RESOLUTION NO. 27507

RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA ROSA UPHOLDING THE APPEAL AND REVERSING THE DECISION OF THE COMMUNITY DEVELOPMENT DIRECTOR'S DETERMINATION THAT THE PUBLIC CONVENIENCE AND NECESSITY WOULD NOT BE SERVED BY THE ISSUANCE OF A NEW OFF-SALE ALCOHOL LICENSE FOR BEER AND WINE SALES AT 136 COLLEGE AVENUE, SANTA ROSA

WHEREAS, on September 14, 2009, an application for an appeal of the Community Development Director's determination that the public convenience and necessity would not be served by the issuance of a new off-sale alcohol license for beer and wine sales was submitted to the City Clerk's office for the property located at 136 College Avenue, 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, and past actions at the subject address regarding alcohol sales, to determine if having this off-sale alcohol license for beer and wine sales would serve the public convenience and necessity; and

WHEREAS, the information provided in the 23958.4 B & P Application Work Sheet indicates that the area is a high crime area, and the reporting district had 376 total offenses, well above the threshold for the number allowed, as set forth by the Department of Alcoholic Beverage Control, which is 173 total offenses; and

WHEREAS, on October 20, 2009 the Council considered the appeal before them and did not agree with the Community Development Director's recommendation and directed staff to prepare a resolution granting the Public Convenience and Necessity finding for off-sale alcohol license for beer and wine sales at 136 College Avenue, thus allowing the applicant to apply for a Conditional Use Permit.

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Santa Rosa upholds the appeal and reverses the Community Development Director's determination. This Council finds that the public convenience and necessity would be served by the issuance of a new off-sale alcohol license for beer and wine sales at 136 College Avenue, Santa Rosa.

IN COUNCIL DULY PASSED this 3rd day of November, 2009.

AYES:	(5)	Mayor Gorin, Councilmembers Sawyer, Jacobi, Wysocky and Olivares
NOES:	(1)	Councilmember Bender
ABSENT:	(0)	
ABSTAIN:	(1)	Vice Mayor Vas Dupre

ATTEST: _____
City Clerk

APPROVED: _____
Mayor

APPROVED AS TO FORM:

_____
City Attorney