

**RESOLUTION NO. 3394-17**

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF WINDSOR  
DENYING A REQUEST FOR A DETERMINATION OF PUBLIC CONVENIENCE OR  
NECESSITY FOR A TYPE 42 ALCOHOLIC BEVERAGE CONTROL LICENSE TO  
SERVE WINE AT THE WINE COUNTRY VETERINARY HOSPITAL LOCATED AT  
9240 OLD REDWOOD HIGHWAY, SUITE 104  
(FILE NO. 17-16)**

**WHEREAS**, the Town of Windsor received a copy of a Type 42 license application (on-sale beer and wine for public premises) from the Department of Alcoholic Beverage Control (ABC) for Wine Country Veterinary Hospital located at 9240 Old Redwood Highway, Ste. 104 in the Bell Village Shopping Center; and

**WHEREAS**, ABC staff confirmed there is an overconcentration of these types of alcoholic beverage licenses in this census tract and that a Public Convenience or Necessity (PCN) determination from the Town is required to process a Type 42 license application at this location; and

**WHEREAS**, Town Council Resolution No. 765-98 establishes procedures for reviewing ABC license applications that require a determination of PCN, which requires review by the Town's Staff Review Committee; and

**WHEREAS**, the Town's Staff Review Committee raised concerns regarding this application when it considered this matter at its June 5, 2017 meeting, including the precedent-setting nature of approval of this request; and

**WHEREAS**, Town Council Resolution No. 765-98 states that if the Staff Review Committee has "excessive concerns" regarding the determination of PCN, the matter will be forwarded to the Town Council; and

**WHEREAS**, the project was publicly noticed in accordance with state law and the Town of Windsor Zoning Ordinance; and

**WHEREAS**, pursuant to the California Environmental Quality Act (CEQA), the project is exempt from the provisions of CEQA under Section 15301 for Existing Facilities; and

**WHEREAS**, a duly noticed public hearing was held by the Town Council on August 2, 2017 with all persons having the opportunity to speak for and against the request; and

**WHEREAS**, a duly noticed public hearing was held by the Town Council on August 16, 2017 with all persons having the opportunity to speak for and against the request.

**NOW, THEREFORE BE IT RESOLVED** that the Town Council of the Town of Windsor hereby finds and determines that issuance of a Type 42 license for on-sale beer and wine for public premises to Wine Country Veterinary Hospital at 9240 Old Redwood Highway, Suite 104

does not serve a public convenience or necessity for the following reasons, and therefore the request for such a determination is denied:

A determination of Public Convenience or Necessity to allow for alcoholic beverage service at a non-food or beverage service business establishment would be detrimental to the public health, safety and welfare for the following reasons:

- 1) The consumption of wine in the relatively short amount of time a typical veterinary clinic visit takes (15 to 20 minutes) has the potential to impair the ability of a client to operate and drive a motor vehicle.
- 2) The service of alcoholic beverages that is highly exposed to a reception/lobby area where minors may be present may unduly place minors at risk or exposure to alcoholic beverage service.
- 3) A determination of Public Convenience or Necessity to serve alcoholic beverages at a non-food or beverage service business establishment would set a precedent that may limit the ability of the Town to deny making such determinations in the future.

**PASSED, APPROVED AND ADOPTED this 16th day of August 2017, by the following vote:**

<b>AYES:</b>	<b>COUNCILMEMBERS MILLAN, OKREPKIE, AND MAYOR FUDGE</b>
<b>NOES:</b>	<b>COUNCILMEMBER SALMON AND VICE MAYOR FOPPOLI</b>
<b>ABSTAIN:</b>	<b>NONE</b>
<b>ABSENT:</b>	<b>NONE</b>

  
**DEBORA FUDGE, MAYOR**

**ATTEST:**

  
**MARIA DE LA O, TOWN CLERK**