

City of
Santa Rosa

City Council

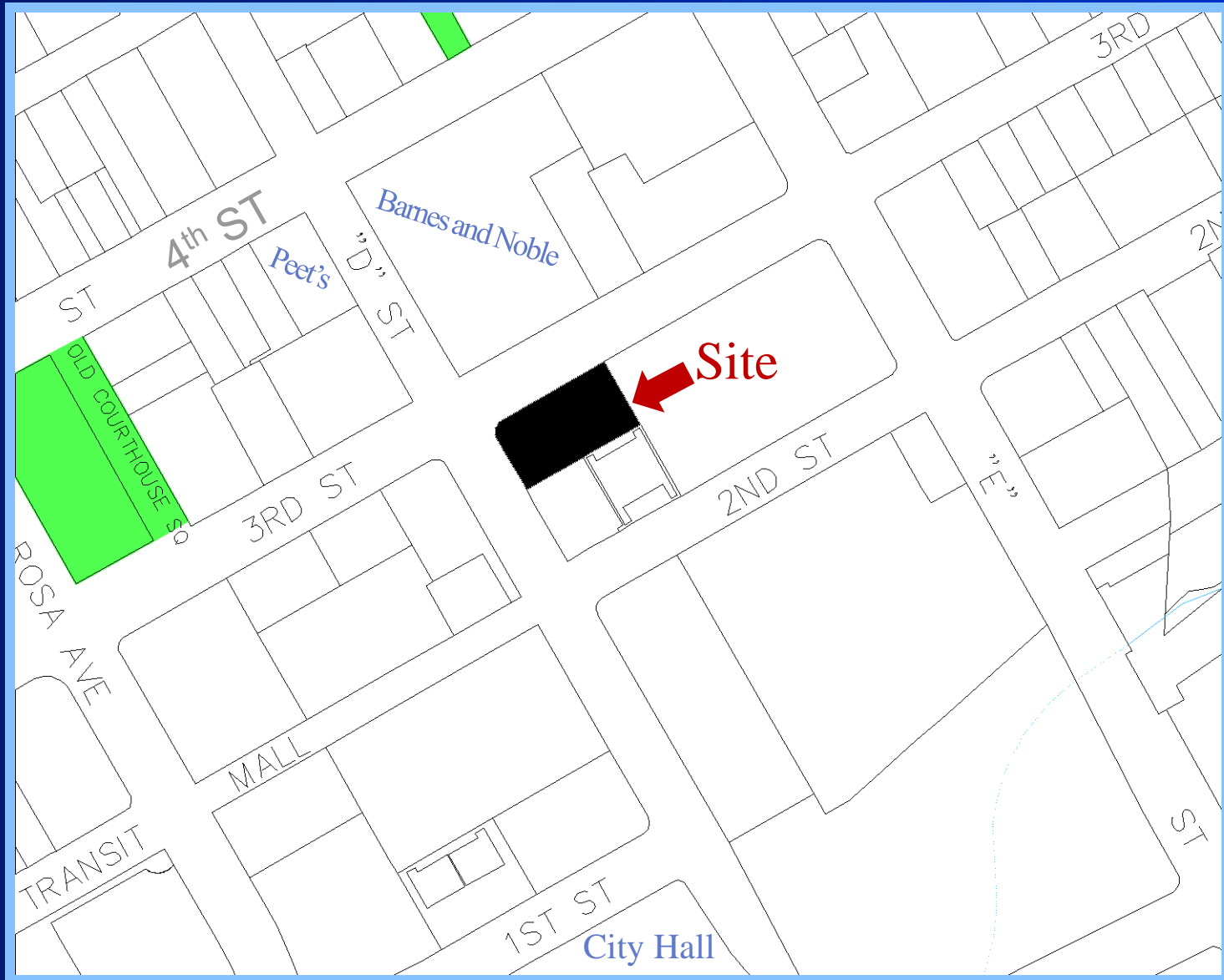
Appeal of a PCN Determination for an Off-Sale Alcohol License for Wilibeas

