

Attachment B

This page intentionally left blank.

ANTHONY LOMBARDO & ASSOCIATES

A PROFESSIONAL CORPORATION

ANTHONY L. LOMBARDO
KELLY MCCARTHY SUTHERLAND
DEBRA GEMGNANI TIPTON

450 LINCOLN AVENUE, SUITE 101
SALINAS, CA 93901
(831) 751-2330
FAX (831) 751-2331

November 19, 2014

Daniel Lister
Assistant Planner
168 W. Alisal Street, Second Floor
Salinas, CA 93901

File No. 04819.000

Re: PLN140858 / Tasting Room

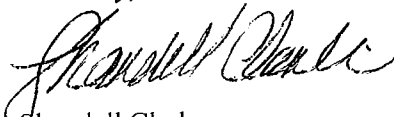
Dear Dan:

This correspondence is respectfully submitted to request the issuance of a Public Convenience and Necessity (PCN) letter from Monterey County. Issuance of the PCN will allow my client to open and operate a small tasting room in the area of Carmel Valley known as White Oaks Plaza.

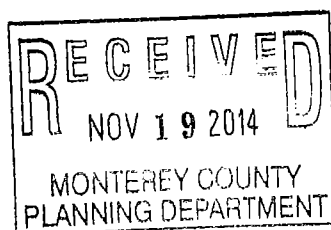
The tasting room in question will be located in an existing building, and will offer several varieties of fine wines for customers to taste and purchase. Due to its location, the tasting room will be able to cater to locals and tourists, and will hopefully become a preferred destination throughout the Valley and beyond. While providing a service to the local and travelling populations, the tasting room will also provide an additional economic boost to the County by introducing a new source of sales tax revenue.

Thank you for your consideration. Should you have any questions or concerns, I can be reached at (831) 751-2330.

Sincerely,



Shandell Clark
Associate Land Use Specialist



INFORMATION AND INSTRUCTIONS -

SECTION 23958.4 B&P

- Instructions This form is to be used for all applications for original issuance or premises to premises transfer of licenses.
- Part 1 is to be completed by an ABC employee, given to applicant with pre-application package, with copy retained in holding file or applicant's district file.
 - Part 2 is to be completed by the applicant, and returned to ABC.
 - Part 3 is to be completed by the local governing body or its designated subordinate officer or body, and returned to ABC.

PART 1 - TO BE COMPLETED BY ABC

1 APPLICANT'S NAME

Carmel Valley Wine Tasting LLC

2 PREMISES ADDRESS (Street number and name, city, zip code)

1 E Carmel Valley Rd., Ste C, Carmel Valley, CA 93924-9703

3 LICENSE TYPE

42

4 TYPE OF BUSINESS

- | | | | |
|------------------------------|-------------------|-------------------------------|-----------------------|
| Full Service Restaurant | Hofbrau/Cafeteria | Cocktail Lounge | Private Club |
| Deli or Specialty Restaurant | Comedy Club | Night Club | Veterans Club |
| Cafe/Coffee Shop | Brew Pub | Tavern: Beer | Fraternal Club |
| Bed & Breakfast: | Theater | Tavern: Beer & Wine | X Wine Tasting Room |
| Wine only All | | | |
| Supermarket | Membership Store | Service Station | Swap Meet/Flea Market |
| Liquor Store | Department Store | Convenience Market | Drive-in Dairy |
| Drug/Variety Store | Florist/Gift Shop | Convenience Market w/Gasoline | |

Other - describe:

5. COUNTY POPULATION

419,038

6. TOTAL NUMBER OF LICENSES IN COUNTY

673

X On-Sale

Off-Sale

7. RATIO OF LICENSES TO POPULATION IN COUNTY

1:596'

X On-Sale

Off-Sale

8. CENSUS TRACT NUMBER

0110.'

9. NO. OF LICENSES ALLOWED IN CENSUS TRACT

9

X On-Sale

Off-Sale

10. NO. OF LICENSES EXISTING IN CENSUS TRACT

19

X On-Sale

Off-Sale

IS THE ABOVE CENSUS TRACT OVERCONCENTRATED WITH LICENSES? (i.e., does the ratio of licenses to population in the census tract exceed the ratio of licenses to population for the entire county?)

