



County of Monterey

Item No.

Board Report

Board of Supervisors
Chambers
168 W. Alisal St., 1st Floor
Salinas, CA 93901

Legistar File Number: RES 24-013

February 27, 2024

Introduced: 1/17/2024

Current Status: Agenda Ready

Version: 1

Matter Type: BoS Resolution

PLN230278 - BARNYARD CARMEL LLC (LADYSOMM LLC)

Consider adopting a resolution 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 located at 3728 The Barnyard Suite G23, Carmel, CA 93923, pursuant to California Business and Professions Code section 23958.4.

Project Location: 26400 Carmel Rancho Ln, Carmel, CA 93923

Proposed CEQA Action: Find the project categorically exempt pursuant to CEQA Guidelines section 15301

PROJECT INFORMATION:

Planning File Number: PLN230278

Owner: Barnyard Carmel LLC (Ladysomm LLC)

APN: 015-012-061-000

Applicant: Roxann Langer & Tamara Carver

Plan Area: Carmel Valley Master Plan

RECOMMENDATION:

It is recommended that the Board of Supervisors:

Adopt a resolution finding that a Public Convenience or Necessity (PCN) would be served by allowing the issuance of a Type 42 license by the Department of Alcoholic Beverage Control, 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.

SUMMARY:

Ladysomm is a wine school and salon located in the Carmel Barnyard Center adjacent to Highway 1. Ladysomm was established in the Carmel Barnyard in June of 2023. Prior to Ladysomm occupying the space, the structure was an art gallery. The applicant, Ladysomm is requesting a Type 42 license for the sale of beer and wine for on-site consumption from the State of California Department of Alcoholic Beverage Control (ABC). Currently, state standards provide that the area where Ladysomm is located, Census Tract 116.05, is considered "over-saturated" with "On Sale" licenses. ABC cannot issue a license to Ladysomm unless the Board finds that a public convenience or necessity would be served by the issuance of a license notwithstanding this over-saturation.

The Sheriff's office supports the request for the PCN. The Health Department opposes it, citing high concentration of retail alcohol outlets in a small area as an environmental risk factor for excessive drinking, intoxicated driving, and related health effects.

DISCUSSION:

Ladysomm is in the Carmel Valley Census Tract (Tract. No. 116.05), which covers a portion of the Carmel Valley Road area beginning at the edge of Highway 1 and extending east beyond Carmel Valley Ranch. This census tract is in the unincorporated area of the County. According to the United States Census Bureau and ABC, the County has a population of 432,858 and 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 (or "saturation" of licenses). Tract No. 116.05 currently has seventeen on-sale licenses. If approved, this license would represent the 18th on-sale license in the census tract.

Despite the concentration of ABC licenses in this area, there are several factors that distinguish this census tract and proposal. The finding that a public convenience or necessity would be served by the issuance of a Type 42 license by the ABC can be supported 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 in addition to residents in the area.
- 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 who do not have a tasting room available.

Therefore, staff supports the adoption of a Resolution finding that a public convenience or necessity would be served by the issuance of a Type 42 License by the ABC to Ladysomm.

ENVIRONMENTAL REVIEW:

California Environmental Quality Act (CEQA) Guidelines section 15301 provides a Class 1 categorical exemption for 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 is a negligible expansion of the existing use and the project therefore qualifies for a categorical exemption pursuant to CEQA Guidelines section 15301.

OTHER AGENCY INVOLVEMENT:

The report has been prepared by HCD with input from the Sheriff's Office and the Health Department.

FINANCING:

Funding for staff time associated with this project is included in the FY2023-24 Adopted Budget for HCD, Appropriation Unit HCD002, Unit 8543.

Prepared by: Zoe Zepp, Assistant Planner, x5198

Reviewed and approved by: Craig Spencer, HCD Acting Director, x5233 *CS*

The following attachments are on file with the Clerk of the Board:

Attachment A - Applicant Request for Finding of Public Convenience or Necessity

Attachment B - Comments from Monterey County Sheriff's Department

Attachment C - Comments from County of Monterey Health Department

Attachment D - Vicinity Map

Attachment E - Map showing Types of Liquor Licenses in Census Tract 116.06

Attachment F - Draft Resolution

cc: Front Counter Copy; Craig Spencer, HCD Acting Director; Zoe Zepp, Assistant Planner; Commander Rodriguez, Sheriff's Office; Roxann Seepersad, Health Department; Carmel Barnyard LLC, Applicant; The Open Monterey Project; LandWatch (Executive Director); Lozeau Drury LLP; Project File PLN230278