RESOLUTION DENYING THE APPEAL OF AND UPHOLDING THE PLANNING COMMISSION’S DENIAL OF THE REQUEST FOR A USE PERMIT TO ALLOW THE OFF-SALE OF BEER AND WINE IN AN EXISTING MEAT MARKET AND BAKERY AT 944 WATERLOO ROAD (P15-339)

On January 14, 2016, the City Planning Commission denied a Use Permit to allow the off-sale of beer and wine in an existing meat market and bakery at 944 Waterloo Road; and

On January 19, 2016, pursuant to the provisions of Section 16.100.040 of the Stockton Municipal Code (SMC), the applicant submitted an appeal of the Planning Commission’s denial of his request for a Use Permit to allow the off-sale of beer and wine in an existing meat market and bakery at 944 Waterloo Road; and

On March 8, 2016, the City Council convened a public hearing regarding the appeal of the Planning Commission’s decision; now, therefore,

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF STOCKTON, AS FOLLOWS:

1. The City Council hereby denies the appeal and upholds the decision of the Planning Commission to deny a Use Permit to allow the off-sale of beer and wine in an existing meat market and bakery at 944 Waterloo Road, based on the following findings:

General Findings

a. The proposed use would not maintain or strengthen the integrity and character of the neighborhood and zoning district in which it is to be located, because the proposed use has the potential to adversely affect the integrity and character of nearby residential neighborhoods. There are 17 existing off-sale alcohol establishments in the vicinity of the subject site and the addition of another off-sale alcohol establishment could potentially increase illegal activities associated with alcohol sales. Further, allowing the off-sale of beer and wine in the subject meat market and bakery has the potential to increase crime-related activities in the area and result in additional demands for police services.

b. The establishment, maintenance, or operation of the proposed use at the location proposed and for the time period(s) identified, if applicable, would endanger, jeopardize, or otherwise constitute a hazard to the public convenience, health, interest, safety, or the general welfare of persons residing or working in the neighborhood of the proposed use, because the off-sale of beer and wine in
the subject meat market and bakery is a potentially detrimental use due to its likelihood to result in additional calls for police services related to illegal activities from alcohol sales, including noise, public drunkenness, vandalism, and panhandling, and thereby placing a further strain on existing police resources.

c. The design, location, size, and operating characteristics of the proposed use would not be compatible with existing and future land uses on-site and in the vicinity of the subject property, because the proposed off-sale of beer and wine in the subject meat market has the potential to be incompatible with existing residential and retail uses in the surrounding neighborhood, due to the creation of additional alcohol-related impacts, such as noise, public drinking and drunkenness, illegal drug usage and sales, theft, or violent behavior.

Problem Use Findings

"Alcoholic Beverage Sales (Off-Sale)" is considered a "Problem Use" and is subject to the additional regulations contained in SMC Section 16.80.270.B. These regulations include the following criteria, which must be considered by the review authority before a Use Permit for a Problem Use can be approved:

a. The proposed use with respect to the proximity and type of other problem uses;
b. The effect of dispersal or concentration of problem uses in the general area;
c. The effect that the proposed use is likely to have on the neighborhood;
d. 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;
e. The potential of the proposed use to create or increase loitering or vandalism in the area; and
f. The degree that traffic safety, both on and off-site, will be adversely affected by the proposed activity.

There are nine Problem Uses located in Census Tract No. 16.00. Approving the subject Use Permit and granting the applicant an additional off-sale alcohol license in the meat market and bakery would increase the number of Problem Uses in this Census Tract. It would intensify existing alcohol-related problems in the area surrounding the subject site and increase the potential to adversely affect or endanger public safety in the surrounding neighborhood through additional crimes and the associated increase in calls for police services. Further, alcohol-related problems in the area have the potential to increase public nuisances, such as loitering, vandalism, and panhandling, etc., that are generally associated with stores with the off-sale of alcoholic beverages and similar uses.

The above criteria are then to be used to address the following required additional findings for "Problem Uses" (SMC 16.168.050.B):
a. The proposed use is likely to interfere with the comfortable enjoyment of life or property in the area, because it has the potential to interfere with the comfortable enjoyment of life or properties in the surrounding neighborhood. Specifically, adding another alcoholic beverage sales establishment in the commercial center may result in increased loitering and vandalism, as well as additional calls for police services.

b. The proposed use will increase or encourage the deterioration or blighting of the area, because approving another Problem Use in the area can be expected to result in increased alcohol-related problems, including noise, public drinking and drunkenness, panhandling, illegal drug usage and sales, or theft, which would potentially have an adverse effect upon the surrounding neighborhood.

c. The establishment of an additional use of this type in the area will be contrary to the redevelopment of the surrounding neighborhood. While the City has no specific programs for the conservation, improvement, or redevelopment of the area, the addition of an off-sale beer and wine license in the meat market and bakery will be contrary to the improvement and redevelopment of the area, because such an establishment has the potential to increase alcohol-related illegal activities, which would adversely affect the quality of life for area residents and the viability of future retail/commercial development in the area.

2. The City Manager is authorized to take whatever actions are necessary and appropriate to carry out the purpose and intent of this resolution.

PASSED, APPROVED, and ADOPTED March 29, 2016.

ANTHONY SILVA
Mayor of the City of Stockton

ATTEST:

BONNIE PAIGE
City Clerk of the City of Stockton