



# City of Stockton

Stockton Planning  
Commission

## Meeting Agenda - Final Planning Commission

*Kevin Hernandez, Chair (At-Large)*  
*Sol Jobrack, Vice Chair (District 1)*  
*Kim Tutt (District 2)*  
*Elizabeth Hull (District 3)*  
*Chris Eley (District 4)*  
*Don M. Aguillard (District 5)*  
*D'Adrea Davie (District 6)*

---

Thursday, July 28, 2016

6:00 PM

Council Chamber, City Hall, 425 N. El Dorado  
Street, Stockton CA

---

1. CALL TO ORDER/ROLL CALL

2. PLEDGE TO FLAG

3. ADOPTION OF CONSENT CALENDAR

3.1 [16-2893](#) APPROVAL OF PLANNING COMMISSION MINUTES

**Recommended Action:** RECOMMENDATION

Approval for filing minutes of the July 14, 2016 Planning Commission meeting.

**Department:** Community Development

**Attachments:** [Attachment A - 2016 July 14 Planning Commission Minutes](#)

4. PUBLIC COMMENT\*

5. PUBLIC HEARINGS/ENVIRONMENTAL ASSESSMENTS

5.1 [16-2665](#) USE PERMIT FOR A SCRAP METAL RECYCLING FACILITY AT 1020  
EAST CHURCH STREET (P16-0143)

**Recommended Action:** RECOMMENDATION

Staff recommends that the Planning Commission adopt a resolution approving a Use Permit for a scrap metal recycling facility at 1020 East Church Street.

**Department:** Community Development

**Attachments:** [Attachment A - Location Map and Aerial Photograph](#)

[Attachment B - Letters of Opposition](#)

[Proposed Resolution - Project Approval](#)

[Exhibit 1 - Site Plan](#)

**5.2      [16-2666](#)      USE PERMIT FOR A MICRO-BREWERY TO BE LOCATED AT 110 N SAN JOAQUIN STREET (P16-0159)**

**Recommended Action:**      RECOMMENDATION

Staff recommends that the Planning Commission adopt a resolution approving a Use Permit for a micro-brewery at 110 N San Joaquin Street.

**Department:**      Community Development

- Attachments:**      [Attachment A - Location Map and Aerial Photograph](#)  
                                  [Attachment B - Schools and Parks Map](#)  
                                  [Attachment C - Downtown Separation Requirement Map](#)  
                                  [Attachment D - Crime Reporting District Map](#)  
                                  [Attachment E - Crime Reporting District Statistics](#)  
                                  [Attachment F - Liquor License Map](#)  
                                  [Attachment G - Letter of Support](#)  
                                  [Attachment H - Letter of Opposition](#)  
                                  [Proposed Resolution - Project Approval](#)  
                                  [Exhibit 1](#)

**5.3      [16-2674](#)      USE PERMIT TO REPLACE AND ENLARGE AN EXISTING CALIFORNIA WATER SERVICE COMPANY STORAGE TANK FACILITY LOCATED AT 1201 SOUTH EL DORADO STREET**

**Recommended Action:**      RECOMMENDATION

Staff recommends that the Planning Commission adopt a resolution approving a Use Permit to replace and enlarge an existing Cal Water storage tank facility located at 1201 South El Dorado Street.

**Department:**      Community Development

- Attachments:**      [Attachment A - Location Map and Aerial Photograph](#)  
                                  [Attachment B - Existing & Proposed Tank 3D Model](#)  
                                  [Proposed Resolution - Recommending Approval](#)  
                                  [Exhibit 1 - Site Plan](#)

- 6.      NEW BUSINESS\***
- 7.      UNFINISHED BUSINESS**
- 8.      REPORTS/COMMUNICATIONS/INFORMATIONAL ITEMS**
- 9.      COMMISSIONERS COMMENTS**
- 10.     ADJOURNMENT**

**CERTIFICATE OF POSTING**

**I declare, under penalty of perjury, that I am employed by the City of Stockton and that I caused this agenda to be posted in the City Hall notice case on July 21, 2016, in compliance with the Brown Act.**

**Bonnie Paige, CMC**

**By: \_\_\_\_\_  
Deputy**

A. *The meeting will be conducted in accordance with Rosenberg's Rules of Order.*

B. *Each person wishing to address the Planning Commission is encouraged to fill out a speaker card located at the podium. Each speaker will then be called forward to the podium to speak in the order in which their speaker card was received. Speakers are encouraged but not required to provide their name and address when speaking before the Commission.*

C. *All questions from members of the audience to the Planning Commission and/or city staff members shall be directed to the Chairperson of the Planning Commission.*

*All questions from Planning Commission members to staff shall be addressed directly to staff from the member asking the question.*

*No personal comments and/or exchanges will be permitted between members of the audience and individual staff or Commission members. Rather, direction shall be given to staff to follow-up on any issues brought before the Commission. This rule applies to communications outside of the public hearing process.*

D. *Information presented to the Commission shall only pertain directly to the item under consideration. Character assassinations, personal feuds, irrelevant data or repetitions of matters already presented shall not be permitted.*

E. *All rules of Decorum pursuant to Council Policy 100-3- Rules for Conduct of City Council Meetings apply equally to this Commission.*

*Agendas, staff reports and minutes can be viewed on the City of Stockton web*

*site <http://www.stockton.gov/government/Meetings/boardComMeetings.html>*

**DISCLOSURE OF CAMPAIGN CONTRIBUTIONS:**

*State legislation requires disclosure of campaign contributions of \$250 or more, made to any Planning Commissioner, by any person who actively supports or opposes any application pending before the Planning Commission, and such person has a financial interest in the decision. Active support or opposition includes lobbying a Commissioner and/or testifying for or against such an application. Any person having made a \$250 or larger contribution within the preceding 12 months must disclose that fact during the public hearing or on said application.*

*The official City Planning Commission policy is that applications pending before this Commission should not be discussed with the Commission members outside of a public hearing. If any representations are made privately, they must be identified and placed in the public record at the time of the hearing.*

*If you challenge the proposed action in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Planning Commission, at, or prior to, the public hearing.*

*NOTE: All proceedings before this meeting body are conducted in English. The City of Stockton does not furnish language interpreters and, if one is needed, it shall be the responsibility of the person needing one.*

*In accordance with the Americans With Disabilities Act and California Law, it is the policy of the City of Stockton to offer its public programs, services and meetings in a manner that is readily accessible to everyone, including those with disabilities. If you are disabled and require a copy of a public hearing notice, or an agenda and/or agenda packet in an appropriate alternative format; or if you require other accommodation, please contact the Office of the City Clerk located at 425 North El Dorado Street, Stockton, California 95202 during normal business hours or by calling (209) 937-8459, at least 5 days in advance of the hearing/meeting. Advance notification within this guideline will enable the City/Agency to make reasonable arrangements to ensure accessibility.*

*CONSENT ITEMS: Information concerning the consent items has been forwarded to the Planning Commission prior to the meeting. Unless a Commissioner or member of the audience has questions concerning a particular*

*item and asks that it be removed from the Consent Calendar, the items are approved at one time by a roll call vote. Anyone wishing to speak on a consent item or public hearing item, please complete a "Request to Speak Card" and submit it to the Recording Secretary prior to the meeting.*

*\* For any person wishing to address the Planning Commission on any matter not on the printed agenda. Chairperson may set time limit for individual speakers/groups.*



# City of Stockton

## Legislation Text

---

**File #:** 16-2893, **Version:** 1

---

### **APPROVAL OF PLANNING COMMISSION MINUTES**

#### RECOMMENDATION

Approval for filing minutes of the July 14, 2016 Planning Commission meeting.

Attachment A - 2016 July 14 Planning Commission Minutes

**MINUTES  
PLANNING COMMISSION  
MEETING OF JULY 14, 2016**

---

425 N. El Dorado Street, Stockton, CA

---

**1. CALL TO ORDER/ROLL CALL - 6:05 PM**

Roll Call

Present:

Christopher Eley  
Kevin Hernandez  
Elizabeth Hull  
Sol Jobrack  
Kim A. Tutt

Absent:

Don M. Aguillard, and D'Adrea Davie.

Commissioner Aguillard arrived to the meeting at 6:07 PM.

**2. PLEDGE TO FLAG**

The pledge was led by Commissioner Tutt.

**3. ADOPTION OF CONSENT CALENDAR**

**3.1 16-2712 APPROVAL OF PLANNING COMMISSION MINUTES**

Legislation Text

Attachment A - 2016 May 12 Planning Commission Minutes

Attachment B - 2016 May 26 Planning Commission Minutes

Attachment C - 2016 June 9 Planning Commission Minutes

Approve **Motion 2016-07-14-0301** for filing minutes of the May 12, 2016, May 26, 2016, and June 9, 2016 Planning Commission meetings.

**Moved by:** Kim A. Tutt, seconded by Sol Jobrack.

**Vote:** Motion carried 5-0

**Yes:** Don M. Aguillard, Christopher Eley, Kevin Hernandez, Sol Jobrack, and Kim A. Tutt.

**Abstain:** Elizabeth Hull.

**Absent:** D'Adrea Davie.

Commissioner Hull - absent on the meetings of May 12, 2016 and June 9, 2016; she did not review the minutes therefore abstained from voting.

**4. PUBLIC COMMENT\***

None.

**5. PUBLIC HEARINGS/ENVIRONMENTAL ASSESSMENTS**

None.

**6. NEW BUSINESS\***

None.

**7. UNFINISHED BUSINESS**

None.

**8. REPORTS/COMMUNICATIONS/INFORMATIONAL ITEMS**

**8.1 16-2688 2016 CITY OF STOCKTON PLANNING COMMISSION TRAINING PROGRAM PRESENTED BY INSTITUTE FOR LOCAL GOVERNMENT**

Legislation Text

Powerpoint Presentation

Tom Pace, Deputy Director of Planning & Engineering - introduced AICP Planning Manager David Stagnaro.

AICP Planning Manager Stagnaro introduced Pam Johns, Service Director for Michael Baker International; Ms. Johns provided training on Zoning Codes with the aid of a PowerPoint presentation (filed) and responded to questions from the commissioners with additional comments from Deputy Director Tom Pace, Director David Kwong and AICP Planning Manager Stagnaro.

**9. COMMISSIONERS COMMENTS**

None.

**10. ADJOURNMENT - 7:43 PM**

---

DAVID KWONG  
DIRECTOR COMMUNITY DEVELOPMENT





# City of Stockton

## Legislation Text

---

File #: 16-2665, Version: 1

---

USE PERMIT FOR A SCRAP METAL RECYCLING FACILITY AT 1020 EAST CHURCH STREET (P16-0143)

### RECOMMENDATION

Staff recommends that the Planning Commission adopt a resolution approving a Use Permit for a scrap metal recycling facility at 1020 East Church Street.

### Summary

Applicant, H & B Recycling, is proposing to expand its existing recycling facility to operate a drive-through indoor scrap metal recycling center in a building totaling 6,768 square feet located at 1020 East Church Street, on the north side of Church Street between Union and Aurora Streets (Attachment A - Location Map and Aerial Photograph).

The General Plan designates the project site for Industrial land use. This land use designation along with the property's Industrial, General (IG) zoning allows for a recycling facility with approval of a Use Permit.

### DISCUSSION

#### Use Permit

The project is proposed to be an extension of an existing recycling facility located at 521 South Stanislaus Street and will operate as a drive-through indoor scrap metal recycling center on a 6,768 square foot parcel located at 1020 East Church Street. The site is zoned IG (Industrial, General), and is bounded to the:

- north and west by Industrial General (IG)
- east by residential properties zoned Residential, Low Density (RL)
- south by a public park, and Industrial General (IG)

The General Plan designates the project site for Industrial land use. This land use designation along with the properties Industrial, General (IG) zoning allows for a recycling facility with approval of a Use Permit.

The site will have a main entrance off of Church Street into the recycling center building and an exit onto Hazelton Avenue. All recycling, sorting and storage of materials will occur inside the building on site. The site will adequately provide the required on-site parking for customers and employees. The

business will operate seven days a week from 8 a.m. to 5 p.m. and the operation will adhere to all City noise regulations.

The Planning and Engineering Division of the Community Development Department, the Police Department, Municipal Utilities Department, other City departments, and the surrounding neighborhood have been notified of this request.

In response, the Planning Division has received communications indicating several concerns from surrounding property owners (Attachment B - Letters of Opposition) including the possibility of illegally obtained recycling of scrap metal materials, possibility of increased crime and/or damage to property in the area due to metal theft, and noise concerns.

Planning staff also contacted Cal-Recycle and City of Stockton Code Enforcement Division to inquire as to whether there were any enforcement cases at the applicant's current location at 521 South Stanislaus Street. Both groups indicated they currently have no complaints or open violations on file for this location.

In support of this request, the applicant has stated the facility follows all state and local guidelines that include:

- Photo documentation system acceptable to the City of Stockton Police Department will be used to document all sellers that come to recycle scrap metal items
- A three-day hold is placed on all recycled materials valued at \$20 or above
- Work with other local recyclers, law enforcement and state registry boards to prevent metal theft
- If material received is listed on Scrap Alert and determined to be stolen, the operator of the facility will inform the police department in writing with pictures and a copy of the person's photo ID or driver's license
- The operator shall report daily or on the first working day after receipt or purchase of the secondhand property, on forms or through an electronic reporting system (such as Scrap Alert)

Therefore, staff recommends that the Planning Commission adopt a resolution approving a Use Permit for a scrap metal recycling facility at 1020 East Church Street.

### Environmental Clearance

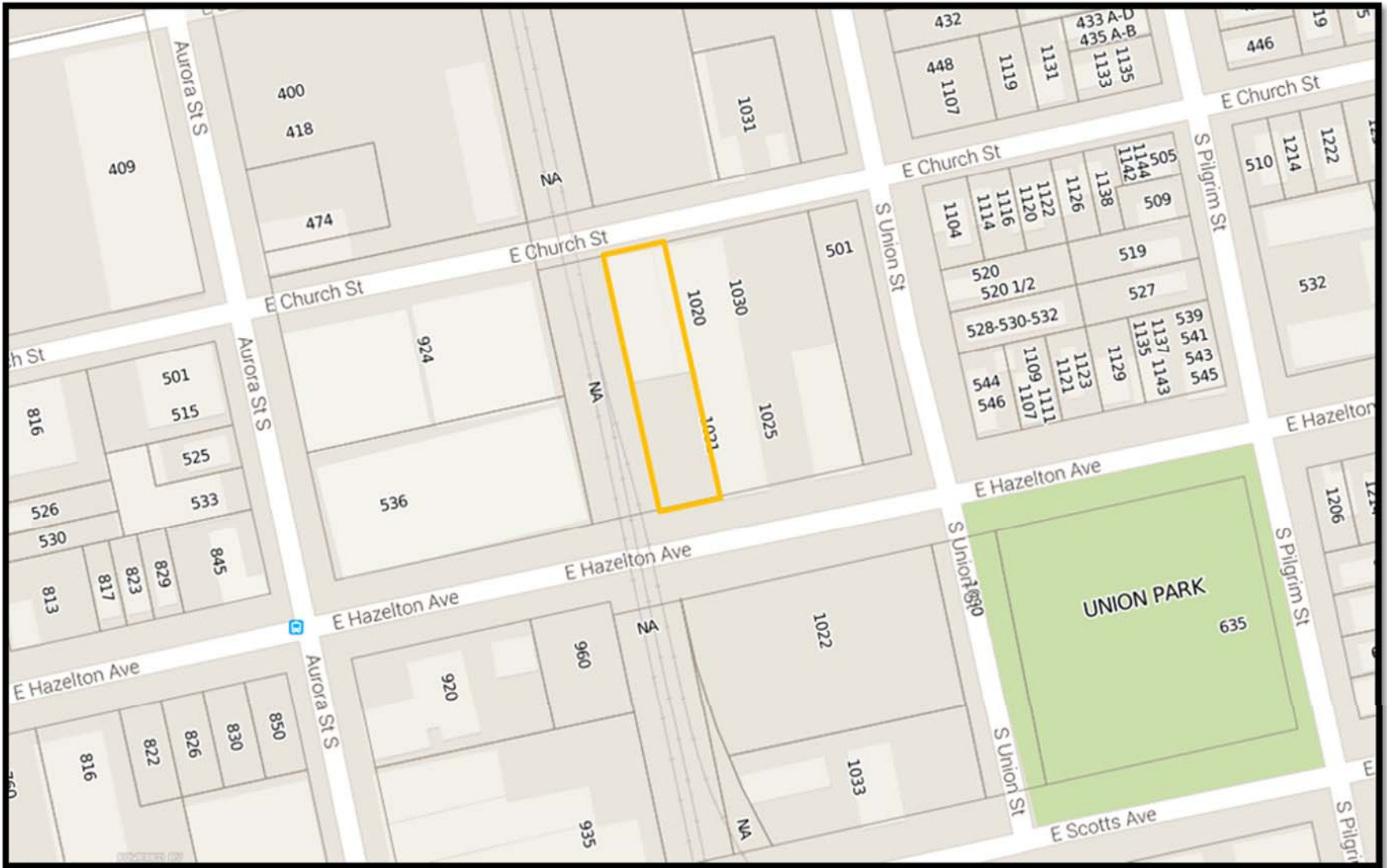
This request is categorically exempt under California Environmental Quality Act (CEQA) pursuant to Section 15301 Existing Facilities, Class 1, of the State CEQA Guidelines. The proposed project is located on a developed parcel that is surrounded by urban uses. Existing infrastructure is expected to be able to adequately serve the project.

### VOTES

A vote of a majority, four (4), of the total authorized membership of the Planning Commission is required for the Commission to transact business or decide any matter.

Attachment A - Location Map and Aerial Photograph

Attachment B - Letters in Opposition







April 11, 2016

RECEIVED

APR 13 2016

Megan Meier  
 Planning + Engineering Services  
 Permit Center City of Stockton  
 345 N. El Dorado Street  
 Stockton CA 95202-2310

CITY OF STOCKTON  
 PERMIT CENTER / PLANNING DIV.

