

RESOLUTION No. 2010-11

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN JUAN BAUTISTA
APPROVING A PUBLIC CONVENIENCE AND NECESSITY RESOLUTION FOR AN ON-
SALE AND OFF-SITE LIQUOR LICENSE TO BE USED AT 402-B THIRD STREET
(Assessor's Parcel Number 002-014-006)**

WHEREAS, under Section 23958.4 of the California Business and Professions Code, a finding of "Public Convenience or Necessity" must be made by the appropriate local jurisdiction before the California Department of Alcoholic Beverage Control may issue a license for the "on-sale" and off-site sale of alcoholic beverages (wine only); and

WHEREAS, the applicant proposes to sell alcohol (wine only) in a wine tasting business for consumption on the premises and proposes to sell unopened bottles; and

WHEREAS, those under the age of 21 are not permitted on the premises; and

WHEREAS, 402-B Third Street has historically been used for commercial activities; and

WHEREAS, 402-B Third Street is within the Historic District and the Mixed Use land use and zoning districts; and

WHEREAS, the establishment of the wine tasting business at 402-B Third Street is adjacent to existing retail businesses; and

WHEREAS, The establishment would represent the 25th on-sale licensed business in San Juan Bautista (includes all bars and restaurants), the most recent being La Cantina at 311 Third Street; and

WHEREAS, the proposed Public Convenience or Necessity, is consistent with the San Juan Bautista General Plan, the San Juan Bautista Historic Plan and the Historic Resources Preservation Ordinance; and

WHEREAS, the sale of wine for on-sale consumption and off-site wine sales would not tend to create a law enforcement problem nor result in, or add to an undue concentration of licenses; and

NOW THEREFORE, BE IT RESOLVED that the City Council hereby approves the resolution on the following findings and conditions:

Findings:

1. That approval of this resolution does not represent an approved Conditional Use Permit for any proposed use at 402-B Third Street and any proposed use at said address will require a Conditional Use Permit per the Municipal Code.
2. That the issuance of a license for the on-site consumption and sale and off-site sale of wine to Lori and Tod Wilson is a public convenience and necessity.
3. That the project has been reviewed in compliance with the California Environmental Quality Act (CEQA) and is exempt per section 15301.

Conditions:

1. That the applicant shall submit a Conditional Use Permit application to the City for review and approval prior to operating a business at 402-B Third Street.

PASSED AND ADOPTED by the City Council of the City of San Juan Bautista at a regular meeting held on March 16, 2010, by the following vote:

AYES: Laverone, Edge, Hill, Bilich, Moore

NOES: None

ABSENT: None

ABSTAIN: None

Ed Laverone, Mayor

ATTEST:

Trish Paetz, Deputy City Clerk