Alcoholic Beverage Control (ABC) License
On-site Sale of Beer
PLN 2011-1400 / ABC 2011-0011
5760 & 5780 El Camino Real
(Bru Coffee House)

(Request to allow an Alcoholic Beverage Control license for the on-site sale of beer at a new coffee shop in the downtown)

RECOMMENDATION:

Council adopt Draft Resolution A finding that public convenience or necessity would be served by allowing the issuance of a Type 40 Alcohol Beverage Control (ABC) license for the on-site sale of beer at a new coffee house (Bru Coffee House) at 5760 & 5780 El Camino Real.

DISCUSSION:

The applicant has applied through ABC for a Type 40 license for the on-site sale of beer. ABC defines a Type 40 license as:

**ON SALE BEER** - (Bar, Tavern) Authorizes the sale of beer for consumption on or off the premises where sold. No wine or distilled spirits may be on the premises. Full meals are not required; however, sandwiches or snacks must be available. Minors are allowed on the premises.

The applicant is in the process of opening a new coffee shop on the first floor of the historic Keetch building 5760 & 5780 El Camino Real in the downtown. The applicant plans to create a high end coffee house with a selection of coffees, teas, and light food fare. The applicant would like to offer a variety of local and international beers on the menu to appeal
to a wider spectrum of clientele. A type 40 ABC license is required by ABC for this type of business.

The site is zoned (DC) Downtown Commercial and has a General Plan Land Use Designation of (D) Downtown. Coffee shops, restaurants, bars and taverns are all allowed uses in the Downtown Commercial zone. The proposed coffee house use with on-site sale of beer is consistent with the Atascadero Municipal Code.

Analysis: ABC requires a letter of convenience from the City in order to issue a new beer and wine license at this location. Section 23958.4 of the Alcoholic Beverage Control Act requires the local governing body of the area to determine that the license will serve public convenience or necessity. This process is only required when it is found that “Undue Concentration” of liquor licenses exists within the area. In this case, the Department of Alcoholic Beverage Control (ABC) has identified that there is an undue concentration of liquor licenses within the area. The proposed site is located in census tract number 0125.01, which allows up to ten (10) ABC licenses within the area without Council review. There are currently eleven (11) licenses existing within the census tract, and therefore ABC requires a finding of public convenience or necessity from the local governing body (City Council) in order to issue a new license.

The Atascadero Police Department has reviewed the proposed application and does not have any concerns or opposition regarding the issuance of an additional license at this location for the proposed business.

FISCAL IMPACT:

None.

ATTACHMENTS:

1. Location Map
2. Draft Resolution A
Attachment 1: Location Map: 5760 & 5780 El Camino Real

Keetch building
5760 & 5780 El Camino Real
DRAFT RESOLUTION A

RESOLUTION OF THE CITY COUNCIL
OF THE CITY OF ATASCADERO, CALIFORNIA, FINDING THAT A
PUBLIC CONVENIENCE WILL BE SERVED BY ALLOWING THE
ISSUANCE OF A TYPE 40 ABC LICENSE AT
5760 & 5780 EL CAMINO REAL ON APN 030-181-052
(Bru Coffee House / SLO County Enterprises, LLC)

WHEREAS, an application has been received from SLO County Enterprises, LLC for Bru Coffee House (SL1239 Higuera St. San Luis Obispo, CA 93401) Property Owner and Applicant, to request that the Council make a finding or public convenience or necessity to allow the department of Alcoholic Beverage Control to issue a Type 40 license for on-site sale of beer at a new coffee shop at 5760 & 5780 El Camino Real, (APN 030-181-052); and,

WHEREAS, the site’s current General Plan Designation is D (Downtown); and,

WHEREAS, the site’s current Zoning Designation is DC (Downtown Commercial); and,

WHEREAS, the Atascadero Police Department has reviewed the requested Type 40 on-sale beer license and does not believe it presents any public safety concerns; and,

WHEREAS, the City Council has determined that public convenience or necessity will be served by the issuance of a Type 40 on-sale beer license for a new coffee shop at 5760 & 5780 El Camino Real; and,

WHEREAS, the City Council of the City of Atascadero considered the proposed application at a public meeting on April 26, 2011; and,

NOW THEREFORE, the City Council of the City of Atascadero, hereby resolves to approve PLN 2011-1400.
On motion by Council Member ______________ and seconded by Council Member ______________, the foregoing Resolution is hereby adopted in its entirety on the following roll call vote:

AYES:

NOES:

ABSENT:

ADOPTED:

CITY OF ATASCADERO

By: ______________________________
    Tom O'Malley, Mayor

ATTEST:

_______________________________________
Marcia McClure Torgerson, C.M.C., City Clerk

APPROVED AS TO FORM:

_______________________________________
Brian A. Pierik, City Attorney