



Legislation Details (With Text)

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**Title:** Resolution to Withdraw City of Ann Arbor Approval of the Application and Award of a New Full-Year Class C Quota License to HBSP Holdings, Corp. d/b/a Salsarita's Fresh Cantina at 401 E. Liberty, Suite #2, in the City of Ann Arbor

**Sponsors:** Council Liquor License Review Committee

**Indexes:**

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**Attachments:**

Date	Ver.	Action By	Action	Result
4/20/2009	1	City Council	Approved	Pass

Resolution to Withdraw City of Ann Arbor Approval of the Application and Award of a New Full-Year Class C Quota License to HBSP Holdings, Corp. d/b/a Salsarita's Fresh Cantina at 401 E. Liberty, Suite #2, in the City of Ann Arbor

City Council Resolution R-08-436, approved October 20, 2008, recommended the award of a new full-year Class C Quota License to HBSP Holding Corp. d/b/a Salsarita's Fresh Cantina for its business at 401 E. Liberty Street, Suite #2. The recommendation was based on several factors including the site as an appropriate location for a liquor license under applicable planning and development plans of the City, the applicant's description of its plan of operation and consideration for the fact that Salsarita's Fresh Cantina was an existing business with a proven and measurable contribution to the community. Additionally Council recognized the State's position that no pending Class C Downtown Development District Liquor License would be finalized by the State as long as a Class C Quota license remained available. At the time R-08-436 was approved, the only pending Class C Downtown Development Liquor License application at the State was an application by HBSP Holding Corp. previously approved by R-08-297 as amended by R-08-344.

The Council Liquor License Review Committee has been advised that Salsarita's Fresh Cantina has closed and vacated its location at 401 E. Liberty Street, Suite 2, in Ann Arbor. Its liquor license application has been, at the Company's request, placed "on hold," which retains its active status and does not release the Class C Quota license back to the City for reconsideration of its award to other potential applicants. Since it is clear that Salsarita's Fresh Cantina will not be re-occupying the location on Liberty Street (the property owner has already entered into a new lease with a 3<sup>rd</sup> party), and one of the prime considerations for the original recommendation was the appropriateness of the license for that specific location, the Council Liquor License Review Committee is recommending withdrawal of City Council's earlier approval. The effect of such a withdrawal should terminate the "hold" status of the HBSP Holding Corp.'s application and result in denial of its application at the State level. The Class C Quota license would then be available to other applicants.

Prepared by: Mary Joan Fales, Senior Assistant City Attorney

Sponsored by: Council Liquor License Review Committee

Whereas, City Council approved R-08-436 on October 20, 2008, recommending approval of a new full-year Class C Quota License to HBSP Holding Corp. d/b/a Salsarita's Fresh Cantina "above all others" at 401 E. Liberty Street, Suite 2, in Ann Arbor;

Whereas, Salsarita's Fresh Cantina ceased operation and vacated the location prior to completion of the application process and investigations required by the Michigan Liquor Control Commission; and

Whereas, The Council Liquor License Review Committee has recommended that City Council withdraw its support for HBSP Holding Corp.'s application for a new full-year Class C Quota License on the basis that the applicant will not be occupying the location specified in its application;

RESOLVED, That City Council accept the recommendation of the Council Liquor License Review Committee, rescind R-08-436 and withdraw its support and approval "above all others" for the liquor license application of HBSP Holding Corp. d/b/a Salsarita's Fresh Cantina at 401 E. Liberty Street, Suite 2, in Ann Arbor; and

RESOLVED, That the City Clerk forward a copy of this resolution to HSBP Holding Corp. and the Michigan Liquor Control Commission.

Sponsored by: Council Liquor License Review Committee