

CIRCULATE

Attachment B

98-0213

Resolution No. _____

STOCKTON CITY COUNCIL

WHEREAS, in January 1995, the State Legislature enacted Business and Professions Code Section 23958 to allow the local government to exercise some control over problem alcoholic uses in areas where there is an undue concentration of off-sale and on-sale licenses as determined by the State Alcoholic Beverage Control ("ABC"); and

WHEREAS, the local governing body is required to make a finding of "Public Convenience and Necessity" for new applications or applications for transfers prior to issuance; and

WHEREAS, if a use permit is also required for issuance of the ABC permit, the Planning Commission makes the findings of Public Convenience and Necessity; and

WHEREAS, the City Council seeks to establish guidelines for processing such findings when no use permit is required; now, therefore,

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

1. That the City Council hereby establishes the following process for making findings of Public Necessity and Convenience when no use or other permit is required or another body is not authorized to make the necessary findings.

2. That the City Manager is hereby authorized to make the findings of Public Necessity and Convenience in any instance where such findings are necessary and such findings are not otherwise made.

3. That the City Manager shall make said findings on a case-by-case basis with input from the Police Department, Community Development Department and other City departments.

4. That the City Manager's determination and findings may be appealed to the Planning Commission and, if appealed to the Planning Commission, such decision may be appealed to the City Council under the general rules for appeals of a Planning Commission decision.

PASSED, APPROVED and ADOPTED APR 29 1996.

/S/ JOAN DARRAH

JOAN DARRAH, Mayor
of the City of Stockton

ATTEST:

/S/ KATHERINE GONG MEISSNER
KATHERINE GONG MEISSNER
City Clerk
of the City of Stockton

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CITY ATTY
REVIEW 552

DATE APR 29 1996