Subject: Use Permit 16-0143

My house faces the subject site and I can hear and see the recycling activities.

I ask that this site be covered to the extent possible.

The property is partially surrounded by chain link fencing. I am requesting that the chain link fencing continue to be covered as it currently is and that it is maintained at all times.

Recycling operations are messy and loud. Our family hears the noise on a continuing basis. I hope the applicant will operate this business on a professional basis.

Thank You

Ramona Lopez

Ramona Lopez  
 520 S. Union St.  
 Stockton CA 95205



**Donald E. and Cristi A. Hickinbotham**

3708 North Merrimac Circle  
Stockton, California 95219  
(209) 477-6403

RECEIVED  
APR 12 2016

CITY OF STOCKTON  
COMMUNITY DEVELOPMENT DEPT.

April 3, 2016

Community Development Director  
Permit Center  
345 North El Dorado Street  
Stockton, CA 95202

Dear Sir or Madam,

As the owners of property at 920 E. Hazelton Avenue, we are vehemently opposed to approval of a permit for a scrap metal recycler at 1020 East Church Street.

This area is becoming a mecca for the homeless who are once again camping on the cement pad of the warehouse which they demolished on Aurora and Hazelton. A scrap metal recycler could only attract more. The City has been scrambling to try to keep these people out, but is losing the battle.

These encampments are harming tax-paying businesses in the area. We are losing a tenant of over 20 years because of it. It is also making it impossible to find a buyer for our building when prospective buyers come into the area and see what is happening in the neighborhood.

The City should not invite more activity that could harm existing businesses unless they can guarantee they won't be affected.

Sincerely,



Cristi A. Hickinbotham

RECEIVED

APR 11 2016

CITY OF STOCKTON  
PERMIT CENTER / PLANNING DIV.



**Dan Mulrooney**

924 East Church Street,  
Stockton, CA 95203  
Phone: 209-992-5122  
dmulrooney@cvhardware.com

► **Community Development Director**

Permit Center, 345 North Eldorado Street  
Stockton, CA 95202  
Phone: 209-937-8393

---

**Re: Use Permit for a scrap metal recycler at 1020 East Church Street, Stockton, CA**

I would like to submit a comment and request a public hearing on the matter of the application for a scrap metal recycler at 1020 East Church Street, Stockton, CA.

I own and operate the business directly to the west of the proposed site and have serious reservations about the damage additional traffic coming and going from the site would do to our business. We are one of the few remaining businesses in this commercial area with business and retail clients that come and go all day. We also are a growing company and spend massive amounts of time each week cleaning up and repairing out buildings and cars from people ripping the metal off everything they can in order to sell it to the recyclers. It is a huge neighborhood problem already and additional services in this area seem unwarranted and not supportive of the commercial area that this area is attempting to serve.

I am very willing to talk to someone in your department at more length about these and other issues surrounding this application.

Regards

---

**Dan Mulrooney**  
President  
Central Valley Hardware  
4/11/2016





301 South Aurora, Stockton, California 95203  
Stockton: 209-466-0433 • Modesto 209-522-1087

Received

APR 11 2016

Community Development  
Permit Center/Building Division

BRILLION SEEDERS  
BROADCASTERS  
FARM SUPPLIES

April 8, 2016

Community Development Director  
Permit Center  
345 North El Dorado Street  
Stockton, CA 95202

RE: Use Permit Application P16-0143 by Adam Doss & Sheldon Doss

To Whom It May Concern:

This letter serves to express concern over the subject use permit application, and to request a public hearing regarding this intended use. The proposed scrap metal recycling business incentivizes theft and vandalism in an area that is already struggling badly with those issues. The business and residential community in the area deserves the chance to weigh in on the dangers that it poses to our businesses and homes.

Please contact me if you need any additional details regarding this request.

Regards,

Grant Baglietto  
Baglietto Seeds  
301 S Aurora St  
Stockton, CA 95203  
209-466-0433

**GEIGER**  
Mfg., Inc.

P.O. BOX 1449 • STOCKTON, CA 95201  
1110 EAST SCOTTS AVE. • STOCKTON, CA 95205

FAX (209) 464-0536  
PHONE (209) 464-7746

SERVING INDUSTRY SINCE 1904

**RECEIVED**  
APR 11 2016  
CITY OF STOCKTON  
PERMIT CENTER / PLANNING DIV.

April 11, 2016

To Whom It May Concern:

This letter is being written to request a hearing concerning the application of Adam and Sheldon Doss (p16-0143). The request to permit the property for metal recycling is a major concern for property owners and business owners. Some issues should also be of concern to the City of Stockton as well. The issues are highlighted below.

1. Has a traffic study been conducted for the feasibility of a "drive thru" recycler. Church street is not very wide and is in need of repair. Can the street handle the traffic and the weight of trucks full of metal?
2. The property and business owners in this area already have to deal with a serious amount of homeless. This problem is out of control and has turned into a theft problem, which each one of us has had to deal with multiple times. This business will just add to the amount and bring it even closer to our front doors.
3. The business H&B has a reputation for receiving stolen property. The recycler caters to the homeless population down town. We personally have recovered stolen property at their facility. They pay cash on the spot no questions asked. Sims Metal down the street takes a picture of the customer, issues checks for the recycling and makes their customers wait 3 days before payment is available in order to help law enforcement and victims of theft. H&B does not.
4. This will just add to the blight that is already rampant in this area. Businesses are moving out at a rapid pace and this is part of the reason why. Does the city want people coming in on rail, one block from the train station to witness this as one of the first things they see before they stop at the station?
5. Most of us are doing business with the public. It is very difficult to keep our customers coming to see us when they have to deal with blight, homelessness. If approved this is sure to make it worse.

Thank you for your consideration in this matter.

Sincerely, *Roger A Haack*

MACHINISTS AND MANUFACTURERS OF SPECIAL MACHINERY

RECEIVED

APR 11 2016

CITY OF STOCKTON  
PERMIT CENTER / PLANNING DIV.

April 11, 2016

To Whom It May Concern:

This letter is being written to request a hearing concerning the application of Adam and Sheldon Doss (p16-0143). The request to permit the property for metal recycling is a major concern for property owners and business owners. Some issues should also be of concern to the City of Stockton as well. The issues are highlighted below.

1. Has a traffic study been conducted for the feasibility of a "drive thru" recycler. Church street is not very wide and is in need of repair. Can the street handle the traffic and the weight of trucks full of metal?
2. The property and business owners in this area already have to deal with a serious amount of homeless. This problem is out of control and has turned into a theft problem, which each one of us has had to deal with multiple times. This business will just add to the amount and bring it even closer to our front doors.
3. The business H&B has a reputation for receiving stolen property. The recycler caters to the homeless population down town. We personally have recovered stolen property at their facility. They pay cash on the spot no questions asked. Sims Metal down the street takes a picture of the customer, issues checks for the recycling and makes their customers wait 3 days before payment is available in order to help law enforcement and victims of theft. H&B does not.
4. This will just add to the blight that is already rampant in this area. Businesses are moving out at a rapid pace and this is part of the reason why. Does the city want people coming in on rail, one block from the train station to witness this as one of the first things they see before they stop at the station?
5. Most of us are doing business with the public. It is very difficult to keep our customers coming to see us when they have to deal with blight, homelessness. If approved this is sure to make it worse.

Thank you for your consideration in this matter.

Sincerely,

Bradley Womble                      Bradley Womble

Hose Connection & Rubber Supply Inc.

336 S. Aurora  
Stockton, CA  
95203

BURLINGOT CO - THOMAS WAGNER - 209, 462, 3502  
 Grant Baglietto - 209. 466. 0433  
 GEIGER MFG INC Roger A Haack 209 464-7746  
 Delta Cable & Supply Inc Randall Scott 209-944-9999  
 Royal Wholesale Electric Errol Respcio (209) 948-6410  
 Central Valley Hardware Dave Turner (209) 482-5703  
 EAST-SIDE WAREHOUSE Co. DAVE TURNER (209) 482-5703  
 HIXCO (209) 652-0160  
 JUAN CAMERON (250) 269-0959 CLASSIC MARBLE AND GRANITE  
 ARS MICHAEL FOX 209-466-3136

RECEIVED

APR 11 2016

CITY OF STOCKTON  
PERMIT CENTER / PLANNING DIV.

Resolution No.

## STOCKTON PLANNING COMMISSION

---

### RESOLUTION APPROVING A USE PERMIT FOR A SCRAP METAL RECYCLING FACILITY LOCATED AT 1020 EAST CHURCH STREET (P16-0143)

The applicant, H & B Recycling, submitted an application for a Use Permit and to allow a drive-through indoor scrap metal recycling center in a building totaling 6,768 square feet located at 1020 East Church Street; and

The General Plan designates the project site for Industrial land use. This land use designation along with the property's Industrial, General (IG) zoning allows industrial land use with approval of a Use Permit; and

The project is categorically exempt under the California Environmental Quality Act (CEQA) Section 15301, Class 1, of the State CEQA Guidelines because the proposed infill project is located on a developed parcel that is surrounded by urban uses; and

Existing infrastructure is expected to be able to adequately serve the project; now, therefore,

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

The Planning Commission hereby approves the request for a Use Permit for a drive-through indoor scrap metal recycling center in a building totaling 6,768 square feet located at 1020 East Church Street; (See Exhibit 1 - Site Plan, attached hereto and incorporated by this reference) based on the following findings and conditions of approval:

#### General Findings

1. The proposed use is allowed within the subject Industrial, General zoning district with the approval of a Use Permit and complies with all other applicable provisions of the Stockton Municipal Code (SMC).
2. The proposed use would maintain the integrity and character of the neighborhood and zoning district in which it is to be located, because the industrial land use covers a wide variety of industrial uses including uses with nuisance or hazardous characteristics.
3. The proposed use would be consistent with the general land uses, objectives, policies and programs of the General Plan because the proposed use is consistent with the Industrial land use designation and will continue the industrial land use on the site and the surrounding area.
4. The subject site would be physically suitable for the type and density/intensity of 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.) in that it is provided with all required utilities and public services.

5. The establishment, maintenance, or operation of the proposed use at the location proposed and for the time period(s) identified, if applicable, would not 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 proposed use because the project operation adheres to all state and local regulations applicable to recycling facilities.
6. The design, location, size, and operating characteristics of the proposed use would be compatible with the existing and future land uses on-site and in the vicinity of the subject property, because the proposed recycling facility is consistent with the pattern of industrial uses in the surrounding neighborhood, complies with height and setback requirements, and provisions have been made to minimize blight and noise with all recycling operations to be performed inside and all materials to be stored in large metal bins.
7. The proposed action is in compliance with the provisions of the CEQA and the City's CEQA Guidelines, because it is categorically exempt under the CEQA (Section 15301, Class 1, of the State CEQA Guidelines) in that the project is at an existing facility, the project site has no value as habitat for endangered, rare or threatened species, approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality, and the site can be adequately served by all required utilities and public services.

#### Conditions of Approval

1. Comply with all applicable Federal, State, County and City codes, regulations, and adopted standards, and pay all applicable fees.
2. In the event the operation of this use should prove detrimental to the health, safety, peace, or general welfare of the surrounding neighborhood, this Use Permit shall be subject to revocation or modification as provided in the Development Code.
3. All operations and storage shall be inside an enclosed structure.
4. The noise levels shall not exceed standards established by the Stockton Municipal Code.
5. The operator shall remove all litter generated by the recycling operation. The facility owner or operator shall provide litter control at the entrance(s) of the facility and along the street, sidewalk and setback areas adjacent to the facility.
6. All payment for materials shall be issued by check only.
7. The operator shall maintain a record via photo documentation (acceptable to the City of Stockton Police Department) of all seller's ID or driver's license that come to recycle scrap metal items.
8. A three-day hold shall be placed on all recycled materials valued at \$20 dollars and above.



9. The operator shall report daily, or on the first working day after receipt or purchase of secondhand property, on forms or through an electronic reporting system.
10. The operator shall work with other local recyclers, law enforcement and state registry boards to prevent metal theft.
11. If the operator receives materials determined to be stolen the operator shall inform the police department in writing with pictures and a copy of the person's ID or driver's license.
12. The gates on Church and Hazelton Street shall remain open during operating hours. Said gate shall be locked at night with a City-compliant Knox lock for fire access.
13. All signs pertaining to this use shall be approved by the Planning Division.
14. Any significant modifications to the final design plans for the project shall be subject to review and approval by the Community Development Director for consistency with the approved Use Permit prior to the issuance of any building permits.
15. No loitering shall be allowed on the premises. The operator shall discourage loitering on immediately abutting public rights-of-way and shall post "No Loitering" signs on the outside of the property.
16. Security lighting shall be installed. Any lighting on the site shall be shielded so as not to shine onto nearby residential properties.
17. In order to minimize any adverse financial impact on the City of Stockton associated with development and/or use of the subject site, the operator agrees that it will not challenge or protest any applicable fees associated with the development of the site, but if such fees are amended or modified, the operator agrees to pay such fees as they may be amended or modified from time to time.
18. The Use Permit shall be posted in a conspicuous place and be made available immediately to City personnel upon inspection of the premises.

PASSED, APPROVED, and ADOPTED                     July 28, 2016.

---

KEVIN HERNANDEZ, CHAIR  
City of Stockton Planning Commission

ATTEST:

---

DAVID KWONG, SECRETARY  
City of Stockton Planning Commission

E. CHURCH ST

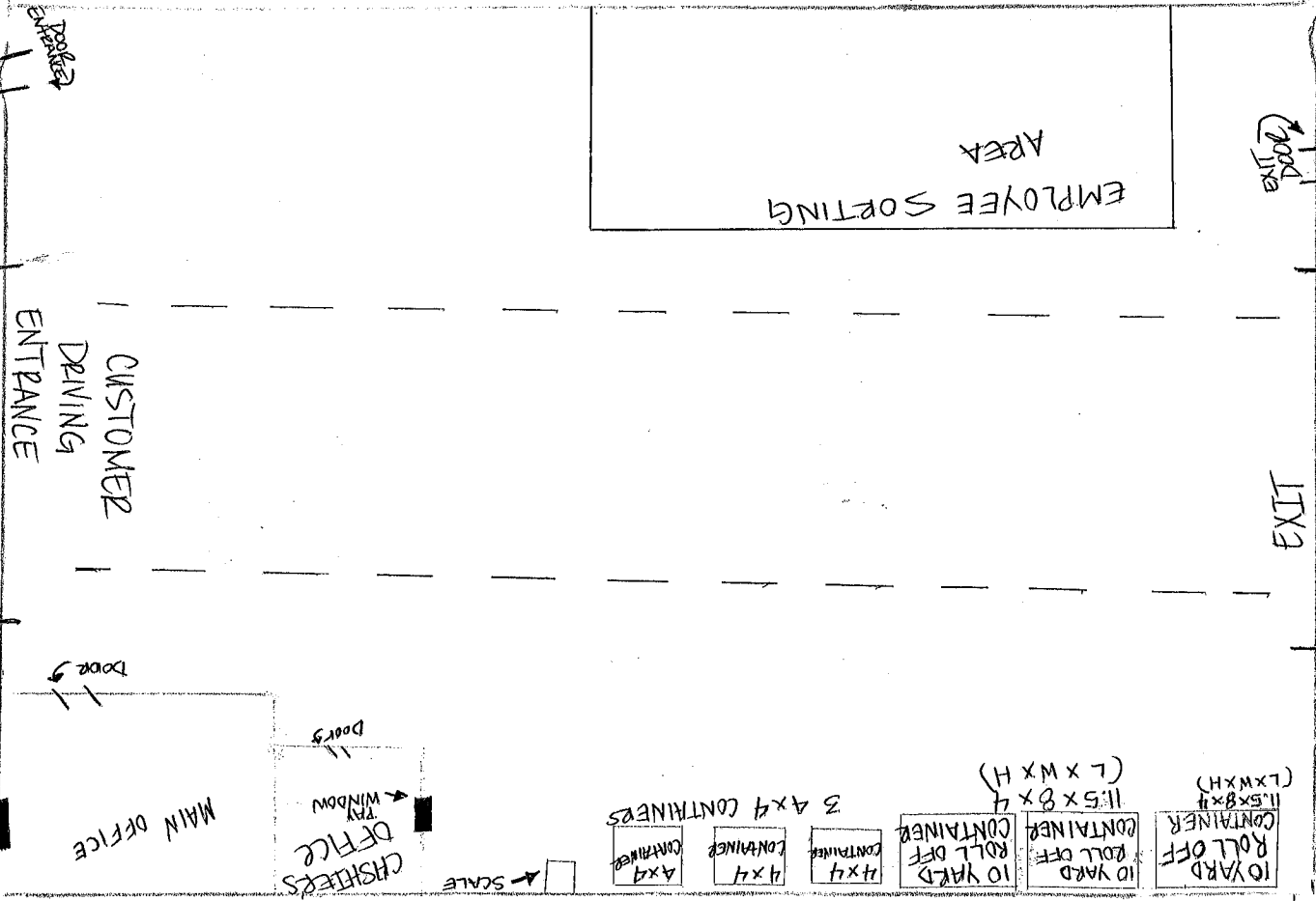
WAVE CRUISE ST

48'

← SIDE WALK →

1030 E. Church St

141'



1021 E. Hazelton Ave

← SIDE WALK →

E. HAZELTON AVE

← POLLING GATE →

CUSTOMER EXIT

CUSTOMER PARKING





# City of Stockton

## Legislation Text

---

**File #:** 16-2666, **Version:** 1

---

### **USE PERMIT FOR A MICRO-BREWERY TO BE LOCATED AT 110 N SAN JOAQUIN STREET (P16-0159)**

#### RECOMMENDATION

Staff recommends that the Planning Commission adopt a resolution approving a Use Permit for a micro-brewery at 110 N San Joaquin Street.

