

RESOLUTION NO. _____

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
CHULA VISTA REVERSING THE DECISION OF THE CHIEF
OF POLICE AND FINDING THAT AN ALCOHOLIC
BEVERAGE LICENSE AT 1030 THIRD AVENUE (99 CENTS
ONLY STORE) SERVES PUBLIC CONVENIENCE OR
NECESSITY

WHEREAS, the Department of Alcoholic Beverage Control (ABC) is responsible for the issuance of licenses for the sale of alcoholic beverages in the State of California; and

WHEREAS, Section 23958 of the California Business and Professions Code authorizes the ABC to deny an application for an alcohol license if such a license would result in an undue concentration of licenses and/or a higher than average crime rate in the area; and

WHEREAS, Section 23958.4(b)(2) of the California Business and Professions Code authorizes the local governing body or its designated subordinate officer or body to determine whether issuance of a alcohol license serves the Public Convenience or Necessity; and

WHEREAS, Chula Vista Municipal Code section 5.09.010 designates the Chief of Police to consider and approve, disapprove or modify applications for determinations of Public Convenience or Necessity; and

WHEREAS, Chula Vista Municipal Code section 5.09.050 authorizes the applicant or an interested party to appeal the Chief of Police's determination of Public Convenience or Necessity to the City Council; and

WHEREAS, the 99 Cents Only Store at 1030 Third Avenue applied for an off-sale beer and wine license with the ABC; and

WHEREAS, the ABC determined there is over-concentration of alcohol licenses and a high crime rate in the census tract where the application is submitted, because four (4) are allowed but six (6) ABC licenses exist in the census tract where the store is located and the crime rate is 86.8 percent higher than the average for ABC reporting districts; and

WHEREAS, on July 5, 2016, Steven Rawlings, consultant to 99 Cents Only Stores, formally requested the Police Department to conduct a finding of Public Convenience or Necessity; and

WHEREAS, on October 4, 2016, the Chula Vista Police Department held a public hearing to gather input on Public Convenience and Necessity for the 99 Cents Only Store; and

WHEREAS, based on comments received at the hearing and by phone, the community was unanimously opposed to issuing an ABC license to the store because of existing over-

concentration, easy access to alcohol by homeless individuals, increase in alcohol-related crimes, and decrease in quality of life; and

WHEREAS, the Chief of Police determined that Public Convenience or Necessity is not served, because of community opposition and, as defined by the ABC, the store is located in an area with an over concentration of alcohol licenses and is in a high-crime reporting district; and

WHEREAS, the Chief of Police notified the applicant of the decision, which the applicant appealed to the City Council in a public hearing on December 6, 2016.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Chula Vista, based on the public hearing before the Council, that it reverses the decision of the Chief of Police.

BE IT FURTHER RESOLVED by the City Council of the City of Chula Vista, based on the public hearing, that an alcoholic beverage license at 1030 Third Avenue (99 Cents Only Store) serves Public Convenience or Necessity.

Presented by

Approved as to form by

David Bejarano
Chief of Police

Glen R. Googins
City Attorney