

RESOLUTION NO. R-252672

(R. 81-490)

SEP 15 1980

A RESOLUTION WAIVING THE 30-DAY NOTICE REQUIREMENT SET FORTH IN SECTION 23987 OF THE CALIFORNIA BUSINESS AND PROFESSIONS CODE REGARDING APPLICATION BY THE WESTGATE GOURMET SHOP FOR AN OFF-SALE LICENSE.

WHEREAS, Section 23987 of the California Business and Professions Code requires 30 days notice to certain local law enforcement officials and the City Council when application is made for the purpose of selling any alcoholic beverage at any premise; and

WHEREAS, the Westgate Gourmet Shop (herein called Gourmet Shop), successor to Jurgensen's Gourmet shop in the Little America Westgate Hotel, expressed its intention to secure an off-sale license to sell beer and wine for off-premise consumption; and

WHEREAS, said Gourmet Shop was informed, albeit erroneously, that said sales could be consummated under an existing master license possessed by the Little America Westgate Hotel; and

WHEREAS, it has subsequently been determined that such arrangement cannot be effected because of the absence of non-contiguous access between the Hotel and the Gourmet Shop; and

WHEREAS, Gourmet Shop has now requested that due to this administrative misunderstanding, the 30-day notice requirement be waived by the specified agencies; and

WHEREAS, the law enforcement agencies specified in the Code have indicated their concurrence with the request and waived the necessity for a full 30-day notification; and

WHEREAS, the only remaining agency specified for notice by the Code is the City Council; and

WHEREAS, it is now requested that the Council waive said 30 day requirement in the interests of equity and justice in that the situation exists solely by virtue of an administrative miscommunication; NOW, THEREFORE,

BE IT RESOLVED, by the Council of The City of San Diego, that in the interest of equity and justice, as set forth in the recitals above, the 30-day notice requirement set forth in Section 23987 of the California Business and Professions Code regarding application by the Westgate Gourmet Shop for an off-sale license be and the same is hereby waived.

APPROVED: JOHN W. WITT, City Attorney

By Jack Katz  
Jack Katz  
Chief Deputy City Attorney

JK:lco:523  
9/10/80  
Or.Dept.:Mayor

R- 252672

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SEP 15 1980

Passed and adopted by the Council of The City of San Diego on \_\_\_\_\_  
by the following vote:

Councilmen	Yeas	Nays	Not Present	Ineligible
Bill Mitchell	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Bill Cleator	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Bill Lowery	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Leon L. Williams	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Fred Schnaubelt	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mike Gotch	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Larry Stirling	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Lucy Killea	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mayor Pete Wilson	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

AUTHENTICATED BY:

PETE WILSON

Mayor of The City of San Diego, California.

CHARLES G. ABDELNOUR

City Clerk of The City of San Diego, California.

By Barbara Benidge Deputy.

(Seal)

Office of the City Clerk, San Diego, California

Resolution Number R-252672 Adopted SEP 15 1980