#### Summary

Applicant, Channel Brewing Company, is proposing to operate a micro-brewery (Type 23) craft brewing operation and tasting room with off-sale to be located in a 1,451 square foot building at 110 N San Joaquin Street, between Channel Street and Weber Avenue (Attachment A - Location Map and Aerial Photograph).

#### DISCUSSION

##### Use Permit

The site is zoned CD (Commercial, Downtown), and is bounded to the:

- north and west by Commercial Downtown (CD)
- east by the downtown transit center zoned Commercial Downtown (CD)
- south by the county courthouse and a school zoned Commercial Downtown (CD)

The General Plan designates the project site for Commercial land use. This land use designation along with the Commercial, Downtown (CD) zoning allows for a micro-brewery and off-sale with approval of a Use Permit, which the Applicant has requested.

The small-scale craft brewery operation is expecting that production will not exceed 1,000 barrels of beer per year. The type 23 alcohol license required for this facility is described by the Department of Alcoholic Beverage Control (ABC) as:

“SMALL BEER MANUFACTURER - (Brew Pub or Micro-brewery): Authorizes the same privileges and restrictions as a Type 01. A brewpub is typically a very small brewery with a restaurant. A micro-brewery is a small-scale brewery operation that typically is dedicated solely to the production of specialty beers, although some do have a restaurant or pub in their

manufacturing plant.”

Under the ABC rules, the proposed establishment would be a “micro-brewery,” because it would not include a restaurant.

The back of the house will contain the production equipment which will meet all standards given by involved agencies. The front of the facility will be a tasting room for the craft beer made on-site. Although there will not be a full kitchen and restaurant on site, there will be small food items available and restaurant service available from Cast-Iron Cheese, an adjacent restaurant set to open this spring. The applicant has indicated that the main focus of the business is craft beer brewing and the off-sale portion is anticipated to be ancillary to the business and likely to account for only about 10% of total sales, unlike most off-sale establishments where off-sale accounts for 100% of alcohol sales. The remaining portion of the business will comprise of 30% wholesale and 60% on-sale revenue sources. The proposed hours of operation for the micro-brewery would be Tuesday through Thursday 10:30 am to 10pm, Friday and Saturday 11am to 12am, Sunday 1pm to 7pm and closed Mondays.

The Stockton Municipal Code (SMC) amendment related to alcoholic beverage sales was approved by the City Council on January 26, 2016, and became effective on March 26, 2016. This application is being processed under the newly adopted code provisions.

SMC Section 16.80.040 outlines criteria that the project site needs to meet or provide evidence to support a waiver of those requirements. Additionally, specific findings are required for problem land uses as defined under SMC Section 16.240.020 and alcoholic beverage sales.

### Location Restrictions

#### **Proximity to Schools and Parks**

The current SMC Section 16.80.040.D(2) requires a minimum separation of 500 feet between an establishment with the off-sale of alcoholic beverages and public or private academic schools for students in kindergarten through 12th grade, public parks, playgrounds, recreational areas, or youth facilities. The nearest school (Stockton Collegiate Elementary & High School), located at 321 E. Weber Avenue, is approximately 100 feet east of the project site and their high school located at 343 E. Main Street. Additionally, there is a child care center (The Campus) located at 123 N Sutter that is approximately 150 feet east of the project site. According to the San Joaquin County Office of Education, there are no County One Schools located within 500 feet of the project site. There are no parks, playgrounds or recreational areas within 500 feet of the project site. The nearest park is De Carli plaza which is approximately 800 feet from the project site. Therefore, the proposed use does not comply with the noted minimum required separation from schools and parks, and the applicant has requested a waiver from the location restriction. (Attachment B- Schools and Parks Map) It is further noted that the downtown has a higher concentration of land use types and much of the downtown is located within 500 feet of sensitive uses with separation requirements (Attachment C- Downtown Separation Requirement Map).

#### **High Crime Reporting District**

SMC Section 16.80.040.D(2)(d)(i) and (ii) states that a business with on- or off-sale shall not be located in a high crime reporting district, where the average number of crimes in that district exceeds the average number of crimes for all reporting districts citywide by more than 20 percent. The

downtown core area (crime reporting district 102) has a higher than average crime rate of 161, which is 76% above the City average. (Attachment D- Crime Reporting District Map) However, according to City Police crime reporting data, crime rates have consistently decreased over the last three years in the downtown district from 95 calls in 2013 to 60 calls in 2015. (Attachment E -Crime Reporting District Statistics) Therefore, the proposed use does not comply with this location restriction and the applicant has requested a waiver.

### **Proximity to Other Alcoholic Beverage Sales Establishments**

SMC Section 16.80.040.D(2)(d)(i) and (ii) require new on- and off-sales establishments shall not be located in an area within 500 feet of an existing alcoholic beverage sales establishment or any location that would lead to the grouping of more than four (4) alcoholic beverage sales establishments within a 1,000-foot radius.

The project site does not have another off-sale location within 500 feet and there are three existing off-sales within a 1,000-foot radius of the proposed location, so the addition of the proposed use would not exceed either the 500 foot separation rule or the limit of four off-sales within the 1000-foot radius. The project site has four on-sales within 500 feet and nine additional on-sales within a 1,000-foot radius, therefore the proposed location would exceed the 500 foot separation and the grouping of four or more on-sales within 1,000 feet, and the applicant has requested a waiver. (Attachment F- Liquor License Map).

### **Census Tract**

In accordance with regulations administered by ABC, the Type 23 license allows for onsite brewing with tasting and off sale of craft product produced. ABC does not classify the Type 23 as a retail license; therefore, this license would not be used in the calculation of concentration in the census tract (Tract 1). Approving the Use Permit to allow the issuance of an additional alcohol license by ABC would not constitute an overconcentration in this census tract.

### **Rationale for Waivers**

The SMC states that the applicable Review Authority has the discretion to waive the location restrictions relating to proximity to sensitive uses such as schools, high crime reporting districts, and other alcoholic beverage sales establishments, to promote and support local economic business growth, throughout the City including areas like: the Downtown District, Miracle Mile, and Yosemite Shopping Center. The City of Stockton 2012 Urban Land Institute (ULI) assessment outlines a recommended focus area for revitalization in the downtown. The ULI panel recommended that revitalization efforts focus on the Miner Avenue corridor from Weber Point to Cabral Station with one to two blocks north and south that would include the micro-brewery project site. The ULI panel also outlined key characteristic of successful downtowns some of them include:

- The downtown having a broad mix of uses in the public, private, and civic realm, offering commercial, government, medical, educational, cultural, residential and recreation functions;
- Activity across the day (into evenings) and week (including weekends);

- Lively street frontages

Additionally, the City's Economic Development Strategic Plan states that as part of an overall downtown revitalization plan, it is essential to have the following characteristics in place:

- An aggressive sustained effort aimed at attracting private reinvestment in the downtown area
- New investment in Downtown: number and mix of new businesses is needed
- Cultivate entrepreneurship/innovation program

The proposed micro-brewery represents new private investment in the Downtown that has the potential to be a key component of a new cultural and entertainment district in the City's historic core, consistent with the Economic Development Strategic Plan. In this case, staff recommends these locational restrictions be waived because doing so would support local business growth; add a new small business to the Downtown; and, as a micro-brewery, be a unique alcoholic beverage sales establishment selling its own craft product which would add a desirable attraction to the Downtown area that would appeal to residents and visitors alike. Staff's recommendation is further supported through the goals and policies of the current City General Plan including:

ED-3.4 The City shall continue to assist and encourage the establishment of community and regional entertainment venues within the Downtown.

ED-3.8 The City shall encourage investors to purchase downtown property and help property owners lease space.

ED-3.11 The City shall help to protect the viability of corridor commercial and community retail centers by promoting a business mix that responds to changing economic conditions and provides well-targeted services to surrounding neighborhoods.

### General Findings

The proposed use is consistent with all required general findings relating to General Plan and zoning consistency, strengthening the integrity and character of the area, physical suitability of the site for the proposed use, health and safety, compatibility with surrounding uses, and environmental impacts. The use is allowed within the Commercial, Downtown (CD) zone with a use permit and meets Development Code requirements with the approval of waivers. It would strengthen the integrity and character of the neighborhood because the use is a component of a lively Downtown district that consists of a wide mix of land uses intended to provide goods and services that appeal to residents and visitors alike, and because it is in line with the Urban Land Institute (ULI) Advisory Report recommendations to incorporate a broad mix of uses in the downtown and additionally in the City of Stockton Economic Development Strategic Plan as one of the plan's major themes stated under the quality of life initiatives that one of the components is downtown revitalization to promote/prioritize downtown as destination for events.

The proposed commercial land 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 services (e.g., sanitation and water), public access, and the absence of physical constraints (e.g., earth movement, flooding, etc.); because it maintains like capacity uses and does not substantially increase capacity needs.

Conditions of approval address safety, security, and employee training to ensure that the establishment, maintenance, and operation of the proposed use would not constitute a hazard to the public. Also, the design, location, size, and operating characteristics of the proposed use would be compatible with the existing and future land uses on-site and in the vicinity of the subject property; because it contributes to the mix of land uses that makes the downtown a unique district.

### Findings for Problem Uses

Staff believes that problem use findings can be affirmatively made for this project. The proposed use is not likely to interfere with the comfortable enjoyment of life or property in the area because the building is not located adjacent to residential uses; the applicant has indicated that the micro-brewery will only be open past 10 p.m. on two nights of the week and not be open to the public before 10:30 a.m. during operating days; and, unlike most off-sale problem uses where 100% of sales are off-sale, the applicant has indicated that his business model focuses on the manufacturing of craft beer with off-sale only being an ancillary portion of the business, thereby reducing concerns about customers purchasing alcohol and consuming it in the surrounding neighborhood.

The proposed use will not increase or encourage the deterioration or blight of the area because the proposed project is not within 500 feet of another off-sale and is going into a newly improved building with improved lighting, security cameras and façade improvements that will reverse blight or deterioration in the area.

The proposed alcohol establishment will support conservation, improvement, and redevelopment efforts in the area, because the proposed micro-brewery is in line with approved redevelopment initiatives in the downtown such as Open Window project that encourages a mix of land use types. Additionally, the City's Economic Development Strategic Plan aims to promote/prioritize Downtown as a destination and event center through a core economic development initiative including a business attraction program and entrepreneurship/innovation program.

### Findings for Alcoholic Beverages

Staff believes that the alcoholic beverage findings can be affirmatively made for this project. The proposed use will not result in repeat nuisance activity because the applicant will be installing surveillance cameras on-site along with a zero tolerance policy on violence and service to minors. The applicant has indicated that they will work with law enforcement to combat any problems in the surrounding area and establish a complaint response community relations program as outlined in the conditions of approval within the attached resolution. All employees and the owners and of the establishment will be required to complete an approved course in Licensee Education on Alcohol and Drugs (LEAD), or other "Responsible Beverage Sales." This project would not be required to make PCN findings.

In staff's judgment, the downtown is envisioned as the public social entertainment center for the City and has unique characteristics that qualify it as its own subarea within the larger context of the City

as called out in the development code. Therefore, proposed uses in the downtown area should be evaluated in a way that takes its unique situation and potential into account. As such, staff recommends that consideration be given to uses that would promote a positive image for Downtown, result in the Downtown's revitalization, and attract residents and visitors to the Downtown area.

In summary, the proposal, if approved, would introduce an additional economic advantage to the downtown area and provide a venue for local entertainment. The required findings have been made to address impacts on the downtown area. Therefore, staff recommends approval of the Use Permit application.

### Public Comments

Staff received a letter of support from Moses Zapien, Chairman of the San Joaquin County Board of Supervisors. Mr. Zapien supports the proposed use in the downtown as a "meaningful contribution to the revitalization and place-making efforts...and such an establishment will further the community's vision of downtown Stockton as a destination for living, working and enjoyment." (Attachment G - Letters of Support).

Staff also received one letter in opposition to the project that sited concerns about overconcentration of alcohol licenses of all types in the downtown area in conjunction with a higher than average crime rate in the downtown reporting district (Attachment H -Letter of Opposition).

The Planning and Engineering Division of the Community Development Department, the Police Department, Municipal Utilities Department, other City departments and the surrounding neighborhood have been notified of this request.

In support of this request, the applicant has stated the proposed business will

- Serve a growing live, work, play vision for the downtown
- Bring a local start up to the downtown furthering entrepreneurship in the City
- Continue the aim of the Economic Development Strategic Plan for the downtown area
- Be an active driving force in downtown revitalization
- Give back to the community through charitable events

### Environmental Clearance

This request is categorically exempt under the California Environmental Quality Act (CEQA) Section 15301 Existing Facilities, Class 1, of the State CEQA Guidelines. The proposed project is located on a developed parcel that is surrounded by urban uses. Existing infrastructure is expected to be able to adequately serve the project.

### VOTES

A vote of a majority, four (4), of the total authorized membership of the Planning Commission is required for the Commission to transact business or decide any matter.

- Attachment A - Location Map and Aerial Photograph
- Attachment B - Schools and Parks Map
- Attachment C - Downtown Separation Requirement Map
- Attachment D - Crime Reporting District Map
- Attachment E -Crime Reporting District Statistics
- Attachment F - Liquor License Map
- Attachment G - Letter of Support
- Attachment H -Letter of Opposition

