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## **NEW BUSINESS**

**ITEM C-8:  
On-Sale Beer & Wine at Imperial Swap Meet**

DATE SUBMITTED           02/13/15            
 SUBMITTED BY           PLANNING            
          DIRECTOR            
 DATE ACTION REQUIRED           02/18/15          

COUNCIL ACTION (X)  
 PUBLIC HEARING REQUIRED ( )  
 RESOLUTION (X)  
 ORDINANCE 1<sup>ST</sup> READING ( )  
 ORDINANCE 2<sup>ND</sup> READING ( )  
 CITY CLERK'S INITIALS ( )

**IMPERIAL CITY COUNCIL  
 AGENDA ITEM**

SUBJECT: DISCUSSION/ACTION: ON-SALE BEER AND WINE AT IMPERIAL SWAP MEET

- 1. APPROVAL OF RESO. NO. 2015-06 , APPROVING A LETTER OF PUBLIC CONVENIENCE AND NECESSITY

DEPARTMENT INVOLVED:

BACKGROUND/SUMMARY:

Section 23958 of the Business and Professions Code mandates that the Department of Alcoholic Beverage Control require a Letter of Public Convenience and Necessity if there is an abundance of licenses within a particular census tract. Imperial Swap is located in Census Tract 112.01 which includes those areas south of Aten Road included the northern portion of El Centro. There are currently 4 licenses in that tract which includes licenses for Kashmir Nighclub, Applebees, Broken Yolk, and the Moose Lodge. Census Tract 112.01 occupies an area of approximately 5.5 miles. Issuance of an on-sale beer and wine at Imperial Swap Meet would not be detrimental to the public health, safety and welfare. The swap meet (and the on-sale beer and wine) is restricted to a maximum of 3 days per week.

FISCAL IMPACT: None

F.O. INITIALS: \_\_\_\_\_

STAFF RECOMMENDATION:

Staff recommends that the Council approve the issuance of a Letter of Public Convenience and Necessity.

MANAGER'S RECOMMENDATION:

MANAGER'S INITIALS

MOTION:

SECONDED: APPROVED ( ) REJECTED ( )  
 AYES: DISAPPROVED ( ) DEFERRED ( )  
 NAYES:  
 ABSENT: REFERRED TO:

**RESOLUTION NO. 2015-06**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IMPERIAL APPROVING A LETTER OF PUBLIC CONVENIENCE AND NECESSITY FOR A TYPE40 ON-SALE BEER AND WINE LICENSE FOR TALONS REACH INVESTMENT (IMPERIAL SWAP MEET) AT 385 WEST ATEN ROAD**

**WHEREAS**, the City of Imperial Planning Commission approved a Conditional Use Permit to allow on-sale beer and wine for the proposed Imperial Swap Meet at 385 West Aten Road; and

**WHEREAS**, applicable provisions of the Business and Professions Codes and the requirements of the State Department of Alcoholic Beverage Control prohibit the issuance of a license in areas would add to an undue concentration of licenses unless the local governing body determines that "public convenience or necessity" would be served by issuance of such license.

**NOW THEREFORE, BE IT RESOLVED** by the City Council of the City of Imperial as follows:

1. Restrictions outlined in the Conditions of Approval for the Imperial Swap Meet would ensure that the "Public Convenience and Necessity" would be met with the issuance of a Type 40 beer and wine license; and
2. The Director of Planning and Development is hereby authorized and directed to issue a letter to the Department of Alcoholic Beverage Control indicating the finding of public convenience and necessity.

**PASSED, ADOPTED AND APPROVED** by the City Council of the City of Imperial, this 18<sup>th</sup> day of January 2015.

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Mayor

ATTEST:

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City Clerk