X Yes, the number of existing licenses exceeds the number allowed

No, the number of existing licenses is lower than the number allowed

12. DOES LAW ENFORCEMENT AGENCY MAINTAIN CRIME STATISTICS?

Yes (Go to Item #13)

X No (Go to Item #20)

13. CRIME REPORTING DISTRICT NUMBER

14. TOTAL NUMBER OF REPORTING DISTRICTS

15. TOTAL NUMBER OF OFFENSES IN ALL REPORTING DISTRICTS

16. AVERAGE NO. OF OFFENSES PER DISTRICT

17. 120% OF AVERAGE NUMBER OF OFFENSES

18. TOTAL NUMBER OF OFFENSES IN REPORTING DISTRICT

19. IS THE PREMISES LOCATED IN A HIGH CRIME REPORTING DISTRICT? (i.e., has a 20% greater number of reported crimes than the average number of reported crimes as determined from all crime reporting districts within the jurisdiction of the local law enforcement agency)

Yes, the total number of offenses in the reporting district equals or exceeds the total number in item #17

No, the total number of offenses in the reporting district is lower than the total number in item #17

20. CHECK THE BOX THAT APPLIES (check only one box)

a. If "No" is checked in both item #11 and item #19, Section 23958.4 B&P does not apply to this application, and no additional information will be needed on this issue. Advise the applicant to bring this completed form to ABC when filing the application.

b. If "Yes" is checked in either item #11 or item #19, and the applicant is applying for a non-retail license, a retail bona fide public eating place license, a retail license issued for a hotel, motel or other lodging establishment as defined in Section 25503.16(b) B&P, or a retail license issued in conjunction with a beer manufacturer's license, or winegrower's license, advise the applicant to complete Section 2 and bring the completed form to ABC when filing the application or as soon as possible thereafter.

X c. If "Yes" is checked in either item #11 or item #19, and the applicant is applying for an off-sale beer and wine license, an off-sale general license, an on-sale beer license, an on-sale beer and wine (public premises) license, or an on-sale general (public premises) license, advise the applicant to take this form to the local governing body, or its designated subordinate officer or body to have them complete Section 3. The completed form will need to be provided to ABC in order to process the application.

Governing Body/Designated Subordinate Name:

OR DEPARTMENT USE ONLY

REPAIRED BY (Name of Department Employee)

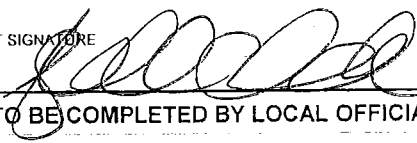
V. Moore (ABC)

PART 2 - TO BE COMPLETED BY THE APPLICANT (If box #20b is checked)

21. Based on the information on the reverse, the Department may approve your application if you can show that public convenience or necessity would be served by the issuance of the license. Please describe below the reasons why issuance of another license is justified in

- Respond to customer inquiry and demand
- Highlight the growing regional industry
- Provide a unique experience for visitors and locals
- No substantial change in operation

22. APPLICANT SIGNATURE



23. DATE SIGNED

01/09/15

PART 3 - TO BE COMPLETED BY LOCAL OFFICIALS (If box #20c is checked)

The applicant named on the reverse is applying for a license to sell alcoholic beverages at a premises where undue concentration exists (i.e., an over-concentration of licenses and/or a higher than average crime rate as defined in Section 23958.4 of the Business and Professions Code). Sections 23958 and 23958.4 of the Business and Professions Code requires the Department to deny the application unless 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. Please complete items #24 to #30 below and certify or affix an official seal, or attach a copy of the Council or Board resolution or a signed letter on official letterhead stating whether or not the issuance of the applied for license would serve as a public convenience or necessity.

24. WILL PUBLIC CONVENIENCE OR NECESSITY BE SERVED BY ISSUANCE OF THIS ALCOHOLIC BEVERAGE LICENSE?

Yes

No

See Attached (i.e., letter, resolution, etc.)