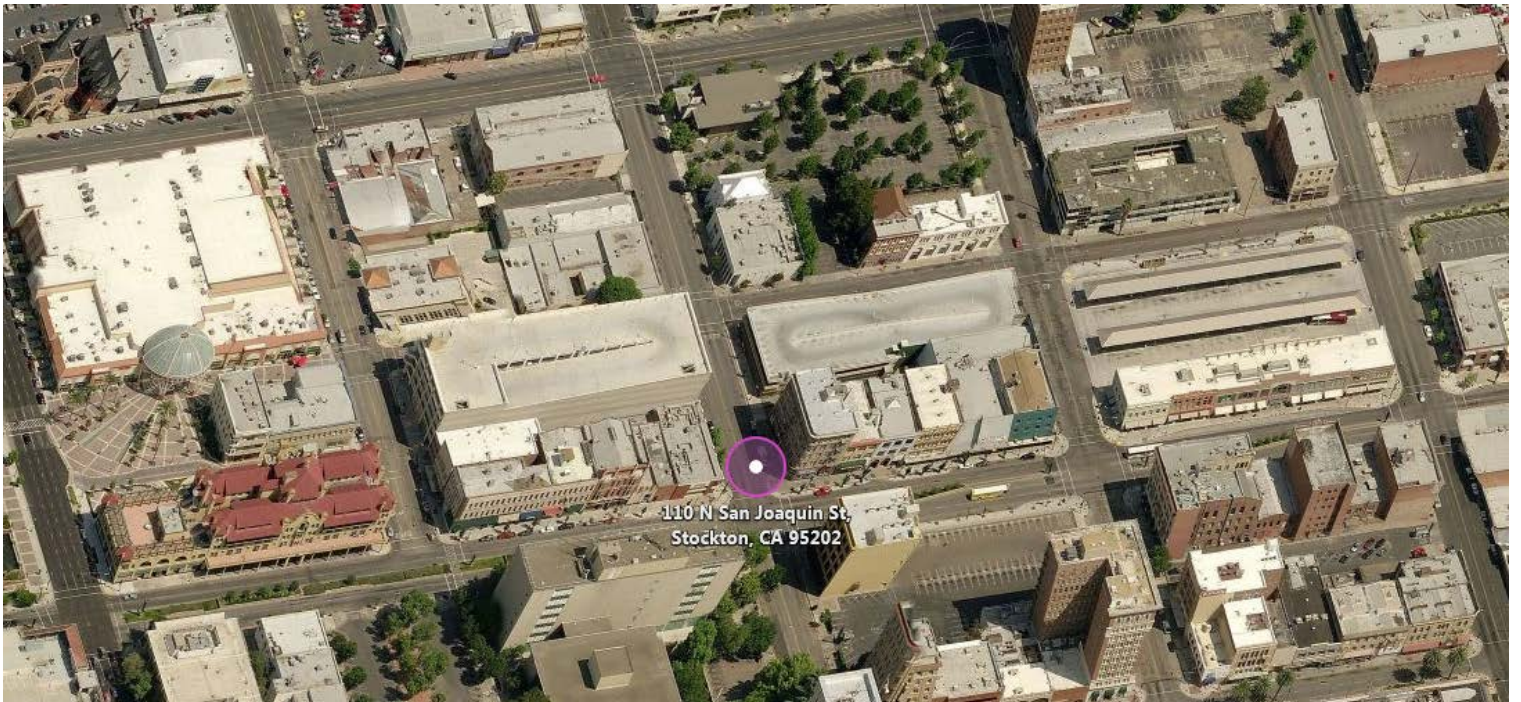


# Location Map & Aerial Photograph

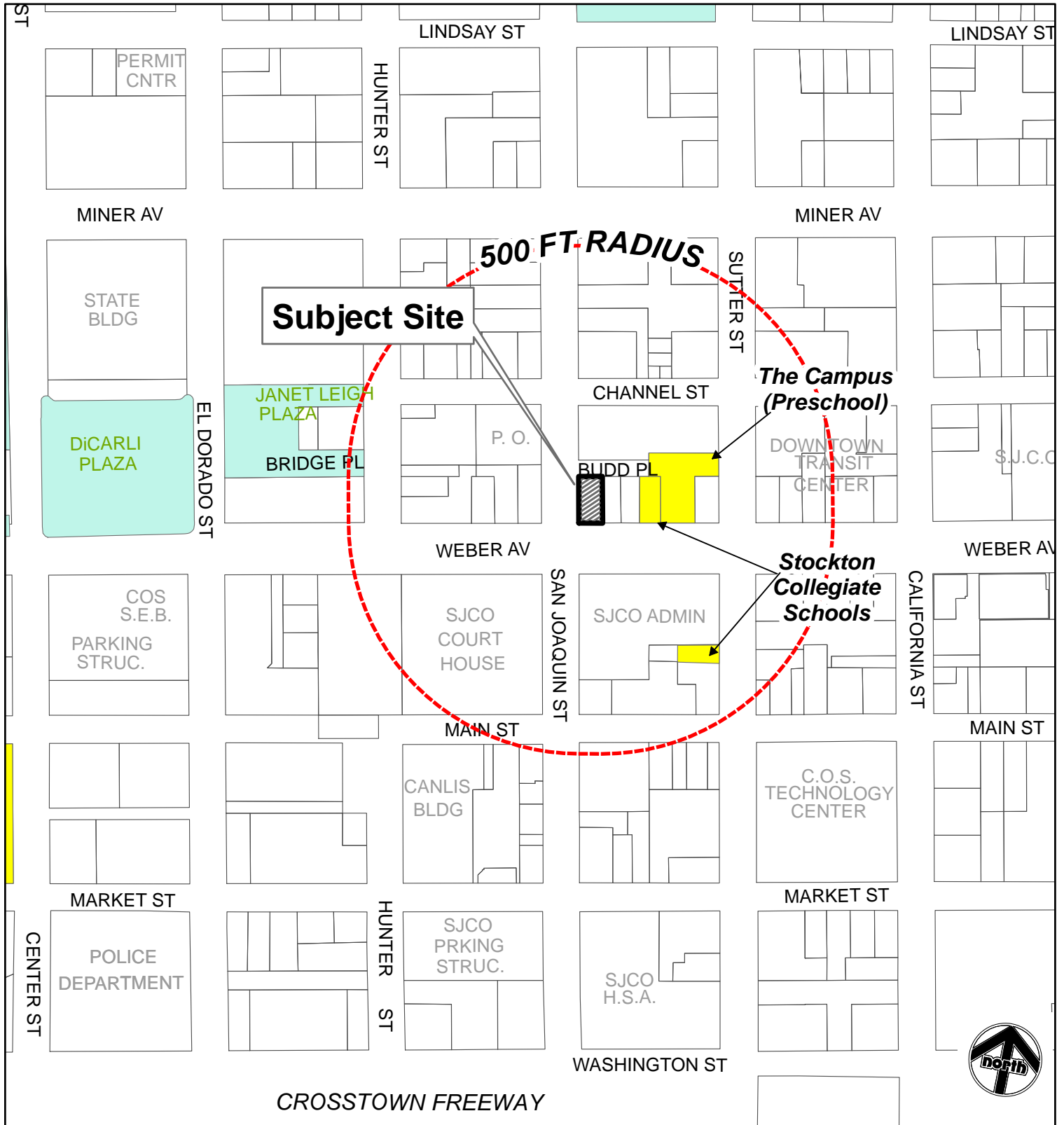


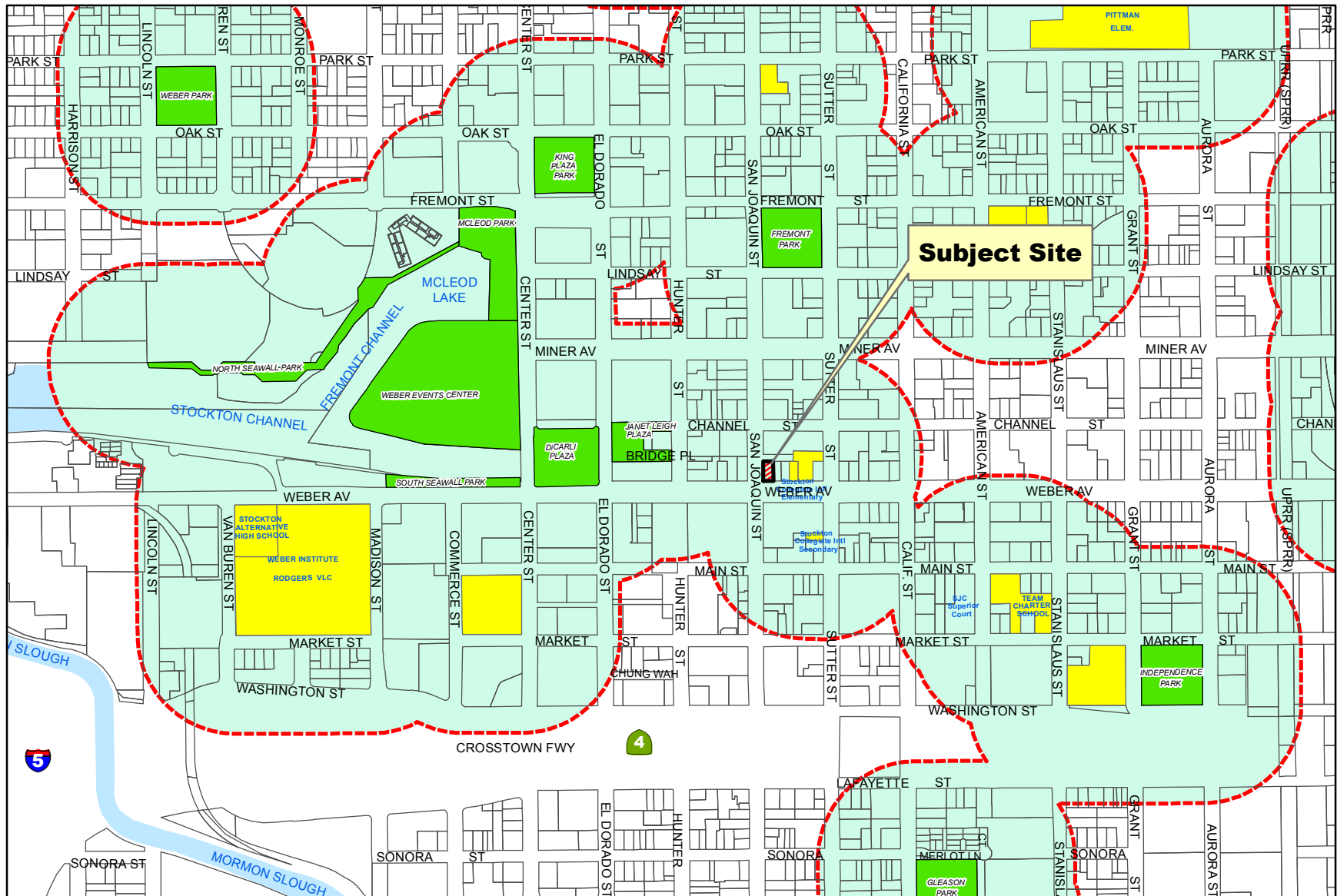


# Location Map & Aerial Photograph



# Schools and Parks

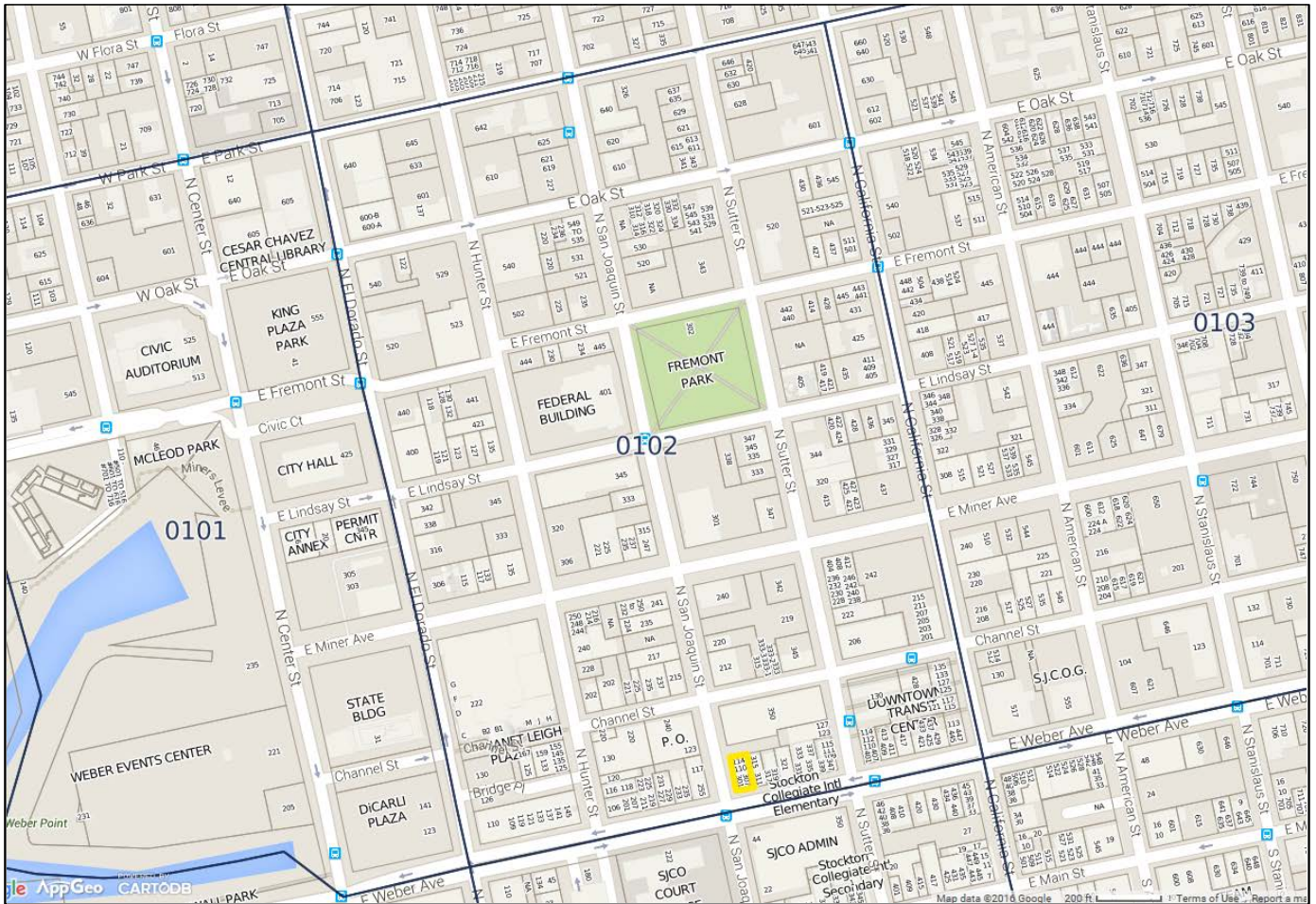




# 500 foot Separation Requirement from Sensitive Sites P16-0159



# Crime Reporting District Map

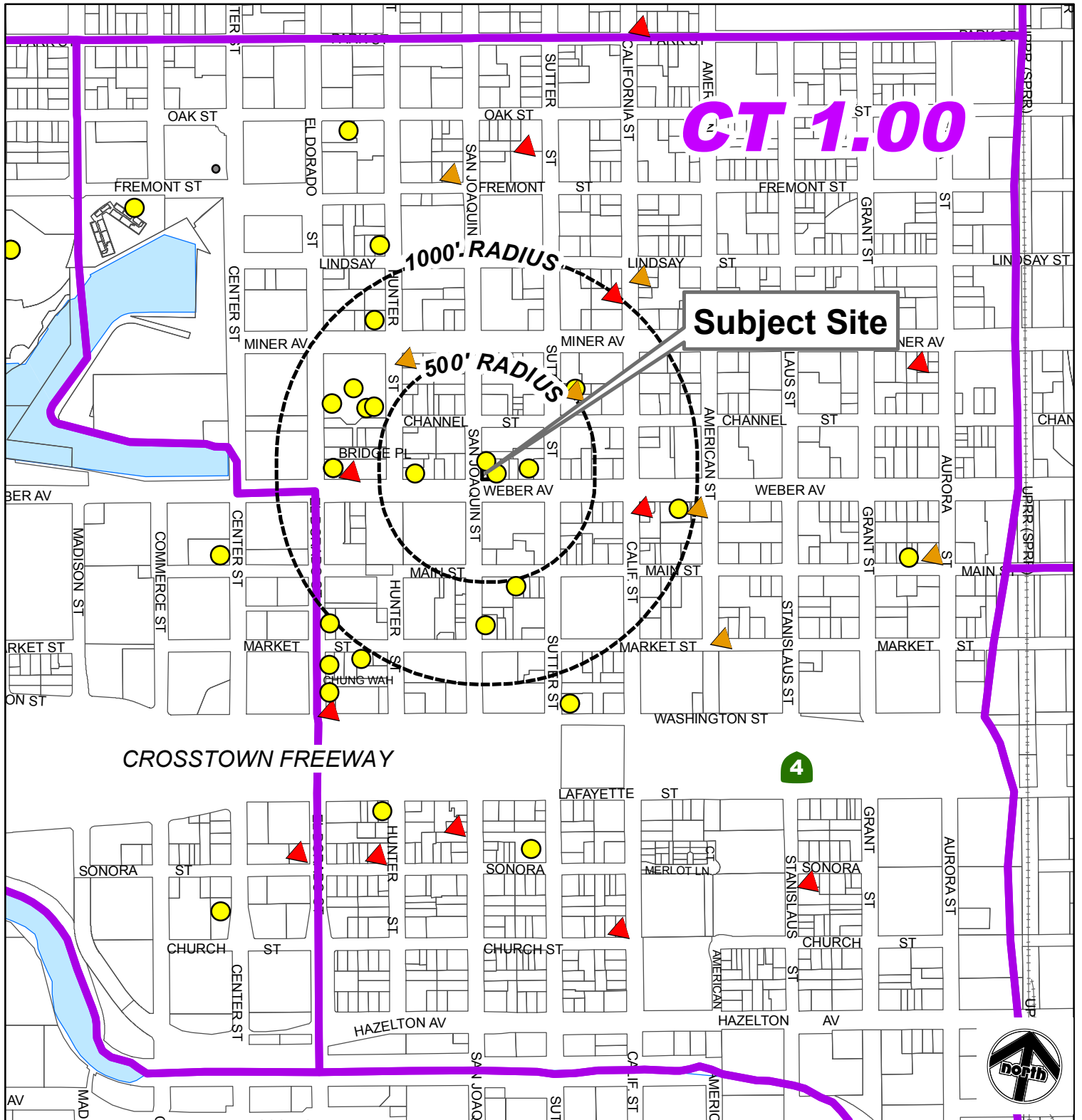






Stockton Police Department  
3-Year Average Part I Crimes by Reporting District

Attachment E

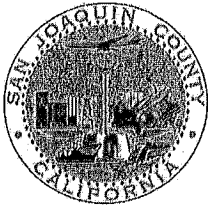
Reporting District	Part I Crimes by Year			3 Year Total	% of Average (85)
	2013	2014	2015		
0101	21	36	35	92	8.24%
0102	95	67	60	222	161.18%
0103	105	84	80	269	216.47%
0104	30	48	41	119	40.00%
0105	45	27	38	110	29.41%
0106	70	57	59	186	118.82%
0107	35	29	38	102	20.00%
0108	17	13	15	45	-47.06%
0109	13	21	37	71	-16.47%
0110	26	28	30	84	-1.18%
0111	35	42	36	113	32.94%
0112	74	52	38	164	92.94%
0113	24	31	14	69	-18.82%
0114	27	34	23	84	-1.18%
0115	58	59	69	186	118.82%
0116	74	49	42	165	94.12%
0117	60	74	67	201	136.47%
0118	62	53	62	177	108.24%
0119	40	35	20	95	11.76%
0120	16	18	19	53	-37.65%
0121	78	56	79	213	150.59%
0122	87	87	88	262	208.24%
0123	39	26	18	83	-2.35%
0124	47	37	33	117	37.65%
0125	19	22	24	65	-23.53%
0126	30	34	45	109	28.24%
0127	62	54	66	182	114.12%
0128	53	54	66	173	103.53%
0129	54	67	58	179	110.59%
0130	10	8	7	25	-70.59%
0131	12	12	14	38	-55.29%
0132	12	16	15	43	-49.41%
0133	13	11	6	30	-64.71%
0134	2	0	3	5	-94.12%
0135	2	6	11	19	-77.65%
0136	35	26	30	91	7.06%
0137	18	15	20	53	-37.65%
0138	21	19	16	56	-34.12%
0139	23	17	13	53	-37.65%
0140	29	44	22	95	11.76%
0141	12	7	20	39	-54.12%
0142	14	10	23	47	-44.71%
0145	0	1	0	1	-98.82%
0147	50	43	39	132	55.29%
0148	5	2	0	7	-91.76%
0149	5	2	4	11	-87.06%
0150	29	26	18	73	-14.12%
0152	9	7	16	32	-62.35%
0153	0	2	2	4	-95.29%
0154	3	6	1	10	-88.24%
0156	11	23	6	40	-52.94%
0157	8	11	10	29	-65.88%

# Census Tract 1.00 / Liquor Licenses (P16-0159)



<b>Legend</b>		<b>ABC Liquor Licenses</b>					
	2010 Census Tracts Boundary		ON-SALE ALCOHOL		OFF-SALE ALCOHOL		BAR





**MOSES ZAPIEN**  
Chairman  
Board of Supervisors  
Representing the Third District

JESSICA KNISELY  
Legislative Assistant

44 N. San Joaquin Street  
Suite 627  
Stockton, CA 95202

Ph: 209-468-3113  
Fax: 209-468-3694

April 30, 2016

Community Development Department  
345 N. El Dorado Street  
Stockton, CA 95202

Re: Channel Brewing Company

Dear Sir or Madam,

It is my pleasure to write this letter in support of the proposed establishment of Channel Brewing Company at 110 North San Joaquin Street in Stockton.

The opening of a neighborhood craft brewery in the heart of downtown Stockton, offers a meaningful contribution to the revitalization and place-making efforts for which the Planning Commission and City Council have previously indicated support. Such an establishment will further the community's vision of downtown Stockton as a destination for living, working and enjoyment.

