



Monterey County

Board Order

168 West Alisal Street,
1st Floor
Salinas, CA 93901
831.755.5066

Upon motion of Supervisor Potter, seconded by Supervisor Salinas, and carried by those members present, the Board of Supervisors hereby:

Public hearing continued from February 12, 2013 to February 26, 2013) to consider:

Adopted Resolution 13-057 finding that a Public Convenience or Necessity (PNC) will be served by the issuance of a Type 21 (Off-Sale General) and a Type 42 (On-Sale Beer and Wine - Public Premises) license by the Department of Alcoholic Beverage Control (ABC) to BevMo located within the Carmel Rancho Shopping Center at 26538 Carmel Rancho Boulevard, Carmel, for sale of alcoholic beverages, pursuant to California Business and Professions Code Section 23958.4.
(PLN120769/Bucquet (BevMo) Carmel Rancho Shopping Center, 26538 Carmel Rancho Boulevard, Carmel, Carmel Valley Master Plan)

PASSED AND ADOPTED on this 26th day of February 2013, by the following vote, to wit:

AYES: Supervisors Armenta, Calcagno, Salinas, Potter, and Parker

NOES: None

ABSENT: None

I, Gail T. Borkowski, 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 76 for the meeting on February 26, 2013.

Dated: March 6, 2013
File Number: 13-0182

Gail T. Borkowski, Clerk of the Board of Supervisors
County of Monterey, State of California

By *Denise Hancock*
Deputy

**Before the Board of Supervisors in and for the
County of Monterey, State of California**

RESOLUTION NO. 13-057)
 Adopt a resolution finding that a Public)
 Convenience or Necessity (PCN) will be served by)
 the issuance of a Type 21 (Off-Sale General) and a)
 Type 42 (On-Sale Beer and Wine – Public Premises))
 license by the Department of Alcoholic Beverage)
 Control (ABC) to BevMo located within the Carmel)
 Rancho Shopping Center at 26538 Carmel Rancho)
 Boulevard, Carmel, for sale of alcoholic beverages,)
 pursuant to California Business and Professions)
 Code Section 23958.4.....)
 (Public Convenience or Necessity)
 PLN120769/BevMo! (Bucquet), 26538 Carmel)
 Rancho Boulevard, Carmel, Carmel Valley Master)
 Plan))

WHEREAS, a finding of “Public Convenience or Necessity” (PCN) must be made by the appropriate local jurisdiction before the California Department of Alcoholic Beverage Control (ABC) may issue a Type 21 (Off-Sale General) and a Type 42 (On-Sale Beer and Wine - Public Premises) license for sale of alcoholic beverages pursuant to California Business and Professions Code Section 23958.4; and

WHEREAS, the applicant, Beverages and More, Inc. (BevMo!), a large retailer specializing in alcoholic and non-alcoholic beverage, seeks to lease retail space at the Carmel Rancho Shopping Center; and

WHEREAS, said business is located at 26538 Carmel Rancho Boulevard, Carmel, Assessor’s Parcel Number 015-000-000-000; and

WHEREAS, said business is located within the Carmel area census tract which is considered to have an “undue concentration” of licenses. The issuance of Type 21 (Off-Sale General) and Type 42 (On-Sale Beer and Wine - Public Premises) licenses will exceed the amount considered normal by the ABC for the population within the subject census tract.

WHEREAS, the finding for a PCN can be supported for the following reasons:

- 1) Based on crime data within the area, the Monterey County Sheriff’s Department is not opposed to the issuance of Type 21 and Type 42 licenses to BevMo.
- 2) Based on support letters received, BevMo provides products and services not found in the area. The business will provide added tax revenue and employment opportunities. BevMo’s application materials indicate the Company adheres to strict policies that prohibit loitering, the selling of products that cause loitering and a strict ID check.
- 3) BevMo will provide a public convenience to the Carmel Valley neighborhood and also the regional area considering the nearest BevMo is located in Salinas.
- 4) Based on ABC licensing data for the Carmel area census tract and the Monterey Peninsula regional area, existing licenses for on and off-sale alcoholic beverages are much different than what BevMo proposes. 90% of existing licensing in the area is for restaurants, wine tasting, and inns, but BevMo is best compared to super-markets and liquor stores.

