



# Monterey County

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## Board Report

Legistar File Number: RES 15-027

April 07, 2015

Introduced: 3/11/2015

Current Status: Agenda Ready

Version: 1

Matter Type: BoS Resolution

### Public hearing to:

Adopt a resolution finding that a Public Convenience or Necessity (PCN) will be served by the issuance of a Type 42 (On-Sale Beer and Wine for Public Premises) license by the Department of Alcoholic Beverage Control (ABC) to Carmel Valley Wine Tasting LLC located at 1 E. Carmel Valley Road, Ste. C, Carmel Valley for sale of alcoholic beverages.

(PLN140858, LePlus, Frances and Brigitte; Hofmann, Lee and Rebecca, 1 E. Carmel Valley Road, Ste. C, Carmel Valley, APN 189-291-005-000, Carmel Valley Master Plan)

### PROJECT INFORMATION:

**Planning File Number:** PLN140858

**Property Owner:** LePlus, Frances and Brigitte; Hofmann, Lee and Rebecca

**Project Location:** 1 E. Carmel Valley Road, Ste. C, Carmel Valley

**APN:** 189-291-005-000

**Applicant:** LePlus, Frances and Brigitte; Hofmann, Lee and Rebecca on behalf of ABC License Applicant Carmel Valley Wine Tasting LLC

**Agent:** Anthony Lombardo & Associates

**Plan Area:** Carmel Valley Master Plan

**Flagged and Staked:** No

**CEQA Action:** Exempt per Section 15061(3) of the CEQA Guidelines

### RECOMMENDATION:

It is recommended that the Board of Supervisors:

Adopt a resolution finding that a Public Convenience or Necessity (PCN) will be served by the issuance of a Type 42 (On-Sale Beer and Wine for Public Premises) license by the Department of Alcoholic Beverage Control (ABC) to Carmel Valley Wine Tasting LLC, located at 1 E. Carmel Valley Road, Ste. C, Carmel Valley for sale of alcoholic beverages pursuant to California Business and Professions (B&P) Code Section 23958.4.

### SUMMARY:

Carmel Valley Wine Tasting LLC seeks to provide wine tasting as part of the existing uses at the subject property, located at the west end of White Oak Plaza at 1 East Carmel Valley Road, Suite C, Carmel Valley (**Attachment B**). White Oak Plaza has an existing Use Permit and General Development Plan (PLN070254/PLN980305) that allows alcohol-servicing establishments on the property. In order to allow wine tasting at the subject location, a Type 42 (On-Sale Beer and Wine for Public Premises) license is required by the Department of Alcoholic Beverage Control (ABC). Pursuant to B&P Code Section 23958.4 (Undue Concentration; Requirements for Issuance of License) the local governing body of the area in which the applicant premises are located must make a finding of Public Convenience or

Necessity (PCN) as the number of allowed licenses already exceeds the number allowed by ABC without this determination.

Due to the excess number of on-site alcohol licenses in the area, a determination of PCN by the Board of Supervisors is required for ABC licensing purposes. Staff recommends that the Board of Supervisors support the finding of a public convenience, as explained below in the Staff Recommendation Section. Carmel Valley Wine Tasting LLC seeks to add to the wine tasting experience in the Carmel Valley Village community which will help sustain their current business while providing a variety of wines not currently available in the area. Based on crime data reviewed by the County Sheriff's Office, a finding of PCN can be supported.

DISCUSSION:

ABC determines the adequate amount of alcohol licensing based on the population within a census tract. Each census tract is treated in isolation to surrounding census tracts. Carmel Valley Wine Tasting LLC seeks to provide wine tasting as part of the existing use of the subject property, located at the west end of White Oak Plaza at 1 East Carmel Valley Road, Suite C, Carmel Valley. White Oak Plaza is located within the Carmel Valley/Cachagua Census Tract (Census Tract No. 110) which covers Carmel Valley Road, beginning at Robinson Canyon Road and ends at Tassajara Road in Cachagua. Based on the size and population of the census tract area, nine (9) on-sale licenses are considered an adequate amount. According to the ABC Licensing data, Census Tract No. 110 currently has 19 on-sale licenses issued (**Attachment C**). Issuance of a license to Carmel Valley Wine Tasting LLC will exceed the amount of on-sale licensing considered adequate by ABC for the census tract area.