The success of developing a vibrant, downtown community is dependent upon attracting new businesses such as Channel Brewing Company. The efforts of the Channel Brewing team are examples of local, home-grown talent, entrepreneurship, and commitment to improving downtown Stockton. Channel Brewing will complement existing businesses and eateries in the downtown area and will serve the many individuals who work or live in the area.

It is in this spirit that I offer my strong support. I believe Channel Brewing will help positively shape the landscape of downtown Stockton.

Very truly yours,

A handwritten signature in black ink that reads "Moses Zapien".

Moses Zapien, Chairman  
San Joaquin County Board of Supervisors

To: Planning Commission

July 20, 2016

From: Mary Elizabeth

Re: USE PERMIT FOR A MICRO-BREWERY TO BE LOCATED AT 110 N SAN JOAQUIN STREET (P16-0159) and 222 N Sutter St, Stockton CA 95202

I urge you to consider limiting the hours that the micro-brewery is allowed to operate. The definition of micro-brewery allows only what is brewed on site to be sold or poured. Essentially, this is a tasting room with 40% off sale to the public or to licensed wholesalers. Only the beer that is brewed on site can be sold.

A type 23 liquor license: A micro-brewery is a small-scale brewery operation that typically is dedicated solely to the production of specialty beers. Authorizes the sale of beer to consumers for consumption on or off the manufacturer's licensed premises. Minors are allowed on the premises.

To have a tasting room open downtown after 10:00 on any night will not contribute to having family friendly draw downtown.

I ask that the hours be limited to no later than 10:00 on any night.

Also since the applicant has stated there will not be a permitted food facility on site that they will be serving only serving packaged" small food items and restaurant service available from Cast-Iron Cheese, an adjacent restaurant set to open this spring" I decided some investigation was warranted. The Cast-Iron Cheese restaurant aka Cast Iron Trading Company has an ABC Beer and Wine Liquor license application for 114 N San Joaquin pending review. I guess they will also be requesting a use permit since there had not been a beer and wine license there. On July 20, 2016, I contacted City of Stockton Planning Department and San Joaquin County Environmental Health and at this time no use permit application with the City of Stockton has been filed nor has a restaurant permit been filed with San Joaquin County Environmental Health

The issue of crime and overconcentration in the staff report was not emphasized enough and there should be something other than downtown investment to warrant waivers. I also question the comment attributed to the City of Stockton Police Department that even though they stated that the crime reporting district is a high crime district they state crime has been decreasing. I am having a hard time understanding why you all are not given the exact statistics to fact check. I have included a copy of the protest I filed for Rubie's located at 222 N Sutter which is in the same crime reporting district as the proposed Channel Brewery. Rubie's at 222 N Sutter has submitted a use permit change although when it will come to you I do not know. The use permit change for 222 N Sutter should be denied under all conditions because they have the use permit that came with the property for that they failed to use properly and ABC has a hold on the license. I also included crime statistics in my 222 N Sutter protest which are applicable to the Channel Brewery use permit.



**PROTEST AGAINST ALCOHOLIC BEVERAGE LICENSE APPLICATION**

- Refer to Form ABC-510, Information Regarding ABC License Application and Protests (Rev. April 2010), before completing and submitting your protest. The ABC-510 is located at [www.abc.ca.gov](http://www.abc.ca.gov) and in each district office.
- **Please print legibly or type.** Incomplete and/or illegible information will cause the protest to be rejected.
- You will be notified by letter whether or not your protest is accepted.
- If the Department recommends licensure, you will be afforded the opportunity to request a hearing on your protest.
- If a hearing is scheduled as to whether or not a license should be granted, you or your authorized representative will need to attend the hearing to testify and/or present evidence to support your protest, or your protest will be deemed abandoned.
- All protests submitted to the ABC are public records and are open to inspection pursuant to the California Public Records Act (CPRA). (Gov. Code sec. 6254 *et seq.*)
- A copy of all valid and verified protests (ABC-510-A) and Protestant's/Complainant's Declaration (ABC-128) will be provided to the applicant as part of the licensing process.

I hereby protest the issuance of a license under the Alcoholic Beverage Control Act to:

Amar Singh Mathfullu

(Name(s) of Applicant(s))

For premises at:

222 N Sutter St, Stockton CA 95202

(Exact address of proposed premises)

on the grounds that:

The applicant location in Census Tract 1 is over concentrated, in a high crime reporting district and the applicant has not maintained a history of compliancy.

**Census Tract Overconcentration** Since the applicant is applying for a Type 48 license that includes both on sale general and off sale beer and wine sales the overconcentration of both types of licenses should be considered.

I summarized the 40 existing active retail licenses in Census Tract 1 in San Joaquin County as of June 11, 2016

- 1 Type 52. This is an onsale license for Veterans' Club
- 8 Type 20. This is an off sale license - OffSale Beer and Wine
- 1 Type 21. This is an off sale license - OffSale General
- 1 Type 40. This is an onsale license - OnSale Beer
- 12 Type 41. This is an onsale license - OnSale Beer and Wine for Bona Fide Public Eating Place
- 11 Type 47. This is an onsale license - OnSale General for Bona Fide Public Eating Place
- 6 Type 48. This is an onsale license - OnSale General for Public Premises

Check here if additional sheets attached

I, Mary Elizabeth, declare under penalty of perjury:

PRINT (Name of Protestant)

- (1) That I am the Protestant herein;
- (2) That I have read the above protest and know the contents thereof; and
- (3) That the same is true of my own knowledge except as to those matters which are therein stated on information and belief, and as to those matters I believe to be true.

*MELTZ*

PROTESTANT'S SIGNATURE Stockton California	TELEPHONE NUMBER (Optional & non-public)
SIGNED AT (City and State) PO Box 160442, Sacramento CA 95816	DATE SIGNED June 12, 2016

PROTESTANT'S ADDRESS (Full address - Street name & number, Unit or Apt. No., City, State, & Zip Code)

Since the 47 and 48 are combined on sale and off sale the actual number of licenses allowing off sale of beer and wine is 25 (6+11+8) and off sale general which also includes beer and wine is 1 so all together there are 26 locations to buy and take away alcohol and 31 on sale licenses. Using the ABC Census Tract allocations published September 2015 given the 2010 Census Tract population there should be at most 3 on sale and 3 off sale licenses to not be over concentrated.

Currently Census Tract 1 is:      On sale over concentrated  $|(3-31)/3| \times 100 = 933.33\%$   
    Off sale over concentrated  $|(3-26)/3| \times 100 = 766.66\%$

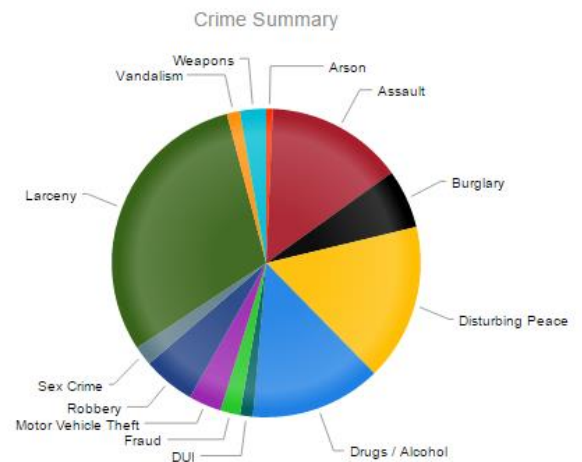
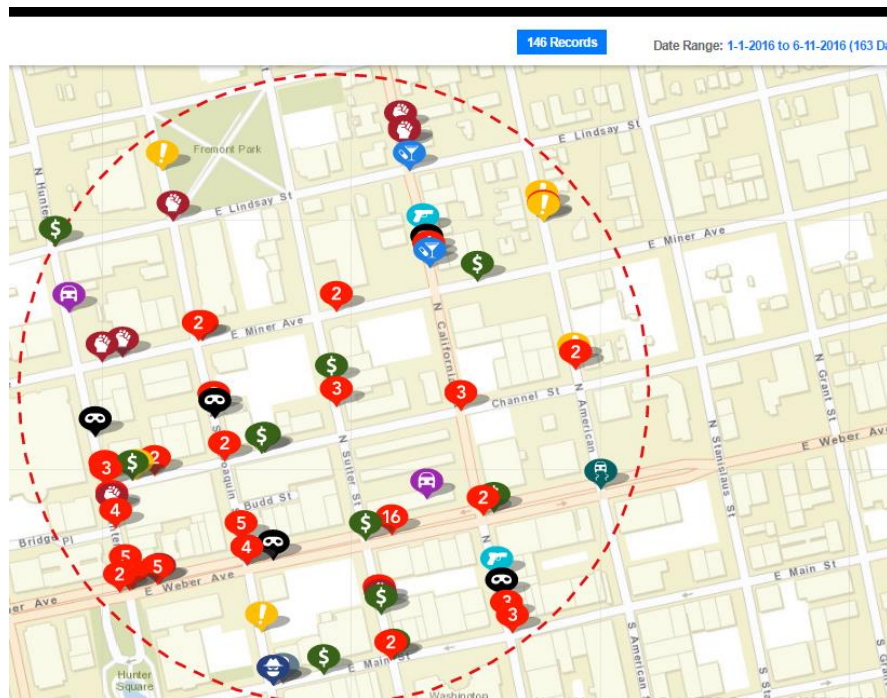
This level of over concentration warrants denial of liquor licenses that contribute to over concentration.

**High Crime Reporting District**

Between 1/1/16 and 6/11/12 there were 146 records within 1000 feet of the applicant’s location 222 North Sutter Street Stockton CA 95202. CrimeMapping data source:

[http://www.crimemapping.com/map/location/222%20N%20Sutter%20St,%20Stockton,%20California,%20USA?id=GST7YMc0AM9UOsE3GY8tIS9GOghnYnwZlip\\_GQypG1c915KOYsWHSFaOYsW1HFaOYgbHYncpOh9bZgKZQoc3YSyaagDIzhkZQBNaCP1uGTyGZbyaCRcGYM0ZN4p#](http://www.crimemapping.com/map/location/222%20N%20Sutter%20St,%20Stockton,%20California,%20USA?id=GST7YMc0AM9UOsE3GY8tIS9GOghnYnwZlip_GQypG1c915KOYsWHSFaOYsW1HFaOYgbHYncpOh9bZgKZQoc3YSyaagDIzhkZQBNaCP1uGTyGZbyaCRcGYM0ZN4p#)

I am not able to access the crime data at the crime reporting district level. Annually, an average crime rate for a district is around 92. A 5 block radius is a relatively small area and to have 146 records of crime in 6 months is high crime. A large proportion of crime is disturbing the peace, drugs and alcohol, assault, and larceny all crimes that can be exasperated by alcohol.



**Compliance History**

The applicant has not maintained compliance with ABC rules and regulations as shown on the disciplinary history associated with liquor license 543250. The ABC May 15 2016 to May 21 2016 Legal Action Finalized Report dated May 25 2016 included the decision from the Administrative Hearing to Suspend the liquor license 543250 because the owner and license holder, Amar Singh MATHFALLU, failed to operate as a bona fide public eating place and purchased A/B for resale from other than wholesaler. I am not sure about what A/B for resale from other than wholesaler means. Another citation Reg. Number: 14081687 for Section: 25658(B), Section: 23300 AND 23355. The resultant discipline was suspension Days: 25 Stayed Days 10 POIC/Fine: 1350. Section 25658(B) - Sales to minors - § 25658 B&P: Sales of alcoholic beverages to person(s) under 21 - 15 day suspension. Section: 23300 AND 23355 Undisclosed Ownership – 23300 & 23355 B&P: Hidden owner qualified 15 day suspension Indefinite until ownership corrected

Another is Reg. Number: 15082841 for Section: 23402, Section: 23038, and Section 23396  
Proceeding Status: CLOSED Decision: SUSPEND Suspension Days: 15 Stayed Days POIC/Fine:  
Suspension Start Date: 03-MAR-2016: Suspension End Date: INDEFINITE SUSPENSION

Section: 23402 Sale to Purchase Between Retailers – 23402 B&P 15 day suspension

Section: 23038 and Section 23396 Not Operating Bona Fide Eating Place – 23038 & 23396 B&P  
10 day suspension indefinite until compliance

The business at 222 N Sutter is boarded up shown in pictures taken 6/12/16 and an undated license application notice is on the building as shown below:



### NEW PERMIT APPLICATION

The owner Amar Singh Mathfallu has applied for a License Type 48-On-Sale General for Public Premises . According to ABC License Type 48 ON SALE GENERAL – PUBLIC PREMISES - (Bar, Night Club) Authorizes the sale of beer, wine and distilled spirits for consumption on the premises where sold. Authorizes the sale of beer and wine for consumption off the premises where sold. Minors are not allowed to enter and remain (see Section 25663.5 for exception, musicians). Food service is not required.



California Department of Alcoholic Beverage Control
License Query System Summary
as of 6/11/2016

Table with sections: License Information, Business Name, Business Address, Licensee Information, License Types (1) License Type: 47 - ON-SALE GENERAL EATING PLACE, (2) License Type: 48 - ON-SALE GENERAL PUBLIC PREMISES, Current Disciplinary Action, Disciplinary History, Hold Information, Escrow.

--- End of Report ---





**California Department of Alcoholic Beverage Control  
For the County of SAN JOAQUIN - (Retail Licenses)  
and Census Tract = 1**

Report as of 6/11/2016

License Number	Status	License Type	Orig. Iss. Date	Expir Date	Primary Owner and Premises Addr.	Business Name	Mailing Address	Geo Code
1) <a href="#">106376</a>	ACTIVE	52	5/27/1981	6/30/2016	VFW LUNETA POST 52 513 N CENTER ST CIVIC AUDITORIUM STOCKTON, CA 95202	VFW LUNETA POST 52	PO BOX 92 STOCKTON, CA 95201	3905
2) <a href="#">263642</a>	ACTIVE	20	9/17/1991	2/28/2017	Census Tract: 0001.00 KOGA, THOMAS S 331 N CALIFORNIA ST STOCKTON, CA 95202	TOMS MARKET		3905
3) <a href="#">291170</a>	ACTIVE	41	1/20/1994	12/31/2016	Census Tract: 0001.00 CHAN, EDWIN P 146 S SUTTER ST STOCKTON, CA 95202	GAN CHY CHINESE RESTAURANT		3905
4) <a href="#">296113</a>	ACTIVE	41	6/22/1994	5/31/2016	Census Tract: 0001.00 RODRIGUEZ, IRMA 524 E WEBER AVE STOCKTON, CA 95202	IRMAS PLACE		3905
5) <a href="#">315440</a>	ACTIVE	21	1/17/1996	12/31/2016	Census Tract: 0001.00 PEREZ, J ROBERT 142 S EL DORADO ST STOCKTON, CA 95202	ROBERTOS LIQUOR		3905
6) <a href="#">338578</a>	ACTIVE	47	3/10/1998	2/28/2017	Census Tract: 0001.00 HUANG, GUO G 104 E MARKET ST STOCKTON, CA 95202	CHINESE RESTAURANT	5290 BARBADOS CIR STOCKTON, CA 95210	3905
7) <a href="#">35965</a>	ACTIVE	47	1/16/1987	5/31/2017	Census Tract: 0001.00 YASOO YANI RESTAURANT CORP 326 E MAIN ST STOCKTON, CA 95202	YASOO YANI		3905
8) <a href="#">369325</a>	ACTIVE	47	5/8/2001	6/30/2016	Census Tract: 0001.00 RUVALCABA, ELIA FLORES 135 E MINER AVE STOCKTON, CA 95202	CANCUN RESTAURANT		3905
9) <a href="#">396809</a>	ACTIVE	41	1/29/2003	1/31/2017	Census Tract: 0001.00 VARGAS, CARLOS 201 E WEBER AVE STOCKTON, CA 95202	CASA FLORES RESTAURANT		3905
10) <a href="#">408833</a>	ACTIVE	20	3/1/2004	2/28/2017	Census Tract: 0001.00 NASSER, JOHN OTHMAN 443 S CALIFORNIA ST STOCKTON, CA 95203	U SAVE MARKET		3905
11) <a href="#">410071</a>	ACTIVE	47	3/15/2004	2/28/2017	Census Tract: 0001.00 NEW ON LOCK SAM INC 333 S SUTTER ST STOCKTON, CA 95203	NEW ON LOCK SAM INC		3905
12) <a href="#">427722</a>	ACTIVE	47	11/7/2005	11/30/2016	Census Tract: 0001.00 MISAKI LLC 222 N EL DORADO ST M STOCKTON, CA 95202	MISAKI		3905
13) <a href="#">464105</a>	ACTIVE	20	6/24/2008	2/28/2017	Census Tract: 0001.00 SHARMA, SANDHIA DEVI 48 N CALIFORNIA ST STOCKTON, CA 95202	SHARMAS MARKET	8662 TRUMPET CT ELK GROVE, CA 95624	3905
14) <a href="#">464364</a>	ACTIVE	41	5/2/2008	9/30/2016	Census Tract: 0001.00 MAGALLON, SILVIA PADILLA 311 E WEBER AVE STOCKTON, CA 95202-2707	EL ZARAPE RESTAURANT		3905
15) <a href="#">471752</a>	ACTIVE	48	1/21/2009	12/31/2016	Census Tract: 0001.00 GOLDEN STATE REAL PROPERTY	CHARLIES		3905

