Atascadero City Council
Staff Report – Community Development Department

Alcoholic Beverage Control (ABC) License
On-Site sale of Beer and Wine
PLN 2011-1401 / ABC 2011-0012
7177 El Camino Real
(CalTerra Trattoria)

(Request to allow an Alcoholic Beverage Control license for the on-site sale of beer and wine at CalTerra Restaurant)

RECOMMENDATION:

Council adopt Draft Resolution A, finding that public convenience or necessity would be served by allowing the issuance of a Type 41 Alcoholic Beverage Control (ABC) license for the on-site sale of beer and wine at CalTerra Trattoria at 7177 El Camino Real.

DISCUSSION:

The applicant has applied through ABC for a Type 41 license for the on-site sale of beer and wine. ABC defines a Type 41 license as:

ON SALE BEER & WINE – EATING PLACE - (Restaurant) Authorizes the sale of beer and wine for consumption on or off the premises where sold. Distilled spirits may not be on the premises (except brandy, rum, or liqueurs for use solely for cooking purposes). Must operate and maintain the licensed premises as a bona fide eating place. Must maintain suitable kitchen facilities, and must make actual and substantial sales of meals for consumption on the premises. Minors are allowed on the premises.

The applicant opened CalTerra Trattoria earlier this year, and has recently started serving dinner. The applicant is requesting an ABC license in order to serve beer and wine at the existing restaurant.
The site is zoned (CR) Commercial and has a General Plan Land Use Designation of (GC) General Commercial. Restaurants are an allowed use in the Commercial Retail zone. Restaurants may serve alcohol as part of the permitted eating and drinking use without additional use approvals per the Atascadero Zoning Ordinance.

**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 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
CalTerra Trattoria
7177 El Camino Real
Located in Vons Shopping Center
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 41 ABC LICENSE AT 7177 EL CAMINO REAL ON APN 030-081-022 (CALTERRA TRATTORIA)

WHEREAS, an application has been received from Starry Night Partners, LLC (CalTerra Trattoria 7177 El Camino Real, Atascadero CA 93422) Business 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 41 license for on-site sale of beer and wine at an existing restaurant at 7177 El Camino Real, (APN 030-081-022); and,

WHEREAS, the site’s current General Plan Designation is GC (General Commercial); and,

WHEREAS, the site’s current Zoning Designation is CR (Commercial Retail); and,

WHEREAS, the Atascadero Police Department has reviewed the requested Type 41 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 41 on-sale beer and wine license for an existing restaurant at 7177 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 2011-1401.
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:

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Brian A. Pierik, City Attorney