5) BevMo is a unique type of retail establishment which is not currently available within the Monterey Peninsula regional area.

WHEREAS, in order to protect the public health and safety, the Board of Supervisors recommends the Department of Alcoholic Beverages Control impose 16 conditions, attached as **Exhibit A**.

NOW, THEREFORE, BE IT RESOLVED THAT, the Board of Supervisors does hereby:

Adopts Resolution No. 13-057 with conditions finding that a Public Convenience or Necessity (PCN) will be served by the issuance of a Type 21 (Off-Sale General) and a Type 42 (On-Sale Beer and Wine – Public Premises) license by the Department of Alcoholic Beverage Control (ABC) to BevMo located within the Carmel Rancho Shopping Center at 26538 Carmel Rancho Boulevard, Carmel, for sale of alcoholic beverages, pursuant California Business and Professions Code Section 23958.4.

PASSED AND ADOPTED upon motion of Supervisor Potter, seconded by Supervisor Salinas, and carried this 26th day of February 2013, by the following vote, to wit:

AYES: Supervisors Armenta, Calcagno, Salinas, Parker and Potter

NOES: None

ABSENT: None

I, Gail T. Borkowski, 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 76 for the meeting on February 26, 2013.

Dated: March 6, 2013
File Number: 13-0182

Gail T. Borkowski, Clerk of the Board of Supervisors
County of Monterey, State of California

By Denise Hancock
Deputy

EXHIBIT A
Beverages and More! (BevMo!) ABC Licensing Conditions

1. Loitering is prohibited on these premises or the area under the control of the licensee.
2. The licensee shall post and maintain a sign facing the premises' parking lot that measures at least two feet square, with two-inch block lettering stating: "No loitering. No littering. No drinking of alcoholic beverages. Violators are subject to arrest."
3. At each point of entry to the Off-Sale General Premises from the On-Sale Beer and Wine Public Premises, a prominent sign shall be posted, stating: "No open alcoholic beverage containers beyond this point."
4. At each point of the entry to the On-Sale Beer and Wine Public premises, a prominent sign shall be posted, stating: "No Minors Under 21 Permitted."
5. A sign at the entrance of the premises shall be posted, stating: "No Minors Under 21 Permitted Without an Adult."
6. Any graffiti painted or marked upon the premises or on any adjacent area under the control of the licensee shall be removed or painted over within 72 hours of notice of occurrence.
7. Sales, service and consumption of alcoholic beverages shall be permitted only between the hours of 9Am and 10PM each day of the week.
8. No Beverages & More, Inc. employees shall be under the age of 21.
9. No outdoor tables or chairs or any other form of patron seating shall be provided on any outdoor patio or sidewalk under the control of licensee. No service or sales of alcohol shall be permitted in any outdoor patio or sidewalk location under the control of licensee.
10. No displays of alcoholic beverages are permitted within five feet of the entrance to the store.
11. No coin-operated game machines, pool tables, or similar game equipment shall be allowed on the premises. No pay phone will be maintained on the exterior or interior of the premises under the control of licensee.
12. No cigarettes, chewing tobacco, lottery tickets, nor pornographic material shall be sold.
13. All types of alcoholic beverages may be sold, provided that (1) all fortified and specialty wines (defined as wine with 20% or greater alcohol content) shall be sold in cork-finished bottles unless they are sold from a display case kept and accessible only by licensee and its employees; and (2) no distilled spirits products shall be sold in containers greater than .50 milliliters and equal to or less than .375 milliliters unless they are sold from a display case kept locked and accessible only by licensee and its employees.
14. All beverages & More, Inc. employees hired to work on the premises shall receive training on prevention of sales to minors and to intoxicated persons.
15. Sales of refrigerated separate alcoholic containers for individual consumption, excluding wine and spirits, unless packaged for sale as such by manufacturer, are prohibited.
16. Tasting events shall be limited to Fridays and Saturdays and an additional number of tastings, not to exceed 52 per year.