					INVESTMENTS LLC 48 S AMERICAN ST STOCKTON, CA 95202-3001				
16)	<a href="#">507602</a>	ACTIVE	47	3/7/2011 1:35:47 PM	2/28/2017	Census Tract: 0001.00 STOCKTON ARENA HOTEL AND CONFERENCE CENTER LLC 110 W FREMONT ST STOCKTON, CA 95202-1910	UNIVERSITY PLAZA WATERFRONT HOTEL	3905	
17)	<a href="#">510247</a>	ACTIVE	20	6/16/2011 12:35:12 PM	5/31/2017	Census Tract: 0001.00 PHENGPHANH, SOMPHANAT 541 N SUTTER ST STOCKTON, CA 95202	SP MARKET	3905	
18)	<a href="#">513713</a>	ACTIVE	41	10/12/2011 11:20:23 AM	9/30/2016	Census Tract: 0001.00 MANN FOODS INC. 335 E WEBER AVE STOCKTON, CA 95202-1107	ALFALFAS PIZZA & FOOD MART	3905	
19)	<a href="#">516156</a>	ACTIVE	47	12/6/2011 11:37:51 AM	4/30/2017	Census Tract: 0001.00 TORRES, ELIZABETH 30 S EL DORADO ST STOCKTON, CA 95202	TROPICANA	2253 PORT TRINITY CR STOCKTON, CA 95206	3905
20)	<a href="#">517128</a>	ACTIVE	48	1/27/2012 3:11:54 PM	12/31/2016	Census Tract: 0001.00 UHL, CHARLES E 235 E FREMONT ST STOCKTON, CA 95202	STORE THE	3905	
21)	<a href="#">529785</a>	ACTIVE	47	3/29/2013 1:20:57 PM	2/28/2017	Census Tract: 0001.00 MR. D'S PIZZA AND PUB, INC. 122 E OAK ST STOCKTON, CA 95202	MR. D'S PIZZA AND PUB	3905	
22)	<a href="#">530340</a>	ACTIVE	47	4/2/2013 4:20:42 PM	2/28/2017	Census Tract: 0001.00 MATMOL INC 110 N EL DORADO ST STOCKTON, CA 95202	FRENCH 25	3905	
23)	<a href="#">531186</a>	ACTIVE	48	3/25/2013 3:44:57 PM	8/31/2016	Census Tract: 0001.00 WILLIS, JERRY D 548 E WEBER AVE STOCKTON, CA 95202-3017	GAVEL THE	3905	
24)	<a href="#">531652</a>	ACTIVE	20	9/30/2013 3:49:21 PM	8/31/2016	Census Tract: 0001.00 NIPOTE WINE IMPORTS, LLC 119 E WEBER AVE STOCKTON, CA 95202-2704	NIPOTE WINE IMPORTS, LLC	3905	
25)	<a href="#">533630</a>	ACTIVE	41	7/8/2013 4:29:07 PM	6/30/2016	Census Tract: 0001.00 JOHNSON, WASUMA 222 N EL DORADO ST, STE D STOCKTON, CA 95202	ROYAL SIAM 2	3905	
26)	<a href="#">535503</a>	ACTIVE	41	7/30/2013 4:14:47 PM	3/31/2017	Census Tract: 0001.00 RODRIGUEZ, ROSA F 135 E LINDSAY ST STOCKTON, CA 95202	TIO PEPES II	3905	
27)	<a href="#">536687</a>	ACTIVE	41	10/4/2013 9:20:49 AM	9/30/2016	Census Tract: 0001.00 LOPEZ, REYMUENDO MARIN 36 S SAN JOAQUIN ST STOCKTON, CA 95202	XOCHIMILCO CAFE	3905	
28)	<a href="#">539069</a>	SUREND	48	12/10/2013 1:36:22 PM	6/30/2016	Census Tract: 0001.00 MARIANI, ROBERT PETER JR 250 N HUNTER ST STOCKTON, CA 95202  Census Tract: 0001.00	DAVOLIS AVENUE INN	1243 CHAPARRAL CIRCLE SAN LUIS OBISPO, CA 93401	3905
29)	<a href="#">541410</a>	ACTIVE	20	3/4/2014 3:26:17 PM	2/28/2017	GHALEB, ALI ABDURAHMAN 704 E SONORA ST STOCKTON, CA 95203	SONORA MARKET	2790 24TH ST SAN FRANCISCO, CA 94110	3905
30)	<a href="#">543250</a>	ACTIVE	47	8/13/2014 11:02:59 AM	7/31/2016	Census Tract: 0001.00 MATHFALLU, AMAR SINGH 222 N SUTTER ST STOCKTON, CA 95202	RUBIES RESTAURANT & NIGHT CLUB	PO BOX 581 ACAMPO, CA 95220-0581	3905
31)	<a href="#">543924</a>	ACTIVE	40	11/18/2014 2:15:14 PM	10/31/2016	Census Tract: 0001.00 DELALUZ, OFELIA 130 S EL DORADO ST STOCKTON, CA 95202  Census Tract: 0001.00	EL DORADO RESTAURANT	3905	

32)	<a href="#">548058</a>	ACTIVE	41	10/27/2014 5:18:47 PM	9/30/2016	HERRERA, ROSEVELIA 315 S HUNTER ST STOCKTON, CA 95203  Census Tract: 0001.00	CLUB RIO DE JAINARO RESTAURANT	1720 E FREMONT ST STOCKTON, CA 95205	3905
33)	<a href="#">548688</a>	ACTIVE	41	12/9/2014 10:44:09 AM	11/30/2016	CASTRO, VIRGINIA 825 E MAIN ST STOCKTON, CA 95202  Census Tract: 0001.00	MARISCOS CULIACAN	3106 MISSION VALLEY STOCKTON, CA 95202	3905
34)	<a href="#">551270</a>	ACTIVE	20	12/30/2014 1:21:27 PM	11/30/2016	WONG, KIM HON 319 S SAN JOAQUIN ST STOCKTON, CA 95203  Census Tract: 0001.00	WING FUNG GROCERY	936 S SUTTER ST STOCKTON, CA 95206	3905
35)	<a href="#">558239</a>	ACTIVE	41	6/17/2015 11:21:10 AM	10/31/2016	DELAROSA, ANN T 126 E MARKET ST STOCKTON, CA 95202  Census Tract: 0001.00	RED ORCHIDS	1642 W POPLAR ST STOCKTON, CA 95203	3905
36)	<a href="#">558299</a>	SUREND	48	7/23/2015 10:37:34 AM	6/30/2016	DUFFY, JOHN JAMES 344 N CALIFORNIA ST STOCKTON, CA 95202  Census Tract: 0001.00	FAT CITY LOUNGE	115 TERRA VISTA AVE SAN FRANCISCO, CA 94115	3905
37)	<a href="#">559841</a>	ACTIVE	41	11/12/2015 4:16:14 PM	10/31/2016	REGAL CINEMAS INC 222 N EL DORADO ST STOCKTON, CA 95202  Census Tract: 0001.00	CITY CENTRE STADIUM 16	7132 REGAL LN KNOXVILLE, TN 37918-5803	3905
38)	<a href="#">561366</a>	ACTIVE	47	11/30/2015 3:34:32 PM	10/31/2016	EBEER USA, INC. 222 N EL DORADO ST, STE J STOCKTON, CA 95202-2339  Census Tract: 0001.00	TAPS BAR & GRILL	9504 RAVENNA LN STOCKTON, CA 95212	3905
39)	<a href="#">66929</a>	ACTIVE	20	12/1/1978	9/30/2016	SUN WONG KEE INC 333 S HUNTER ST STOCKTON, CA 95203  Census Tract: 0001.00	SUN WONG KEE INC		3905
40)	<a href="#">83789</a>	ACTIVE	48	12/10/1979	9/30/2016	MONROY, BULMARO 847 E MAIN ST STOCKTON, CA 95202  Census Tract: 0001.00	AURORA CLUB		3905

--- End of Report ---

For a definition of codes, view our [glossary](#).

Resolution No.

## STOCKTON PLANNING COMMISSION

---

### RESOLUTION APPROVING A USE PERMIT FOR A MICRO-BREWERY TO BE LOCATED AT 110 N SAN JOAQUIN STREET (P16-0159)

The applicant, Channel Brewing Company, submitted an application for a Use Permit to allow the establishment of a micro-brewery at 110 N San Joaquin Street; and

The project site is located in an area of the City that is a diverse mix of land uses and a vital center of the community. Approval of the proposed brewery tasting room on the subject site would have the potential aid in the transformation and economic stimulus to the downtown area; now; therefore

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

The Planning Commission hereby approves the request for a Use Permit to allow the establishment of a micro-brewery at 110 N San Joaquin Street (See Exhibit 1 - Site and Floor Plan) based on the following findings and conditions of approval:

#### General Findings

1. The proposed use is allowed within the subject zoning district with the approval of a use permit and complies with all other applicable provisions of this Development Code and the Municipal Code; because it is a compatible use with the Commercial (CD) zoning and meets Development Code requirements with the approval of waivers.
2. The proposed use would maintain or strengthen the integrity and character of the neighborhood and zoning district in which it is to be located because the use is a component of a lively Downtown district that consists of a wide mix of land uses intended to provide goods and services that appeal to residents and visitors alike, and because it is in line with the Urban Land Institute (ULI) Advisory Report recommendations to incorporate a broad mix of uses in the downtown and additionally in the City of Stockton Economic Development Strategic Plan as one of the plan's major themes stated under the quality of life initiatives that one of the components is downtown revitalization to promote/prioritize downtown as destination for events.



3. The proposed use would be consistent with the general land uses, objectives, policies, and programs of the General Plan and any applicable specific plan or master development plan because the General Plan land use is Commercial and allows for a wide variety of retail, service, and commercial recreational uses, including community or regional commercial centers as well as freestanding commercial establishments.
4. The subject site would be physically suitable for the type and density/intensity of 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 it maintains like capacity uses and does not substantially increase capacity needs.
5. The establishment, maintenance, or operation of the proposed use at the location proposed and for the time period(s) identified, if applicable, would not endanger, jeopardize, or otherwise constitute a hazard to the public convenience, health, interest, safety, peace, or general welfare of persons residing or working in the neighborhood of the proposed use because the conditions of approval address any issues that may be associated with the project.
6. The design, location, size, and operating characteristics of the proposed use would be compatible with the existing and future land uses on-site and in the vicinity of the subject property; because it contributes to a mix of land uses that make the downtown a unique district.
7. The proposed action would be in compliance with the provisions of the California Environmental Quality Act (CEQA) and the City's CEQA Guidelines; under exemption 15301 Class 1, Existing Facilities, because it will be located within an existing commercial building with no expansion of the structure, and existing infrastructure is adequate to serve the site.

#### Problem Use Findings

1. The proposed use is not likely to interfere with the comfortable enjoyment of life or property in the area because the building is not located adjacent to residential uses; the applicant has indicated that the micro-brewery will only be open past 10pm on two nights of the week and not be open to the public before 10:30 a.m. during operating days; and, unlike most off-sale problem uses where 100% of sales are off-sale, the applicant has indicated that his business model focuses on the manufacturing of craft beer with off-sale only being an ancillary portion of the

business, thereby reducing concerns about customers purchasing alcohol and consuming it in the surrounding neighborhood.

2. The proposed use will not increase or encourage the deterioration or blight of the area because the proposed project is not within 500 feet of another off-sale; will improve lighting; will add security cameras; will make façade improvements that will enhance the appearance of the building; and will replace a vacant storefront with a new business, thereby reversing blight or deterioration in the area.
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, because there are no such programs in place in the subject neighborhood. The proposed alcohol establishment will support any conservation, improvement, and redevelopment efforts in the area, because the proposed micro-brewery is consistent with approved redevelopment initiatives in the downtown such as the Open Window project that encourages a mix of land use types. Additionally, the project is consistent with the City's Economic Development Strategic Plan to promote and prioritize Downtown as a destination and event center by attracting business and encouraging entrepreneurship and innovation, because it represents a new, innovative business type for the Downtown.

#### Findings for Alcoholic Beverages

1. The proposed use will not result in repeat nuisance activity on or in close proximity to the premises. Nuisance activity includes, but is not limited to: disturbing the peace, illegal drug activity, public drunkenness, drinking in public, harassment of passersby, gambling, prostitution, sale of stolen goods, public urination/defecation, theft, assaults, batteries, acts of vandalism, excessive littering, loitering, graffiti, illegal parking, excessive loud noise (especially in the late night or early morning hours), traffic violations, curfew violations, lewd conduct, or police detentions and arrests, because the applicant will be installing surveillance cameras on-site along with a zero tolerance policy on violence and service to minors. The applicant has indicated that they will work with law enforcement to combat any problems in the surrounding area and establish a complaint response community relations program as outlined in the conditions of approval within the attached resolution.
2. The owners and all employees of the establishment would 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 hire for employees hired after the passage of this Development Code or within

six (6) months of the passage of this Development Code for existing employees. 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 as required under the Code and in the conditions of approval contained in the proposed resolution.

3. 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 condition imposed on any valid permit(s) issued pursuant to applicable laws, regulations or other authority. This includes compliance with annual city business license fees; because this is required under the code and the applicant has indicated that all federal, state and local regulations will be adhered to.
4. If required by Business and Professions Code Section 23958.4, public convenience or necessity would be served by the issuance of this commission use permit or land development permit. This project does not require a finding of public convenience or necessity.

#### Conditions of Approval

1. Comply with all applicable Federal, State, County and City codes, regulations, and adopted standards, and pay all applicable fees.
2. In the event the operation of this use should prove detrimental to the health, safety, peace, or general welfare of the surrounding neighborhood, this Use Permit shall be subject to revocation or modification as provided in the Development Code.
3. The Use Permit shall be posted in a conspicuous place and be made available immediately to City personnel upon inspection of the premises.
4. The following signs are required to be prominently posted in a readily visible manner on an interior wall or fixture, and not on windows, in English, Spanish, and any other predominant language of the patrons:
  - (A) "California State Law prohibits the sale of alcoholic beverages to persons under 21 years of age."
  - (B) "No Loitering or Public Drinking" signs shall be posted on the exterior of the business.
  - (C) The business shall post E.A.S.Y. (Eliminate Alcohol Sales to Youth) materials that are visible from outside the business.

5. The owners and all employees of the alcoholic beverage sales establishment who are involved in the sale of alcoholic beverages shall complete an approved course in “Responsible Beverage Sales” (RBS), or any other ABC approved course, within 60 days of hire for new employees. To satisfy this requirement, a certified program must meet the standards of the Alcohol Beverage Control Responsible Beverage Service Advisory Board, other certifying/licensing body Service Advisory Board, or other certifying/licensing body designated by the State of California.
6. The establishment shall be required to operate in a manner appropriate with mitigating alcohol-related problems that negatively impact those individuals living or working in the neighborhood, including, but not limited to: sales to minors, the congregation of individuals, violence on or near the premises, drunkenness, public urination, solicitation, drug-dealing, drug use, loud noise, and litter.
7. Exterior areas of the premises shall be provided with sufficient lighting in a manner that provides adequate illumination for alcoholic beverage sales establishment patrons while not spilling onto surrounding parcels and rights-of-way. A photometric study may be required to demonstrate compliance once the use is initiated.
8. The commission use permit is specifically issued for a micro-brewery, not a bar, and shall be valid for the duration of the use, but if the alcohol sales license is revoked by the State of California or changed to another license type, the use permit may be subject to revocation following a public hearing.
9. The operator shall establish a “complaint response community relations program” that will include:
  - A. Posting at the entry of the establishment that provides the telephone number for the area commander of the local law enforcement substation to any requesting individual.
  - B. Coordinating efforts with the Police Department to monitor community complaints about the establishment’s activities.
  - C. Having a representative of the establishment meet with neighbors, or the applicable neighborhood association on a regular basis and at their request to attempt to resolve any neighborhood complaints regarding the establishment.

//  
//  
//  
//

//  
//  
//  
//

10. Prior to the initiation of alcoholic beverage sales activity, the most current technology for a video surveillance system with at least a seven (7) 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 premises.

PASSED, APPROVED, and ADOPTED June 23, 2016.

