

TO: THOMAS FRUTCHEY, CITY MANAGER

FROM: WARREN FRACE, COMMUNITY DEVELOPMENT DIRECTOR

SUBJECT: DETERMINATION OF PUBLIC CONVENIENCE OR NECESSITY FOR TYPE 40 ALCOHOL BEVERAGE CONTROL LICENSE
CRIMSON CUE BILLIARDS HALL – (1319 SPRING STREET)

DATE: MARCH 1, 2016

Needs: For the City Council to consider making a determination that Public Convenience or Necessity (PCN) would be served by the issuance of a Type 40 license by the Department of Alcoholic Beverage Control (ABC) to allow beer sales for on-site consumption at the Crimson Cue billiards hall located at 1319 Spring Street.

Facts:

1. On November 10, 2015, the Planning Commission approved Conditional Use Permit 15-019, allowing the establishment and operation of the Crimson Cue at 1319 Spring Street, including the ability to serve beer, subject to ABC licensing requirements.
2. The Crimson Cue is in the process of obtaining a building permit for tenant improvements to the existing building located at 1319 Spring Street (above Bridge Sportsman Center).
3. Erik Skupien on behalf of Crimson Cue, has applied for a Type 40 license with the ABC to authorize the sale of beer on-site consumption, in conjunction with the billiards hall.
4. It has been determined by ABC staff that there is an “undue concentration” in relation to the number of alcohol related licenses that currently exist in that area of the City (Census Tract 0101.02). As a result of the undue concentration, California Code Section 23958.4 requires that “the local governing body of the area in which the applicant premises are located, or its designated subordinate officer or body, determines within 90 days of notification of a completed application that public convenience or necessity would be served by the issuance.
5. The City was notified by the ABC on January 22, 2016 that it is necessary for the City to make a finding of public convenience in relation to the request for a Type 40 license at 1319 Spring Street.

6. Since the City Council is the City's governing body, the Council has the ability to make a determination that either a public convenience or necessity would be served by the issuance of a Type 40 License.

**Analysis
And**

Conclusion: The Planning Commission approved Conditional Use Permit 15-019 on November 10, 2015, allowing the establishment and operation of the Crimson Cue at 1319 Spring Street. As part of the CUP process, the applicant indicated that he had applied to the ABC for a license to sell beer as an accessory to the billiards hall. The Police Chief along with Planning Staff reviewed the CUP request including the request for alcohol sales and conditions of approval were included in the CUP requiring the installation of security lighting and surveillance systems be installed within the building.

It is common for indoor entertainment uses to sell beer in conjunction with indoor activities; other indoor sports businesses such as Kennedy Fitness, Paso Robles Tennis Club, and the Paso Bowl currently have ABC licenses. It appears that over concentration of ABC licenses in the vicinity of 13th and Spring Street is a result of the multiple restaurants and bars in the downtown area.

As part of the ABC license process, public notification to residents within 500-feet of the property requesting the ABC license is required. ABC staff indicated that they did not receive any public comments or objections from residents as part of the Crimson Cue license process.

The Community Development Director and Police Chief have reviewed the request by the Crimson Cue and in this case, the proposed use is consistent with the purpose of the City's TC-1 Zoning District, subject to the conditions of approval within the Conditional Use Permit. A finding of public convenience by the City Council for the Crimson Cue would seem appropriate and be consistent with other indoor sports uses in the City.

Policy

Reference: California Code Section 23958.4 (Undue Concentration)

Fiscal

Impact: Positive: Expansion of entertainment uses within the Downtown core is consistent with the City's economic development goals.

The City Council should consider one of the following actions:

Options:

- A. Adopt Resolution No. 16-xx determining that the Public Convenience would be served by the issuance of a Type 40 ABC License for the Crimson Cue Billiards Hall located at 1319 Spring Street; or,
- B. The City Council may determine that neither a Public Convenience nor Necessity would be served by the issuance of a Type 40 ABC License for the Crimson Cue located at 1319 Spring Street, resulting in ABC's denial of a license; or,
- C. Refer back to Staff for additional analysis, or,
- D. Amend the above options.

RESOLUTION NO. 16-

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PASO ROBLES
DETERMINING THAT PUBLIC CONVENIENCE WOULD BE SERVED
WITH THE ISSUANCE OF A TYPE 40 ALOCHOLIC BEVERAGE CONTROL LISENCE AT
1319 SPRING STREET
(CRIMSON CUE BILLIARDS HALL)

WHEREAS, Erik Skupien on behalf of the Crimson Cue billiards hall, has applied for a Type 40 license with the ABC to authorize the sale of beer for on-site consumption, in conjunction with the billiards hall at 1319 Spring Street; and

WHEREAS, it has been determined by ABC staff that there is an "undue concentration" in relation to the number of alcohol related licenses that currently exist in that area of the City (Census Tract 0101.02); and

WHEREAS, as a result of the undue concentration, California Code Section 23958.4 requires that "the local governing body of the area in which the applicant premises are located, or its designated subordinate officer or body, determines within 90 days of notification of a completed application that public convenience or necessity would be served by the issuance; and

WHEREAS, the City Council is the City's governing body and has the ability to make a determination of Public Convenience or Necessity; and

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of El Paso de Robles hereby determines that Public Convenience would be served by the issuance of a Type 40 ABC license for the Crimson Cue at 1319 Spring Street, based on the sale of beer as an accessory to indoor sports types businesses is common, and the sale of beer in conjunction with the Crimson Cue billiards hall would be consistent with other indoor sports establishments in the City.

PASSED AND ADOPTED by the City Council of the City of El Paso de Robles this 1st day of March 2016 by the following vote:

AYES:
NOES:
ABSTAIN:
ABSENT:

Steven W. Martin, Mayor

ATTEST:

Kristy Buxkemper, Deputy City Clerk