Atascadero City Council
Staff Report – Community Development Department

Alcoholic Beverage Control (ABC) License
To Serve Beer and Wine
PLN 2011-1402 / ABC 2011-0013
5985 Traffic Way
(Wysong)

(Request to allow an Alcoholic Beverage Control license for the on-site sale of beer and wine at a new wine bar 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 42 ABC license for the on-site sale of beer and wine at a new wine bar and tasting facility at 5985 Traffic Way.

DISCUSSION:

The applicant has applied through the Department of Alcohol Beverage Control (ABC) for a Type 42 license for the on-site sale of beer and wine. The applicant will be opening a new wine bar at 5985 Traffic Way, located between the Carlton Hotel and Envisions Gallery. The applicant is proposing to have wine tasting facilities which will feature a variety of local wineries.

The site is zoned (DC) Downtown Commercial and has a General Plan Land Use Designation of (D) Downtown. Wine tasting facilities and wine bars are identified as allowed uses in the Downtown Commercial zone per 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 0125.02, which allows up to twelve (12) ABC licenses within the area without Council review. There are currently fifteen (15) 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 has 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: 5985 Traffic Way

Zoning District: Downtown Commercial
General Plan Designation: Downtown
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 42 ABC LICENSE AT 5985 TRAFFIC WAY
ON APN 029-342-007
(Wysong)

WHEREAS, an application has been received from Larry Wysong (9140 Harvest Way, Atascadero CA 93422) Property Owner and Applicant, to request that the Council make a finding of public convenience or necessity to allow the department of Alcoholic Beverage Control to issue a Type 42 license for on-site sale of beer and wine for a tasting facility at 5985 Traffic Way, (APN 029-342-007); 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 42 on-sale beer and wine 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 42 on-sale beer and wine license for a new wine bar and tasting facility at 5985 Traffic Way; and,

WHEREAS, the City Council of the City of Atascadero considered the proposed application at a public meeting on May 10, 2011; and,

NOW THEREFORE, the City Council of the City of Atascadero, hereby resolves to approve PLN 2011-1402.
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