Resolution No.

STOCKTON CITY COUNCIL

RESOLUTION DENYING THE APPEAL AND UPHOLDING THE PLANNING COMMISSION'S DENIAL OF THE MODIFICATION OF THE CONDITIONS OF APPROVAL OF UP127-71 AND UP99-72, WHICH ALLOW THE ON-SALE OF GENERAL ALCOHOLIC BEVERAGES AND LIVE ENTERTAINMENT, IN AN EXISTING BAR AT 2263 EAST MAIN STREET

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

The City Council hereby denies the appeal and upholds the decision of the Planning Commission to deny the modification to the conditions of approval of Use Permit No. UP127-71 and UP99-72, which allow the on-sale of general alcoholic beverages and live entertainment in an existing bar at 2263 East Main Street, based on the following findings:

1. The operation of the existing use conflicts with the general findings for Use Permit applications found in Section 16-575.050.A of the Stockton Municipal Code (SMC); specifically, endangering and jeopardizing public convenience, health, interest, safety and general welfare of persons residing or working in the neighborhood of the use;

2. The operation of the existing use conflicts with the "Problem Uses" findings contained in SMC Section 16-575.050.B; specifically, it is likely to interfere with the comfortable enjoyment of life or property in the area, encourages deterioration or blight in the area and is contrary to the conservation, improvement and redevelopment of the area; and

3. The number and types of crimes attributed to this business have created a compelling public necessity to not grant the modification of the noted Use Permits.

PASSED, APPROVED and ADOPTED FEB 24 2009

ANN JOHNSTON
Mayor of the City of Stockton

ATTEST: KATHERINE GONG MEISNER
City Clerk of the City of Stockton

City Atty Review Date January 21, 2009