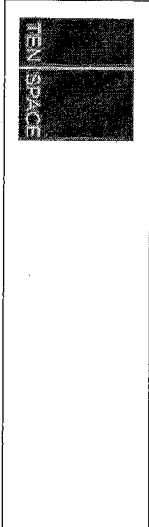
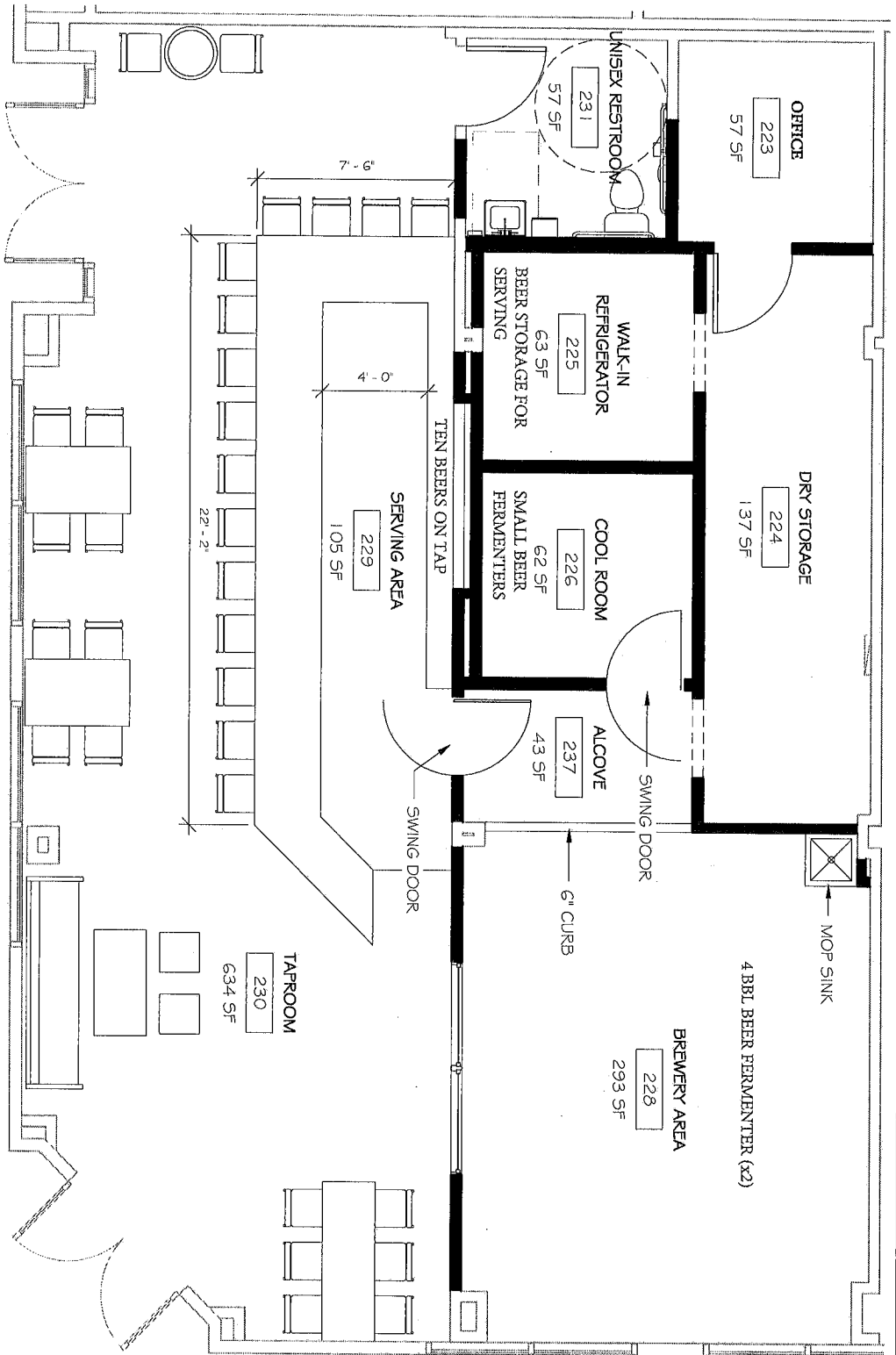
---

KEVIN HERNANDEZ, CHAIR  
City of Stockton Planning Commission

ATTEST:

---

DAVID KWONG, SECRETARY  
City of Stockton Planning Commission



**CHANNEL BREWERY**  
**BEELDING BUILDING**

No.	Description	Date

**SCHEMATIC DESIGN**

Project number	20151016	A-200
Date	12/07/2015	
Drawn by	Author	
Checked by	Checker	

Scale 1/4" = 1'-0"





# City of Stockton

## Legislation Text

---

File #: 16-2674, Version: 1

---

### USE PERMIT TO REPLACE AND ENLARGE AN EXISTING CALIFORNIA WATER SERVICE COMPANY STORAGE TANK FACILITY LOCATED AT 1201 SOUTH EL DORADO STREET

#### RECOMMENDATION

Staff recommends that the Planning Commission adopt a resolution approving a Use Permit to replace and enlarge an existing Cal Water storage tank facility located at 1201 South El Dorado Street.

#### Summary

The applicant, Cal Water Service Company, is proposing to replace an elevated water storage tank on the block bounded by Jackson Street to the north, El Dorado Street to the east, Clay Street on the south, and Center Street to the west (Attachment A - Location Map and Aerial Photograph). The existing 500,000 gallon, 100 foot high tank would be replaced with a 12,868 square foot, 32 foot high, 2.5 million gallon welded steel ground level tank, an adjacent 720 square foot cinderblock pump building, and new perimeter fencing. The pump building will house the mechanical pumps and the electrical control panel.

The General Plan designates the project site for Commercial land use. This land use designation is currently inconsistent with the property's Residential, High Density (RH) zoning, however under the City Development Code Land Use Table 2-2, public and semi-public utility land use with the approval of an Administrative Use Permit. The Planning division received a request for a public hearing, indicating concerns about the scope of the project and therefore the use permit is before the planning commission for a hearing.

#### DISCUSSION

The existing elevated water storage tank and facility serves the needs of the surrounding commercial and residential areas. This elevated tank was built in the 1940's and was designed to an outdated seismic code. As a result, according to Cal Water Service, there is significant risk to public health and safety if the elevated tanks were to remain in service and a seismic event occurred. This Cal Water replacement project will assure greater seismic stability for this facility and replace storage capacity. The project site is a 91,972 square foot parcel (2.11 acre) zoned RH and located at 1201 South El Dorado Street bounded to the:

- north by a church, housing, businesses and vacant land in the Residential, High Density (RH) zone
- south, east and west by a mix of housing, office, small businesses, and vacant land in the Commercial, General (CG) zone

The project proposes to replace an existing 100-foot-tall, 500,000-gallon elevated storage tank with a 32-foot-tall, 2.5 million gallon welded steel ground level tank. The existing elevated storage tank, surrounded by eucalyptus trees, is located in the center of the site with a base diameter of 77.5 feet. The proposed ground level tank will be located on the southeastern corner of the site with a diameter of 128 feet. (Attachment B - Existing & Proposed Tank 3D Model) The siting of the new tank to the corner of the lot is an attempt to maximize the space available on the property for any future facility needs. The proposed project also includes accessory mechanical equipment including an adjacent 720 square foot cinderblock pump building to house five mechanical pumps and the electrical control panel. There will also be an on-site transformer located just outside the pump building to serve as a backup power source in case of a power outage. Access to the site will be at the eastern end of Jackson Street through a fourteen-foot-wide gated vehicle entrance and a three-foot pedestrian entrance. Cal Water has indicated that normal site operations will only require biweekly maintenance to the facility.

### Development Standards

The City development code outlines development standards that are required for each type of land use. The applicant intends to meet these standards, including key site plan improvements such as repairs to curb, sidewalk, and gutter, and new landscaping and fencing.

In the past, Cal Water has had problems with illegal dumping occurring on the site and has temporarily secured the site with chain link fencing. This temporary fencing will be replaced by eight-foot-tall wrought-iron fence placed ten feet from the property line as part of the required landscape setback. Landscaped areas in the planting strip (area between the property line sidewalk and curb/gutter) and setback will consist of a combination of evergreen and deciduous trees, shrubs, groundcover and vines that are regionally appropriate.

### Noticing

The Planning and Engineering Division of the Community Development Department, Public Works, Municipal Utilities Department, other City departments, and the surrounding neighborhood have been notified of this request.

The Planning division received a request for a public hearing, indicating concerns about the scope of the project. Concerns included the possibility of illegal dumping on the site the size of the new water storage tank, and lack of public communication about the replacement project.

Cal Water has addressed the issue of illegal dumping on the site by putting up temporary fencing to secure the site and has proposed an eight-foot permanent perimeter fence. The City development code requires a five-foot landscape buffer strip around the site to soften the appearance of the site and create more of a human scale street-side in comparison to the massing of the water tank. Fourteen-day public noticing was sent out May 25<sup>th</sup> notifying surrounding property owners of the proposed project with the request for comment and questions and the opportunity to request public hearing. The planning division did receive a written request for public hearing and scheduled a public hearing for Planning Commission. On July 12<sup>th</sup> an additional fourteen-day public notice was mailed to inform citizens of the hearing date along with a ten-day legal ad in the Record newspaper.

### Recommendation

The proposed use would maintain the integrity and character of the neighborhood and is an allowed use in RH zoning district with a use permit. The project will enhance the appearance, safety, and security of the neighborhood by adding decorative fencing and landscaping, and reducing the risk of illegal dumping, damage and loss of water supply to the area by removing a sub-standard water tower and replacing it with a modern water tank that meets current safety standards. Cal Water is also a water purveyor as designated in the City's General Plan, specifically with policies contained in the Public Facilities and Services section and serves the middle third of the City. This new tank is in keeping with upgrading of its facilities to continue to provide quality water to the city within this area.

Therefore, staff recommends that the Planning Commission adopt a resolution approving a Use Permit to replace and enlarge an existing Cal Water storage tank facility located at 1201 South El Dorado Street.

### Environmental Clearance

This request is categorically exempt under California Environmental Quality Act (CEQA) pursuant to Section 15332 In-fill Development Projects, Class 32, of the State CEQA Guidelines. The proposed project is on a parcel less than five acres with urban uses on all sides and is consistent with the City's general plan policies and zoning regulations.

Cal Water currently has an application filed with San Joaquin Council of Governments, Inc. (SJCOG, Inc.) for project review under the guidelines of the Multi-Species Habitat Conservation and Open-Space Plan (SJMSCP). SJCOG, Inc. has processed the application and indicated a biological site survey will take place thirty days before tree removal, construction and ground disturbance begins.

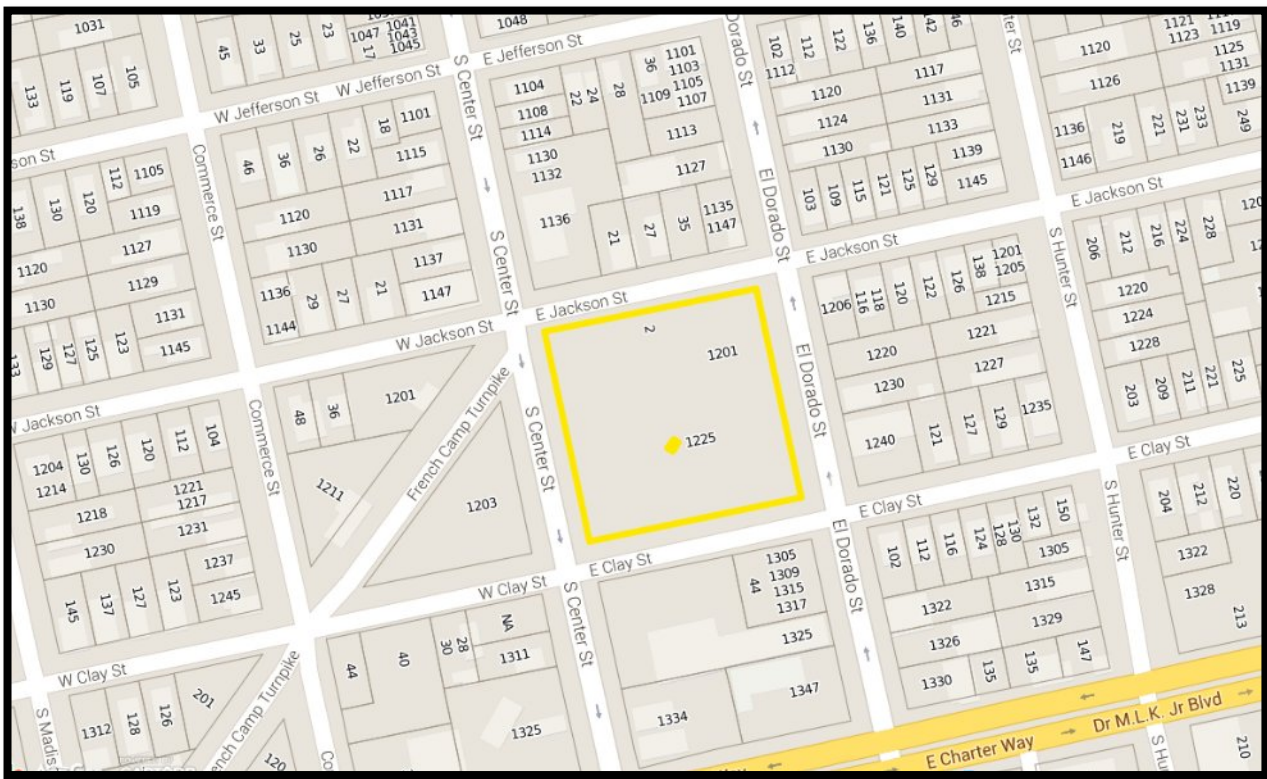
### VOTES

A vote of a majority, four (4), of the total authorized membership of the Planning Commission is required for the Commission to transact business or decide any matter.

Attachment A - Location Map and Aerial Photograph

Attachment B - Existing & Proposed Tank 3D Model

This staff report was prepared by Assistant Planner Megan Meier, (209) 937-8393, [megan.meier@stocktonca.gov](mailto:megan.meier@stocktonca.gov) <<mailto:megan.meier@stocktonca.gov>>











REVISIONS:	DATE:	INT.

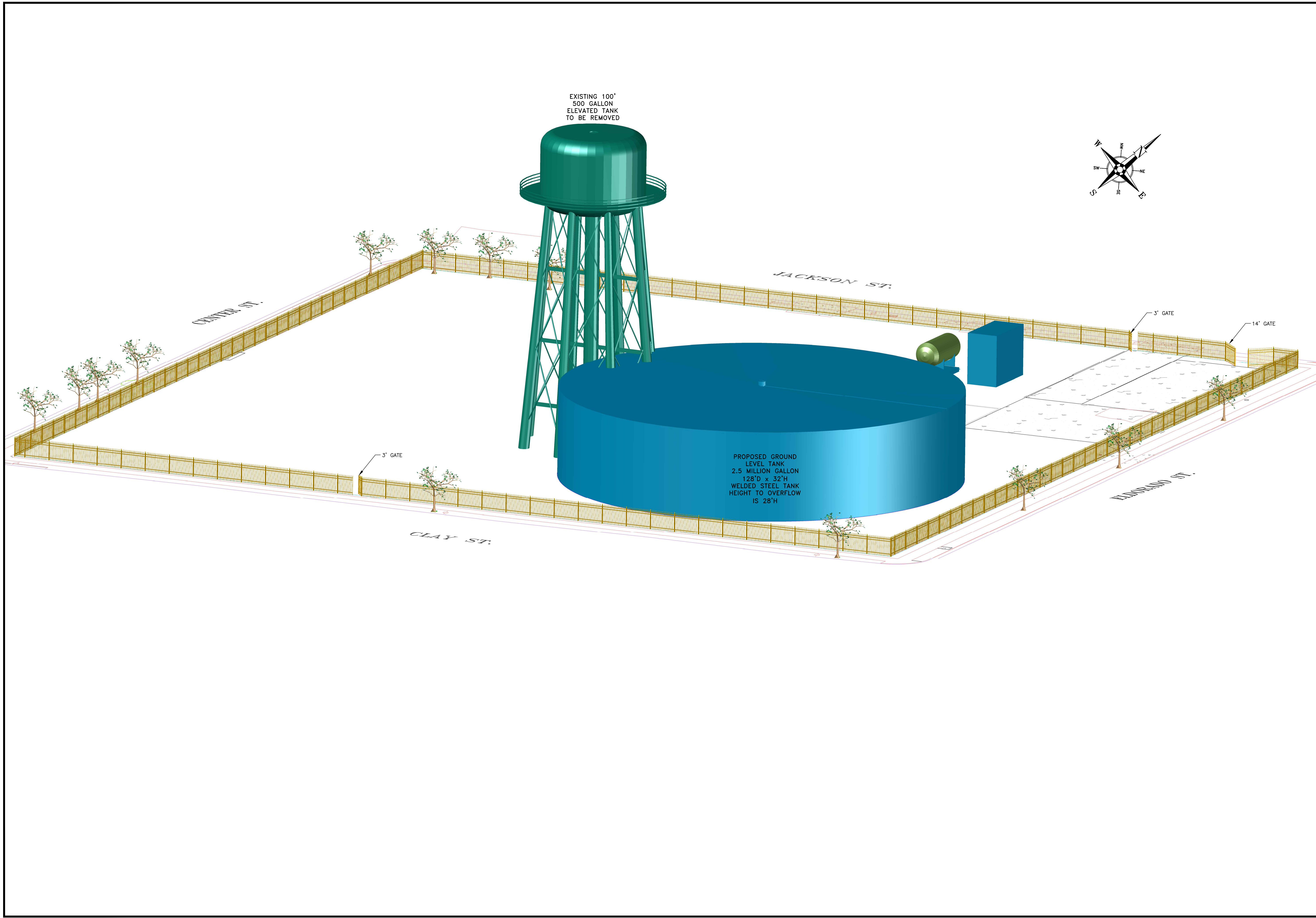
DISTRIBUTION MAP  DATE:    INT.:  
 PLAT SHEET   
 SYSTEM SCHEMATIC   
 STATION SCHEMATIC   
 PLAT SHEET NO.:

SCALE:  
 DRAWN BY: **D. HEARN**  
 DESIGNED BY: **N. LUI**  
 CHECKED BY:    DATE:  
 APPROVED BY:    DATE:

TITLE:  
**STOCKTON STATION 3  
 PROPOSED 2.5 MILLION GALLON  
 WELDED STEEL TANK**

---

DISTRICT: **STOCKTON**  
 DATE: **7-8-2016**  
 PROJECT ID.:  
**00100140**  
 DRAWING NO.:  
 SHEET 1 OF 1





Resolution No.

## STOCKTON PLANNING COMMISSION

---

---

### RESOLUTION APPROVING A USE PERMIT TO REPLACE AND ENLARGE AN EXISTING CALIFORNIA WATER SERVICE COMPANY STORAGE TANK FACILITY LOCATED AT 1201 SOUTH EL DORADO STREET (P16-0160)

Applicant, Cal Water Service Company, is proposing to replace a 500,000 gallon, 100-foot high elevated water storage tank with a 12,868 square foot, 32 ft. high, 2.5 million gallon welded steel ground level tank and an adjacent cinderblock pump building and new perimeter fencing; and

The pump building will house the mechanical pumps and the electrical control panel to be located on the square block at 1201 S El Dorado Street, between East Jackson and Clay Street, and South Center and El Dorado Street; and

The General Plan designates the project site for Commercial land use. This land use designation along with the property's Residential, High Density (RH) zoning allows public and semipublic utility land use with approval of an Administrative Use Permit; and

The project is categorically exempt under the California Environmental Quality Act (CEQA) Section 15332, Class 32, of the State CEQA Guidelines because the proposed infill project is located on a developed parcel less than five acres that is surrounded by urban uses and is consistent with the City's general plan policies and zoning regulations; and

Existing infrastructure is expected to be able to adequately serve the project; now, therefore,

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

The Planning Commission hereby approves the request for a Use Permit for a new 12,868 square foot, 32 ft. high, 2.5 million gallon welded steel ground level water tank and associated accessory mechanical equipment located at 1201 South El Dorado Street; (See Exhibit 1 - Site Plan, attached hereto and incorporated by this reference) based on the following findings and conditions of approval:

#### General Findings

- a. The proposed use is allowed within the subject Residential High Density zoning district with the approval of a Use Permit and complies with all other

applicable provisions of the Stockton Municipal Code (SMC).

