

RESOLUTION NO. \_\_\_\_\_

RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA ROSA DENYING THE APPEAL AND UPHOLDING THE COMMUNITY DEVELOPMENT DIRECTOR'S DETERMINATION THAT THE PUBLIC CONVENIENCE OR NECESSITY WOULD NOT BE SERVED BY THE ISSUANCE OF AN OFF-SALE ALCOHOL LICENSE FOR BEER, WINE AND DISTILLED SPIRITS FOR VIKRAM BADHAN DBA WILIBEES WINES & SPIRITS LOCATED AT 700 3<sup>RD</sup> STREET – FILE NO. PCN13-006

WHEREAS, on July 29, 2013, an application for an appeal of the Community Development Director's determination that the public convenience or necessity would not be served by the issuance of an off-sale beer, wine and distilled spirit license was submitted to the City Clerk's office on behalf of Vikram Badhan dba Wilibeas Wine & Spirits for the property located at 700 3<sup>rd</sup> Street, Santa Rosa; and

WHEREAS, the Community Development Department reviewed the 23958.4 B & P Application Work Sheet provided by the Department of Alcoholic Beverage Control, as well as statistical information provided by the Santa Rosa Police Department, to determine if an off-sale alcohol license at this location would serve the public convenience or necessity; and

WHEREAS, pursuant to the information provided in the 23958.4 B & P Application Work Sheet the subject property is located within a high crime reporting district. A "high crime reporting district" is defined by State law as 120 percent of the average number of offenses per City reporting district. The average number of offenses is 143.97; 120 percent of the average is 173 total offenses. The subject reporting district has a total of 963 offenses; and

WHEREAS, pursuant to the information provided in the 23958.4 B & P Application Work Sheet the subject property is located within an area of "undue concentration" of off-sale alcohol licenses. There are 5 (five) off-sale alcohol licenses in the reporting district; an area is considered to have an undue concentration for anything over 3 (three); and

WHEREAS, the Santa Rosa Police Department provided information regarding the type of crime issues in the area, which include driving under the influence (DUI) and public intoxication as the top offences. Further, it is the Police Department's position that allowing an off-sale alcohol license would perpetuate the already criminal and nuisance behavior taking place in this area; and

WHEREAS, the Council has reviewed this information and the records herein.

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Santa Rosa denies the appeal on behalf of Vikram Badhan dba Wilibeas Wine & Spirits and upholds the Community Development Director's determination that the public convenience and necessity would not be served by the issuance of an off-sale beer, wine and distilled spirit license at 700 3<sup>rd</sup> Street, Santa Rosa, based on the information submitted, and determines that the public convenience and necessity will not be served.

IN COUNCIL DULY PASSED this 17<sup>th</sup> day of September, 2013.

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST: \_\_\_\_\_ APPROVED: \_\_\_\_\_  
City Clerk Mayor

APPROVED AS TO FORM:

\_\_\_\_\_  
City Attorney