Lori MacNab, City Planner

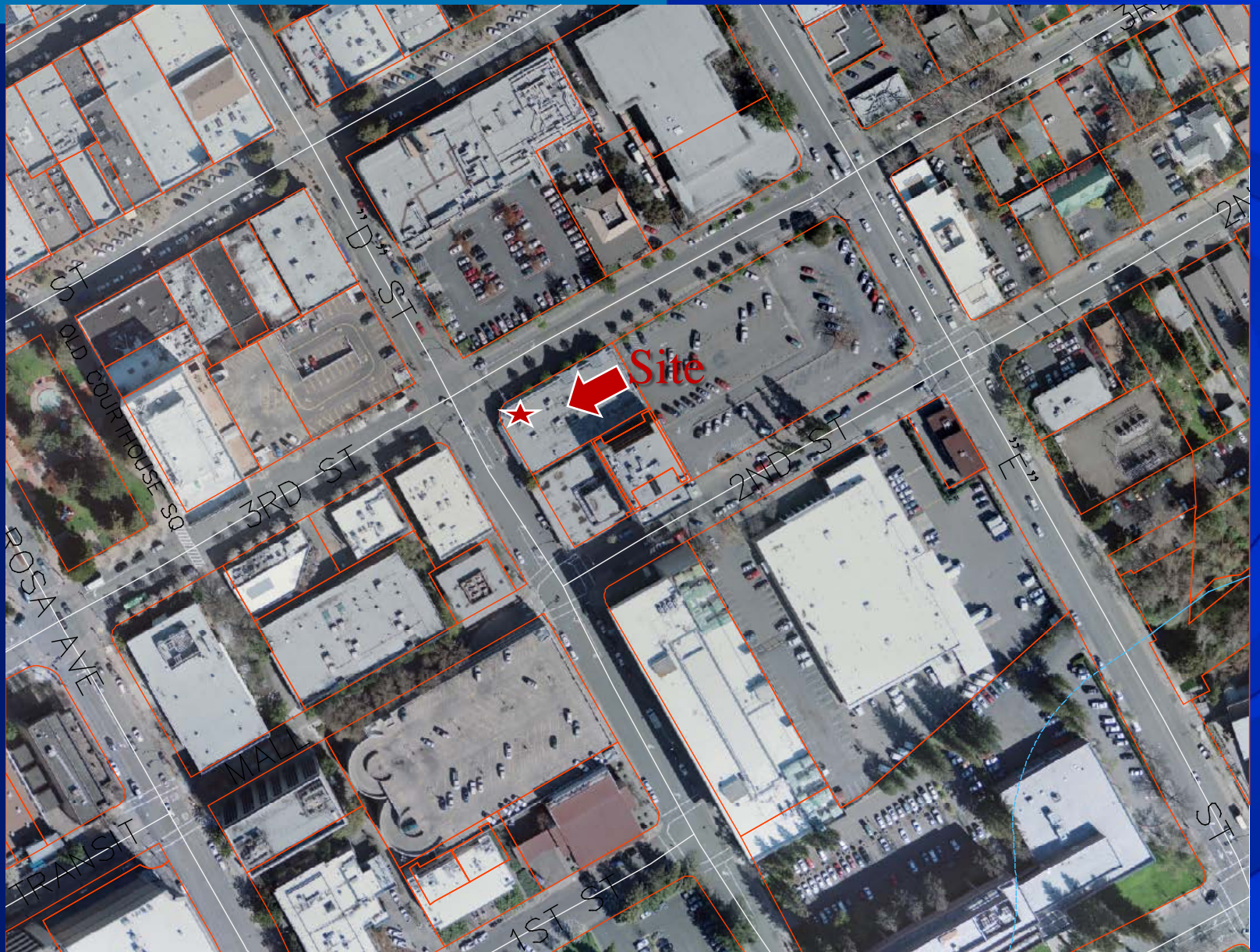
Project Description

Appeal of a determination that the Public Convenience or Necessity (PCN) would not be served by the issuance of an off-sale alcohol license for beer, wine and distilled spirits for Wilibeets proposed at 700 3rd Street