- b. The proposed use would maintain the integrity and character of the neighborhood and zoning district in which it is to be located, because the storage tank will enhance the appearance, safety, and security of the neighborhood by adding decorative fencing and landscaping, and reducing the risk of damage and loss of water supply to the area by removing a sub-standard water tower and replacing it with a modern water tank that meets current safety standards.
- c. The proposed use would be consistent with the general land uses, objectives, policies and programs of the General Plan, and any applicable specific plan or master development plan, because the proposed use will improve water service with higher water storage capacity and seismic safety issues. The General Plan states under Health and Safety policy HS-3.6 that the City shall support and encourage seismic upgrades to older buildings that may be structurally deficient. The Public Facilities and Services section of the General Plan has policy PFS-2.6, Level of Service that states the City shall maintain adequate levels of water service by preserving, improving, and replacing infrastructure as necessary.
- d. The subject site would be physically suitable for the type and density/intensity of 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.) in that the site is currently being used for a similar water storage facility.
- e. The establishment, maintenance, or operation of the proposed use at the location proposed and for the time period(s) identified, if applicable, would not 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 proposed use because the project operation adheres to all state and local regulations and will enhance safety of the tank and reduce illegal dumping problems with new fencing.
- f. The design, location, size, and operating characteristics of the proposed use would be compatible with the existing and future land uses on-site and in the vicinity of the subject property, because the proposed facility is set closer to the commercially zoned properties and further away from residentially zoned properties. The new water tank complies with height

and setback requirements, and provisions have been made to minimize blight and massing with fencing and landscape buffer.

- g. The proposed action is in compliance with the provisions of the CEQA and the City's CEQA Guidelines, because it is categorically exempt under CEQA (Section 15332 In-fill Development Project, Class 32, of the State CEQA Guidelines) in that the project is at an existing facility, the project site has no value as habitat for endangered, rare or threatened species, approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality, and the site can be adequately served by all required utilities and public services.

Conditions of Approval

- 1. Comply with all applicable Federal, State, County and City codes, regulations, and adopted standards, and pay all applicable fees.
- 2. In the event the operation of this use should prove detrimental to the health, safety, peace, or general welfare of the surrounding neighborhood, this Use Permit shall be subject to revocation or modification as provided in the Development Code.
- 3. The noise levels shall not exceed standards established by the Stockton Municipal Code.
- 4. All signs pertaining to this use shall be approved by the Planning Division.
- 5. The perimeter fence shall be constructed of decorative wrought iron or tubular steel rather than chain-link with slats.
- 6. Any significant modifications to the final design plans for the project shall be subject to review and approval by the Community Development Director for consistency with the approved Use Permit prior to the issuance of any building permits.
- 7. Any lighting on the site shall be shielded so as not to shine onto nearby residential properties.

//  
//  
//  
//  
//  
//  
//

8. In order to minimize any adverse financial impact on the City of Stockton associated with development and/or use of the subject site, the operator agrees that it will not challenge or protest any applicable fees associated with the development of the site, but if such fees are amended or modified, the operator agrees to pay such fees as they may be amended or modified from time to time.

PASSED, APPROVED, and ADOPTED July 28, 2016.

---

KEVIN HERNANDEZ, CHAIR  
City of Stockton Planning Commission

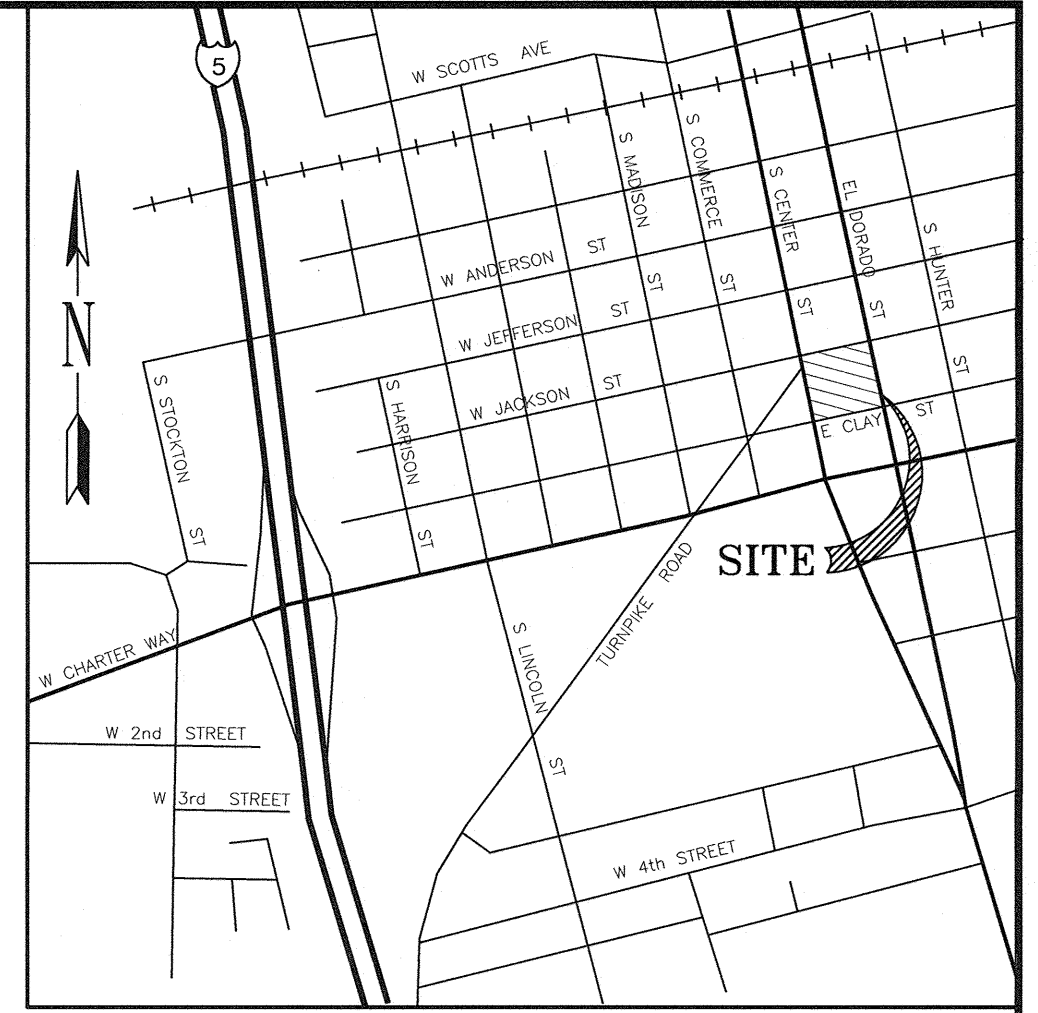
ATTEST:

---

DAVID KWONG, SECRETARY  
City of Stockton Planning Commission



# CALIFORNIA WATER SERVICE COMPANY PROPOSED 2.5 MILLION GALLON WELDED TANK AND BOOSTER FACILITY



VICINITY MAP  
N.T.S.



ENGINEERING  
DEPARTMENT

REVISIONS:


DISTRIBUTION MAP  DATE:    INT:

PLAT SHEET

SYSTEM SCHEMATIC

STATION SCHEMATIC

PLAT SHEET NO.:

SCALE:

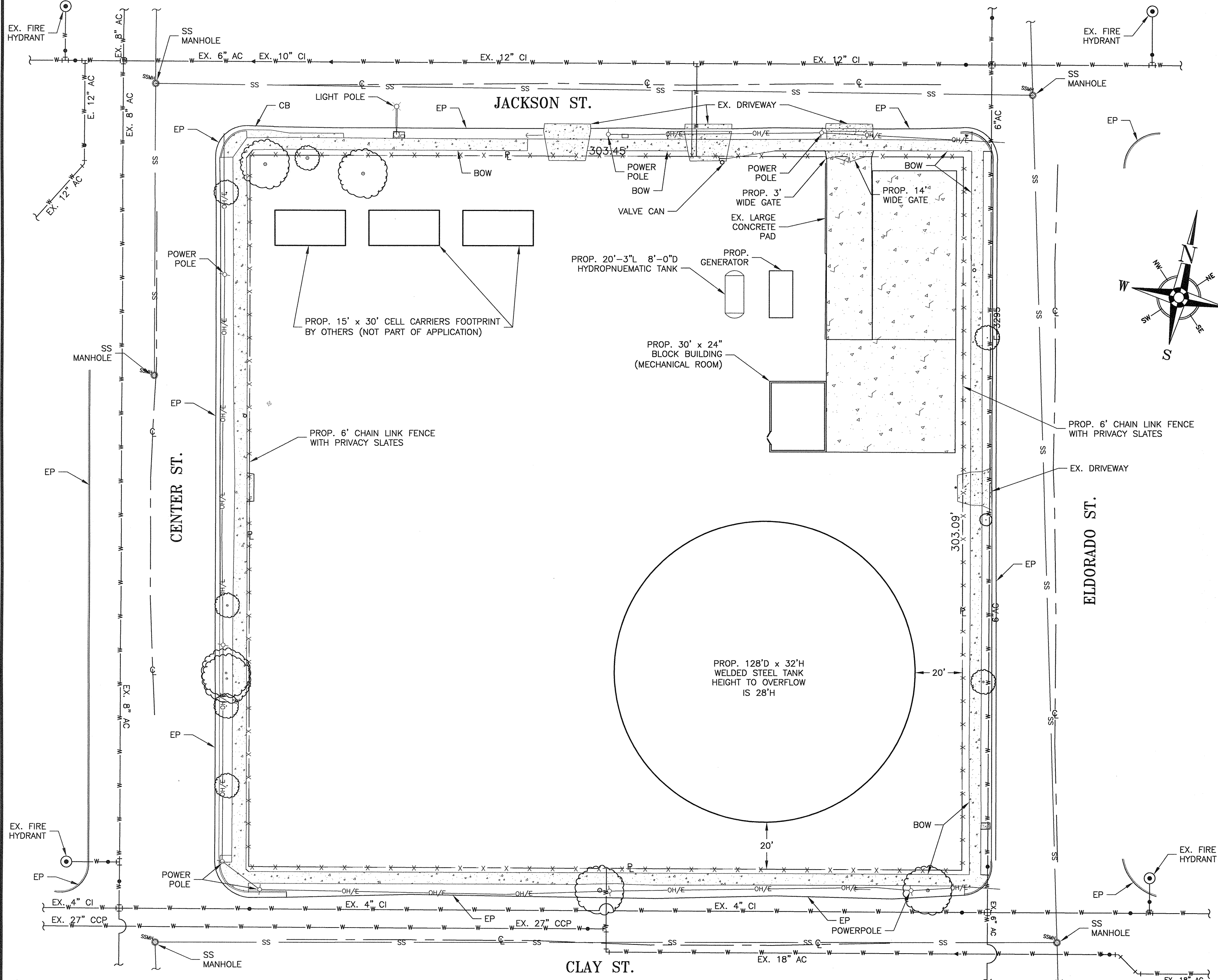
**AS SHOWN**

DRAWN BY:  
**D. HEARN**

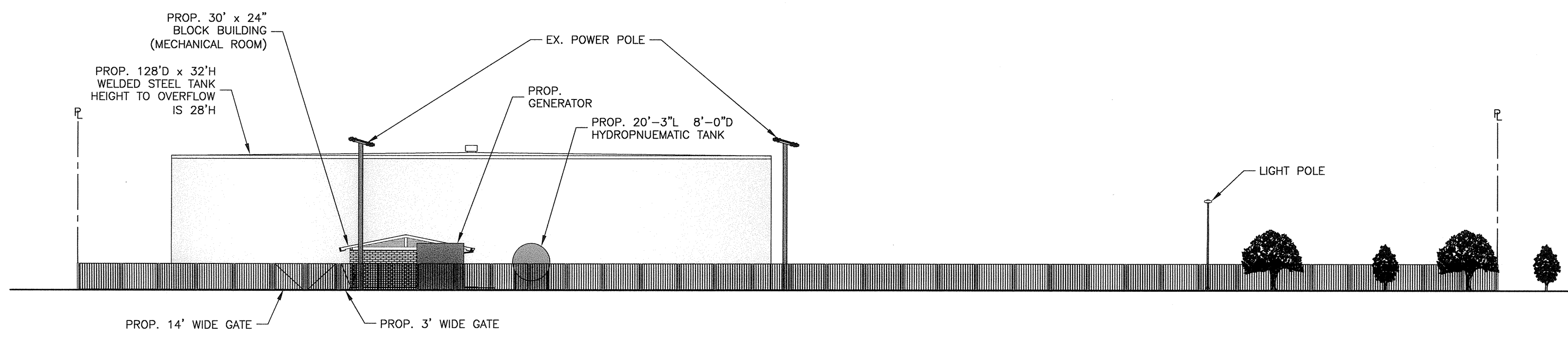
DESIGNED BY:  
**N. LUI**

CHECKED BY:    DATE: 7/19/2016

APPROVED BY:    DATE: 7/19/16



EXISTING PLAN VIEW  
SCALE: 1" = 30'



EXISTING ELEVATION VIEW FROM JACKSON ST.  
SCALE: 1" = 30'

**PROJECT INFORMATION:**

- NAME: STOCKTON STATION 3 BOOSTER FACILITY UPGRADE
- ADDRESS: INTERSECTION OF E. CLAY ST. AND S. CENTER ST., STOCKTON, CA
- APN#: 147-160-40
- SQUARE FOOTAGE OF PARCEL: 91,972: 2.11 ACRES
- OCCUPANCY GROUP: U (MECHANICAL EQUIPMENT ROOM)
- CONSTRUCTION TYPE: V (NON RATED)
- SPRINKLED: NO
- ZONING: RESIDENTIAL HIGH DENSITY LRF
- COVERAGE - 14.1%
- PARKING SPACES - 0

**CONTACT INFORMATION:**

- GENERAL ARCHITECT/CIVIL ENGINEER  
NELSON LUI, P.E. (SENIOR ENGINEER)  
CALIFORNIA WATER SERVICE COMPANY  
1720 NORTH FIRST STREET, SAN JOSE, CA 95112  
TEL (408) 367-8330  
FAX (408) 367-8427
- ELECTRICAL ENGINEER  
JAN F. KOOY, P.E.  
(ELECTRICAL ENGINEERING MANAGER)  
CALIFORNIA WATER SERVICE COMPANY  
1720 NORTH FIRST STREET, SAN JOSE, CA 95112  
TEL (408) 367-8336  
FAX (408) 367-8427
- OWNER TELEPHONE (408) 367-8330

**PROPOSED FACILITIES**

- ELECTRIC PANELBOARD
- (1) 24' x 30' x 12'-6" HIGH CONCRETE BLOCK PUMP BUILDING  
SQUARE FOOTAGE = 720 SF  
NUMBER OF STORIES: 1
- (1) 128' x 32' WELDED STEEL TANK  
(28'H OVERFLOW)  
SQUARE FOOTAGE = 12,868 SF
- 6' WROUGHT IRON GATE ALL AROUND
- (1) 14' WIDE DOUBLE GATE
- (1) 3' WIDE WALK IN GATE
- (5) BOOSTER PUMPS
- (1) TRANSFORMER
- (1) 20'-3" x 8'-0" 5,000 GALLON HYDRO-PNEUMATIC TANK
- (1) GENERATOR

**CODE COMPLIANCE**

- PROPOSED PROJECT SQUARE FOOTAGE: 91,972 SF
- NO AREA MODIFICATION CALCULATIONS REQUIRED SINCE ALLOWABLE AREA IS GREATER THAN PROJECT SQUARE FOOTAGE.
- APPLICABLE CALIFORNIA CODES: 2007 CALIFORNIA BUILDING CODE, MECHANICAL, PLUMBING, ELECTRICAL, AND ENERGY (2006 IBC, 2006 UMC, 2006 UPC, 2005 NEC).
- FIRE SPRINKLER REQUIREMENT: SPRINKLER SYSTEM TO BE INSTALLED BY CERTIFIED C-16 LICENSE CONTRACTOR (NSPA 13 SYSTEM)
- SPECIAL INSPECTIONS: NO INSPECTIONS REQUIRED FOR CONCRETE AND MASONRY AS PROVIDED BY EXCEPTIONS 2 & 3 FOR SECTION 1704.4 OF 2006 I.B.C. AND EXCEPTIONS FOR SECTION 1704.5 OF 2006 I.B.C.

**SITE IMPROVEMENT NOTES:**

- REPLACE DAMAGED SIDEWALK SURROUNDING THE SITE ON THE JACKSON SECTION CLOSEST TO EL DORADO STREET AND AT MID-BLOCK ON JACKSON STREET ON MID-BLOCK ALONG CLAY STREET AND ON THE END OF CLAY STREET CLOSEST TO CENTER STREET
- REESTABLISH VERTICAL CURB AND GUTTER ALONG CLAY STREET AND JACKSON STREET
- REPLACE ALL ABANDONED CURB CUTS TO THE EXISTING SIDEWALK AND VERTICAL CURB
- PROVIDE LANDSCAPING IN THE PLANTING STRIP PER WUCOLS SECTION B (AREA BETWEEN THE PROPERTY LINE SIDEWALK AND CURB/GUTTER)
- PROVIDE FIVE FOOT LANDSCAPING BUFFER BETWEEN BACK OF SIDEWALK AND WROUGHT IRON GATE

TITLE:  
STOCKTON STATION 3  
PROPOSED 2.5 MILLION GALLON  
WELDED STEEL TANK

DISTRICT:  
**STOCKTON**

DATE:  
**12-18-2015**

PROJECT ID.:

**00100140**

DRAWING NO.:

**STK-8894**

SHEET 1 OF 1