

*Before the Board of Supervisors
County of Monterey, State of California*

In the matter of the application of:

BARNYARD CARMEL LLC (Ladysomm) (PLN230278)

RESOLUTION NO. 24-067

Resolution by the Monterey County Board of Supervisors:

- a. Finding that the determination of a Public Convenience or Necessity, allowing issuance of a license for the sale of beer and wine within a commercial tenant space is a negligible expansion of the existing use that qualifies for a categorical exemption pursuant to CEQA Guidelines section 15301; and
- b. Finding that a Public Convenience or Necessity (PCN) would be served by allowing the issuance of a Type 42 license by the California Department of Alcoholic Beverage Control, for the sale of beer and wine for on-site consumption, to Ladysomm LLC located at 3728 The Barnyard Suite G23, Carmel, CA 93923, pursuant to California Business and Professions Code section 23958.4.

[PLN230278, 3728 The Barnyard Suite G23, Carmel, Carmel Valley Master Plan (Assessor's Parcel Number: 015-012-061-000)]

The request for a Public Convenience or Necessity (PCN) finding for the on-site sale of beer and wine at Ladysomm in Carmel Valley (PLN230278) came on for a public hearing before the Monterey County Board of Supervisors on February 27, 2024. Having considered all the written and documentary evidence, the administrative record, the staff report, oral testimony, and other evidence presented, the Board of Supervisors finds and decides as follows:

RECITALS

WHEREAS, Barnyard Carmel LLC (Applicant), on behalf of Ladysomm LLC (Business) located at 3728 The Barnyard Suite G23, Carmel, California, has requested that the County of Monterey (County) determine that a Public Convenience or Necessity (PCN) would be served by the on-site sale of beer and wine at the Business. Ladysomm has occupied the commercial space in the Carmel Barnyard since June 2023. The space had previously been used as an art gallery.

WHEREAS, the PCN is needed for the Business to obtain a license to sell beer and wine for consumption on-site (Type 42 license) from the California Department of Alcohol and Beverage Control (ABC) pursuant to California Business and Professions Code section 23958.4, because ABC has determined that the ratio of on-sale (on-site) retail licenses to population in the census tract or census division in which the Business is located, exceeds the ratio of on-sale retail licenses to population in the county in which the Business is located; and

WHEREAS, said Business is located within Monterey County in the Carmel Valley Census Tract (Tract No. 116.05), which generally covers the Carmel Valley Road area, beginning at the edge of Highway 1 and extending east just beyond Carmel Valley Ranch. According to the United States Census Bureau and ABC, the County has a population of 432,858 and within the County there are 983 on-sale licenses (a ratio of licenses to population of 0.23%). Tract No. 116.05 has a population of 2,963 and seventeen on-sale licenses (a ratio of 0.6%). Based on the ratio of population to licenses, Tract No. 116.05 would be allowed up to five on-sale licenses without the area having an “undue concentration” of licenses. Tract No. 116.05 currently has seventeen on-sale licenses. This license would be the 18th on-sale license in the census tract.

WHEREAS, given the concentration of on-sale licenses in Tract No. 116.05, the County must find that a PCN would be served by the issuance of a Type 42 License before ABC will issue a Type 42 License; and

WHEREAS, according to the Monterey County Health Department (MCHD), high alcohol outlet density, defined as a high concentration of retail alcohol outlets in a small area, is known to be an environmental risk factor for excessive drinking. Excessive drinking has been shown to have health and safety risks. Given the concentration of outlets in Tract No. 116.05, MCHD does not support the issuance of the license. The Board of Supervisors has considered the recommendation of MCHD in making the below Findings.

WHEREAS, on-site sale of beer and wine will provide a convenience for residents, tourists, and local business, and serve the needs of the Business, for the following reasons:

- 1) Ladysomm proposes on-site sale of alcoholic beverage in a commercial area (the Barnyard Shopping Village), which is a shopping center serving multiple goods and services already.
- 2) Ladysomm proposes to offer WSET Sommelier certification courses, which will support Monterey's citizens looking for a career in the wine industry.
- 3) Carmel Valley is a tourist destination. Although the census area has a relatively small population, the Carmel Valley commercial area attracts regional (Monterey Peninsula Area), national, and international visitors. Therefore, the ABC's issuance of this Type 42 License would serve a larger population that includes visitors and residents.
- 4) Tract No. 116.05 is in a low crime rate area and the issuance of this alcohol license is supported by Monterey County Sheriff's Office.
- 5) Ladysomm will partner with local wineries to offer a selection of Monterey County wines highlighting some of the smaller wineries that do not have a tasting room.

WHEREAS, California Environmental Quality Act (CEQA) Guidelines section 15301 provides a Class 1 categorical exemption for projects as to existing facilities involving negligible or no expansion of existing or former uses. The issuance of a letter of Public Convenience or Necessity to allow the sale of beer and wine within an existing wine school and salon (formerly an art gallery) involves negligible expansion of an existing use and therefore qualifies for a categorical exemption pursuant to CEQA Guidelines section 15091.

DECISION

NOW, THEREFORE BE IT RESOLVED, based on the above recitals, and the administrative record as a whole, that the Board of Supervisors does hereby:

- a. Find that the requested the determination of a Public Convenience or Necessity, allowing issuance of a license for the sale of beer and wine within a commercial tenant space is a negligible expansion of the existing use that qualifies for a categorical exemption pursuant to CEQA Guidelines section 15301; and
- b. Find that a Public Convenience or Necessity (PCN) would be served by allowing the issuance of a Type 42 license, for the sale of beer and wine for on-site consumption, to Ladysomm located at 3728 The Barnyard Suite G23, Carmel, CA 93923, pursuant to California Business and Professions Code section 23958.4.

PASSED AND ADOPTED on this 27th day of February 2024, by roll call vote:

AYES: Supervisors Alejo, Church, Lopez and Askew

NOES: None

ABSENT: Supervisor Adams

I, Valerie Ralph, Clerk of the Board of Supervisors of the County of Monterey, State of California, hereby certify that the foregoing is a true copy of an original order of said Board of Supervisors duly made and entered in the minutes thereof of Minute Book 82 for the meeting February 27, 2024.

Dated: March 1, 2024

File ID: RES 24-022

Agenda Item No.: 83

Valerie Ralph, Clerk of the Board of Supervisors
County of Monterey, State of California



Vicente Ramirez, Deputy