

RESOLUTION NO. 2012-31

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ROHNERT PARK
MAKING A DETERMINATION OF PUBLIC CONVENIENCE AND NECESSITY FOR
REDWOOD DRIVE SHELL STATION LOCATED AT 5085 REDWOOD DRIVE
(045-85-062)**

WHEREAS, there is an undue concentration of licenses in Census Tract 1512.01 with a population of 6,106 and an allowable number of 10 licenses and the number of existing licenses is sixteen (16); and

WHEREAS, Business and Professions Code Section 23958.4 provides that the Department of Alcoholic Beverage Control (ABC) may issue a license for off-sale alcohol beverage sales despite an undue concentration of licenses, if the local governing body determines within 90 days of notification of a completed application that the public convenience or necessity would be served by the issuance; and

WHEREAS, the Redwood Drive Shell Station is undergoing a remodel of their gas station, convenience store, and sandwich store business at 5085 Redwood Drive, causing its closure for more than 18 months in Rohnert Park and the lapse of their beer and wine license ; and

WHEREAS, the remodeling of Redwood Drive Shell Station will include operating the existing convenience store and is seeking application to allow the sale of beer and wine that will account for 10% to 15% of gross sales of the convenience store; and

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Rohnert Park, California, finds that granting of a Type 21 alcoholic beverage license to Redwood Drive Shell located at 5085 Redwood Drive (APN 045-85-062) serves a public convenience and necessity, for the following reasons:

1. The sales would account for a small portion (10% to 15%) of the gross sales, as it did under the prior operator.
2. The convenience store employees receive training in the sale of alcoholic beverages.
3. There would be no signs on the exterior of the convenience store building indicating the sale of beer and wine.
4. The patrons of the store will be primarily customers who buy gas and use the store to purchase convenience store items including alcoholic beverages.

5. The establishment would differ from those in the immediate area because the majority of businesses selling alcoholic beverages in the surrounding area consist of restaurants offering alcoholic beverages with food which must be consumed on the premises.

BE IT FURTHER RESOLVED that the City's finding granting the alcoholic beverage license shall be subject to the following condition:

1. The applicant shall apply to the Department of Public Safety for an alcoholic sales use permit in accordance with Municipal Code Chapter 8.34 and maintain a yearly permit at all times alcohol will be sold.

DULY AND REGULARLY ADOPTED by the City Council of the City of Rohnert Park this 27th day of March, 2012.

CITY OF ROHNERT PARK

Mayor



ATTEST:

Calladams
City Clerk, *Interim*

AHANOTU: <u>AYE</u>	BELFORTE: <u>AYE</u>	CALLINAN: <u>AYE</u>	STAFFORD: <u>ABSENT</u>	MACKENZIE: <u>AYE</u>
AYES: (4)		NOES: (0)	ABSENT: (1) ABSTAIN: (0)	