

Attachment 2

RESOLUTION 26-XXX

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PASO ROBLES
APPROVING THE DETERMINATION OF PUBLIC CONVENIENCE OR NECESSITY
FOR THE ISSUANCE OF A TYPE 21 CALIFORNIA DEPARTMENT OF
ALCOHOLIC BEVERAGE CONTROL LICENSE
FOR 2401 GOLDEN HILL ROAD (APN: 025-422-037)**

WHEREAS, Doug Ulrich, representing D&M Gas Facility, Inc., has applied for a Type 21 California Department of Alcoholic Beverage Control (ABC) license to authorize the sale of beer, wine, and distilled spirits for off-premises consumption at the Mobil gas station located at 2401 Golden Hill Road; and

WHEREAS, the application request is for the conversion of an existing Type 20 license (#426995), originally issued to D&M Gas Facility, Inc. by California ABC in August 2005 and active as of April 2026, to a Type 21 license to allow for the sales of distilled spirits; 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 this area of the City (Census Tract 102.07). As a result of the undue concentration, California Business and Professions 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 has been notified by the ABC that it is necessary for the City to make a finding of public convenience or necessity (ABC26-02) in relation to the request for a Type 21 license at 2401 Golden Hill Road; and

WHEREAS, as the City’s primary governing body, City Council has the ability to make the determination that either a public convenience or necessity would be served by the issuance of a Type 20 license at this location.

WHEREAS, a duly noticed public hearing was conducted by the City Council on April 21st, 2026, to consider the facts as presented in the staff report prepared for this project, and to accept public testimony regarding this request.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF EL PASO DE ROBLES DOES HEREBY RESOLVE AS FOLLOWS:

Section 1. All of the above recitals are true and correct and incorporated herein by reference.

Section 2. Finding of Public Convenience: 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 21 ABC license for D&M Gas Facility, Inc., at 2401 Golden Hill Road. This is based on the proposed usage not increasing the number of active licensed locations performing off-sale alcohol sales within Census Tract 102.07, as well as the proposed use being consistent with similar establishments in both the C3 zoning district and Census Tract 102.07.

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Section 3. Environmental Determination: The City Council of the City of El Paso de Robles finds that this action is not a project under the California Environmental Quality Act pursuant to State Guidelines Section State CEQA Guidelines, §§ 15060, subd. (c)(2)-(3), 15378. The action will not result in a direct or reasonably foreseeable indirect physical change in the environment, and, additionally, is not a “project” as defined by CEQA.

APPROVED this 21st Day of April, 2026, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

John R Hamon, Jr., Mayor

ATTEST:

Melissa Martin, City Clerk