25. ADDITIONAL COMMENTS, IF DESIRED (may include reasons for approval or denial of public convenience or necessity)

26. CITY/COUNTY OFFICIAL NAME

27. CITY/COUNTY OFFICIAL TITLE

28. CITY/COUNTY OFFICIAL PHONE NUMBER

29. CITY/COUNTY OFFICIAL SIGNATURE

30. DATE SIGNED

Department of Alcoholic Beverage Control
ZONING AFFIDAVIT

State of California
 ARNOLD SCHWARZENEGGER Governor

Instructions to the Applicant: Complete Items 1 - 14. Sign and date the form and submit it to ABC.

1 APPLICANT(S) NAME (Last, first, middle) Carmel Valley Wine Tasting LLC		
2 PREMISES ADDRESS (Street number and name city zip code) 1 East Carmel Valley Road, Carmel Valley, CA 93924		3 PARCEL NUMBER OF PROPERTY (Obtain from County Assessor's Office) 189-291-005-000
4 TYPE OF LICENSE APPLIED FOR -A2	5 UPGRADE OF LICENSED PRIVILEGES <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	6 CURRENT LICENSE TYPE AT THIS LOCATION IF ANY NONE
7 TYPE OF BUSINESS (i.e. restaurant, mini-mart, gas station, etc.) Retail Wine Tasting and Wine Sales		8 ARE THE PREMISES INSIDE THE CITY LIMITS? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

For answers to Questions 9 - 14, contact your local city OR county planning department (if inside the city limits, contact city planning; if outside, contact county planning).

9 HOW ARE APPLICANT PREMISES ZONED? STATE TYPE (i.e. "C" commercial, "R" residential, etc.) LC-HR-D-S		
10 DOES ZONING PERMIT INTENDED USE? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	11 IS A CONDITIONAL USE PERMIT (C.U.P.) NEEDED? (If yes, please attach copy of receipt or C.U.P.) <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	12 IF YES, DATE YOU FILED APPLICATION FOR C.U.P.
13 NAME OF PLANNER CONTACTED AT PLANNING DEPARTMENT Dan Lister		14 PLANNER'S PHONE NUMBER (831) 759-6617

Under the penalty of perjury, I declare the information in this affidavit is true to the best of my knowledge.

15 APPLICANT'S SIGNATURE (One signature with address) 	16 DATE SIGNED 1/05/2015
--	-----------------------------

FOR DEPARTMENT USE ONLY

<input checked="" type="checkbox"/> C.U.P. Approved	IF APPROVED, EFFECTIVE DATE	FILE NUMBER
<input type="checkbox"/> C.U.P. Denied	DATE DENIED	

GENERAL INFORMATION

*Section 23790 of the Business and Professions Code says that ABC may not issue a retail license contrary to a valid zoning ordinance. This form will help us determine whether your proposed business is properly zoned for alcoholic beverage sales.

•A conditional use permit (CUP) (Item 11) is a special zoning permit granted after an individual review of proposed land-use has been made. CUP's are used in situations where the proposed use may create hardships or hazards to neighbors and other community members who are likely to be affected by the proposed use. The ABC district office will not make a final recommendation on your license application until after the local CUP review process has been completed. If the local government denies the CUP, ABC must deny your license application.

23790. Zoning ordinances. No retail license shall be issued for any premises which are located in any territory where the exercise of the rights and privileges conferred by the license is contrary to a valid zoning ordinance of any

Premises which had been used in the exercise of those rights and privileges at a time prior to the effective date of the zoning ordinance may continue operation under the following conditions:

(a) The premises retain the same type of retail liquor license within a license classification.

(b) The licensed premises are operated continuously without substantial change in mode or character of operation.

For purposes of this subdivision, a break in continuous operation does not include:

(1) A closure for not more than 30 days for purposes of repair, if that repair does not change the nature of the licensed premises and does not increase the square footage of the business used for the sale of alcoholic beverages.

(2) The closure for restoration of premises rendered totally or partially inaccessible by an act of God or a toxic accident, if the restoration does not increase the square footage of the business used for the sale of alcoholic beverages.