

RESOLUTION NO. 5799

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF REDLANDS DESIGNATING THE PLANNING COMMISSION AS THE SUBORDINATE AGENCY FOR THE PURPOSE OF RECOMMENDING ALCOHOLIC BEVERAGING LICENSING CONDITIONS PURSUANT TO BUSINESS AND PROFESSIONS CODE SECTION 23800 (e)

WHEREAS, during the 1999 State Legislative session, the State Legislature amended the Business and Professions Code provisions relating to alcoholic beverages licensing which affects local governing bodies; and

WHEREAS, newly adopted Business and Profession Code section 23800(e) permits a "local governing body, or its designated subordinate officer or agency" to request the imposition of conditions upon an alcohol beverage sales license at the time of transfer to mitigate problems at, or in the immediate vicinity of, the premises requesting the license; and

WHEREAS, the Department of Alcoholic Beverage Control is required to either adopt the conditions as requested by the local agency, or give written notice that the Department has determined that there is not substantial evidence that problems exist or that the proposed conditions would not mitigate the problems identified; and

WHEREAS, the Department of Alcoholic Beverage Control has notified cities that if a City Council wishes to delegate the duties of submitting evidence of existing problems and requesting conditions to a subordinate agency or official, such as a zoning, planning, or law enforcement agency or official if desired, this decision must be made by the City Council and submitted in writing to the Department's headquarters; and

WHEREAS, if the City Council does not delegate such authority the City Council will be deemed by the Department of Alcoholic Beverage Control as the governing body which will be making the determinations pursuant to Business and Professions Code 23800(e); and

WHEREAS, it is the desire of this City Council to delegate the authority to the Planning Commission to respond to matters within the purview of Business and Professions Code section 23800(e);

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF REDLANDS AS FOLLOWS:

Section 1. The City Council of the City of Redlands hereby designates the Redlands Planning Commission as the "subordinate officer or agency" to identify potential problems associated with the transfer of alcohol beverage sales licenses and make requests to the Department of Alcoholic Beverage Control to impose conditions upon the license to mitigate problems identified

by the Planning Commission that exist at, or in the immediate vicinity, of the premises which is seeking the transfer of the license.

Section 2. When considering proposed transfers of licenses pursuant to Business and Professions Code 23800(e), the Planning Commission shall review the request and suggest the imposition of conditions if substantial evidence in the record demonstrates that there are problems affecting the public health, safety or welfare either on the premises, or in the immediate vicinity of the premises, which would be mitigated by the requested conditions.

ADOPTED, SIGNED AND APPROVED this 3rd day of October, 2000.



Mayor of the City of Redlands

ATTEST:


City Clerk

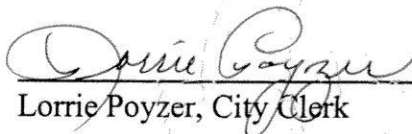
I, Lorrie Poyzer, City Clerk of the City of Redlands, hereby certify that the foregoing Resolution was duly adopted by the City Council at a regular meeting thereof, held on the 3rd day of October, 2000 by the following vote:

AYES: Councilmembers George, Freedman, Peppler, Haws; Mayor Gilbreath

NOES: None

ABSTAIN: None

ABSENT: None


Lorrie Poyzer, City Clerk