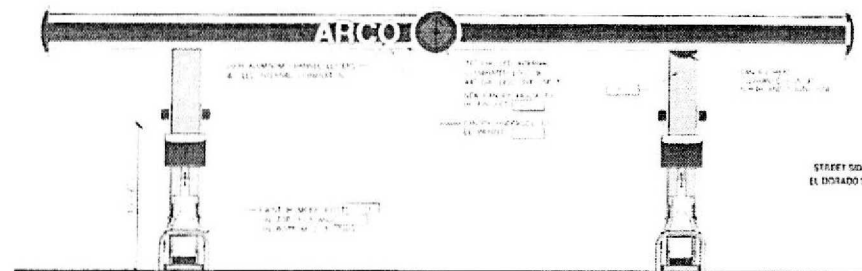
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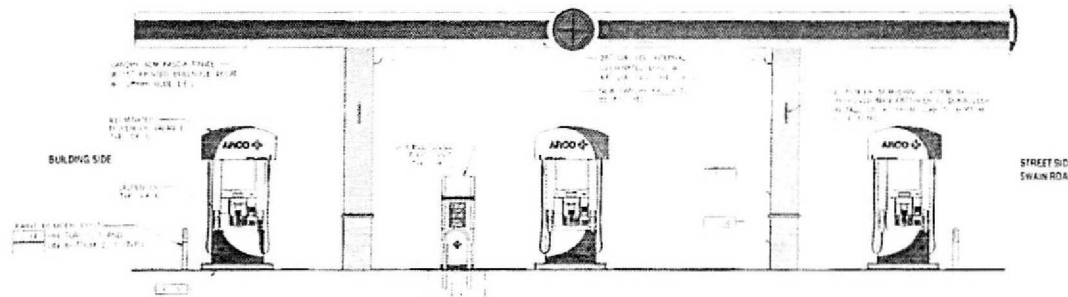
EAST CANOPY ELEVATION (FACING EL DORADO STREET)



NORTH CANOPY ELEVATION



SOUTH CANOPY ELEVATION (FACING SWAIN ROAD)



WEST CANOPY ELEVATION

**MATERIAL LEGEND**

- 1. GALVALUM 24 GA. (EXPOSED TO WEATHER)
- 2. GALVALUM 24 GA. (PAINTED)
- 3. GALVALUM 24 GA. (PAINTED) - 10 YEAR WARRANTY
- 4. GALVALUM 24 GA. (PAINTED) - 20 YEAR WARRANTY

**COLOR LEGEND**

- 1. GALVALUM 24 GA. (EXPOSED TO WEATHER)
- 2. GALVALUM 24 GA. (PAINTED)
- 3. GALVALUM 24 GA. (PAINTED) - 10 YEAR WARRANTY
- 4. GALVALUM 24 GA. (PAINTED) - 20 YEAR WARRANTY



PROJECT NO.	17056
DATE	10/1/00
BY	W. J. BARG
CHECKED BY	W. J. BARG
APPROVED BY	W. J. BARG
SCALE	AS SHOWN
NOTES	

ARCO NT1  
3000 am pm  
FUEL CANOPY w/ 6 MPD's

N EL DORADO STREET  
- 1/2 MILE  
STATION CALIFORNIA

FACILITY # TBD

17056

CANOPY ELEVATIONS

CA2.1

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