Location Map



Aerial

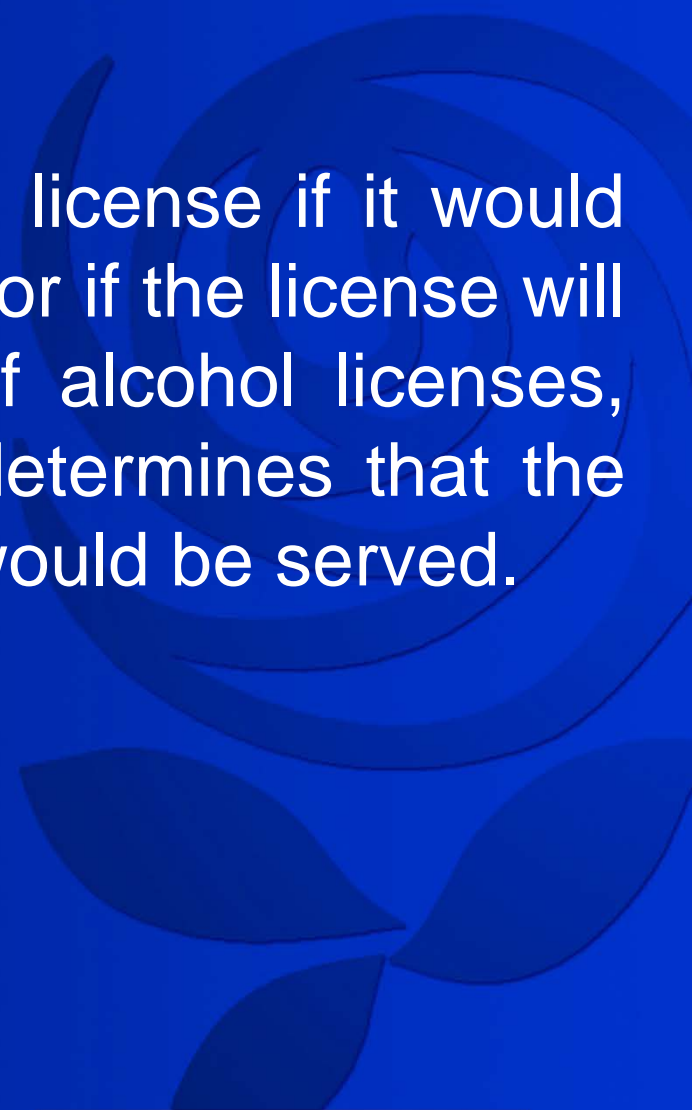


Site Photograph



Legal Background

State law requires ABC to deny a license if it would create a law enforcement problem or if the license will add to an undue concentration of alcohol licenses, unless the local governing body determines that the Public Convenience or Necessity would be served.



Project Background

- **May 20, 2013**
 - PCN application filed for an off-sale alcohol license for beer, wine and distilled spirits sales at Wilibeets
- **July 18, 2013**
 - Based on statistical information regarding crime, the Community Development Director determined that public convenience or necessity would not be served by the issuance of an off-sale alcohol license and denied the PCN
- **July 29, 2013**
 - Applicant filed an appeal

Analysis: Crime

- A “high crime reporting district” is a City reporting district with 120% of the average number of offenses.
- The average number of offenses for City district is 143.97; 120% of the average is 173 total offenses.
- The subject reporting district has a total of 963 offenses.

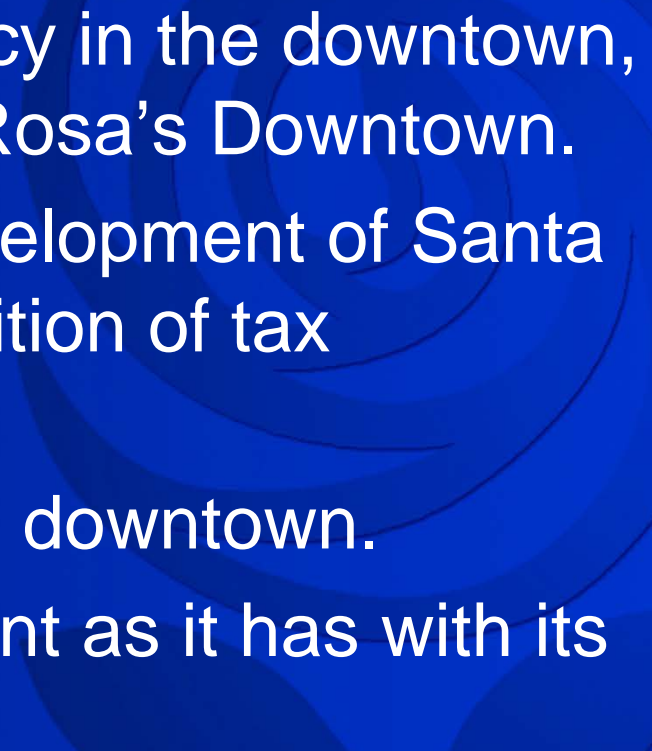
Analysis: Alcohol Licenses

- For the subject census tract, if there are more than 3 licenses, than the tract is considered to have an undue concentration.
- The subject census tract has 5 licenses; an undue concentration exists.

- The top two criminal offences downtown:
 - driving under the influence
 - public intoxication.
- It is staff's position that allowing an additional off-sale alcohol outlet would perpetuate the criminal and nuisance behavior in downtown, thus the PCN was denied.

Grounds for Appeal

The proposed business will:

- remedy a long-standing vacancy in the downtown, adding to the vitality of Santa Rosa's Downtown.
 - contribute to the economic development of Santa Rosa's downtown with the addition of tax revenues and jobs.
 - fill the void left by Traverso's in downtown.
 - be a good community participant as it has with its Petaluma outlet.
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Recommendation

It is recommended by the Community Development Department that the City Council:

- Deny the appeal and;
- By resolution, uphold the Community Development Director's determination that the Public Convenience or Necessity would not be served by the issuance of a Type 21 ABC license for Wilibeas at 700 3rd Street.

Appeal Action: Outcomes

- Deny the appeal and uphold the Director's decision, the Wilibeas file will be closed.
 - Uphold the appeal and overturn the Director's decision, the applicant will be able to apply for a major Conditional Use Permit.
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