Type 42 License

Carmel Valley Wine Tasting LLC is requesting a finding of PCN to include with its application to the ABC for a Type 42 license to serve wines at an existing establishment (**Attachment B**). A Type 42 license authorizes the sale of beer and wine for consumption on or off the premises where sold. Distilled spirits, food services and minors are not allowed. The license will allow Carmel Valley Wine Tasting LLC to pour wines to patrons for consumption, as well as provide a retail service through the selling of wine for off-site consumption. The issuance of the Type 42 license will allow the existing establishment, Jan De Luz Antiques, which currently sells Jan De Luz products, such as antiques and olive oils, to also provide wine-tasting. The establishment proposes to provide wines not currently sold in the census tract area. The wine-tasting element will help sustain the existing retail business established at the subject property by providing additional foot traffic.

Based on the licensing data for on-sale licenses (**Attachment C**), the following has been issued in the subject census tract area:

- Type 40: On-sale Beer (Bar, Tavern)
- Type 41: On-sale Beer & Wine - Eating Place (Restaurant)
- Type 42: On-sale Beer & Wine - Public Premises (Bar, Tavern)
- Type 47: On-sale General - Eating Place (Restaurant)

On-sale licenses within the census tract area consist mostly of Type 41 and 47 licenses, totaling 17 licenses, which are in conjunction with restaurants and eateries in and near the Carmel Valley Village area. There is only one Type 40 license in conjunction with an art gallery, and only one active Type 42 license in conjunction with the Cachagua General Store. The Type 42

license requested will be the only one issued in the Carmel Valley Village area.

Environmental Health Bureau and Sheriff Review

The request for a finding of PCN was reviewed by the Monterey County Environmental Health Bureau (Bureau) and the Monterey County Sheriff's Office. A letter was received on January 26, 2015 from the Bureau stating that the Bureau does not oppose the issuance of a Type 42 license (**Attachment D**). Adequate information was provided to the Bureau to indicate that the issuance of an ABC License would not impact existing water and wastewater uses on the property. On December 18, 2014, a letter was received from William Kaye, Commander of the Monterey County Sheriff's Office - Central/Coastal Division stating that the Sheriff's Office does not have crime data that would justify denial of the Type 42 license requested by Carmel Valley Wine Tasting LLC (**Attachment E**).

Staff Recommendation

Staff supports the finding of PCN for the following reasons:

- 1) Based on crime data within the area, the Monterey County Sheriff's Office is not opposed to the issuance of a Type 42 license to Carmel Valley Wine Tasting LLC.
- 2) Based on review by the Environmental Health Bureau, the Bureau does not oppose the issuance of a Type 42 license.
- 3) Based on ABC licensing data for the Carmel Valley Village/Cachagua Census Tract No. 110, the majority of on-sale licensing in the area is attributed to restaurants and eateries. The Type 42 license requested will be the only one issued in the Carmel Valley Village area and will allow the establishment to provide an experience that is not currently licensed in the Village area.
- 4) ABC Approval of the Type 42 license will help sustain existing retail businesses found at the subject property by providing additional foot traffic and the serving of wines not currently sold in Census Tract No. 110.

OTHER AGENCY INVOLVEMENT:

The request for a finding of PCN was referred to the Sheriff's Office and Monterey County Environmental Health Bureau. Neither agency opposes the requested finding of PCN nor the granting of the Type 42 license (**Attachments D & E**) by the ABC.

FINANCING:

Funding for staff time associated with this project is included in the FY14-15 Adopted Budget for RMA Planning.

Prepared by: Dan Lister, Assistant Planner ext. 6617 *DL*  
Approved by: Mike Novo, Director, RMA-Planning, ext. 5192 *MN*  
Carl Holm, Acting Director, Resource Management Agency *CH*

This report was prepared with assistance and review by Luke Connolly, RMA Services Manager

The following attachments are on file with the Clerk of the Board:  
Attachment A Board Resolution;

Attachment B	Letter Requesting Finding of a Public Convenience or Necessity
Attachment C	California Alcohol Beverage Control (ABC) Licensing Data for all on-sale licenses in the Carmel Valley Village/Cachagua Census Tract No 110, including map of census tract area;
Attachment D	Letter from the Environmental Health Bureau;
Attachment E	Letter from the Monterey County Sheriff's Office;
Attachment F	Vicinity Map

cc: Front Counter Copy; Luke Connolly, RMA Services Manager; Shandell Clark of Anthony Lombardo and Associates, Project Representative; The Open Monterey Project; LandWatch; Donna Galletti, Monterey County Sheriff's Department; Janna Faulk, Environmental Health Bureau; Project File PLN140858