

**ATTACHMENT E**  
Letter Requesting a Public Convenience or  
Necessity Determination



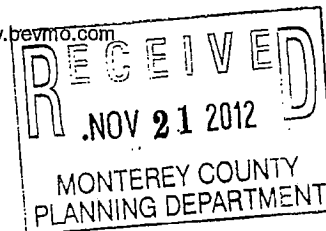
# BevMo!

PLN120769

1401 Willow Pass Rd, Suite 900 • Concord, California 94520 • T 925.609.6074 • F 925.798.7150 • www.bevmo.com

November 19, 2012

County of Monterey Planning Department  
168 W. Alisal St.  
Salinas, CA 93901



Re: **Beverages and More, Inc. (BevMo!) - Request for Letter of Public Convenience or Necessity**  
S/NIC CARMEL RANCHO BLVD & CARMEL VALLEY RD  
CARMEL, CA

To Whom it May Concern:

The above referenced location of our proposed store is in a census tract in which an additional on-sale ~~off-sale~~ liquor license will result in an overconcentration of licenses. I am writing to request a letter of public convenience or necessity as required by the California Department of Alcoholic Beverage Control. This letter is intended to provide information related to our company and store policies, which substantiates our belief that this store would support public convenience or necessity.

### About BevMo!

BevMo! is the largest specialty retailer of wine in California. BevMo! was named "Retailer of the Year" in 2006 by Wine Enthusiast, and in 2009 the company was awarded the Market Watch Leader Award for management. BevMo! offers a convenient and unique store for local residents to browse an extensive inventory of wine, spirits, beer, gourmet food, and related items such as glassware and other wine accessories, which are not easily found elsewhere. BevMo! offers over 3,000 wines (1,000 from California, with each store focusing on local wines), 1,200 specialty spirits, 600 beers (including many "craft" beers), and over 2,000 "& More" products. The store will provide the residents with a convenient new place to shop in a well-lit and maintained facility.

### Responsible Contributing Member of the Community

The store will have a positive influence on the local economy by providing jobs and retail tax revenue to the County, as well as competitive pricing to the consumer.

BevMo! will employ approximately 15-20 local residents, with the possibility of additional help hired during the holidays.

We are committed to the responsible marketing of alcoholic beverage products, which is demonstrated by:

- 1) Our hours of operation being limited to: 9 a.m. – 10 p.m. Sunday through Saturday.
- 2) Our company policy prohibiting the sale of cigarettes and products of abuse (such as 40 oz. of malt liquor, low-priced, screw-top fortified wines and pints or half-pints of spirits).

# BevMo!

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3) Our company policy prohibits the use of video or pinball games, sales of pornographic videos and magazines, pay telephones, lottery tickets, newspaper stands and other items that would encourage loitering or minors patronizing the store (unlike some convenience stores).

4) Our company posts and maintains a professional quality sign stating "No Loitering", "No public drinking of alcoholic beverages", and "Stop you must be 21 to enter unless accompanied by an adult."

5) We utilize strict ID policies, including extensive training programs and a policy requiring all of our cashiers to check the ID of any customers purchasing alcoholic beverages who appear to be under the age of 50.

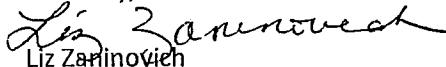
## California Alcoholic Beverage Control Licenses Required

In addition to a license Type 21 for the off-premises sale of alcoholic beverages, BevMo! requires a license type 42 (On-Sale Beer and Wine, Public Premises) for educational beer and wine tastings. Beer and wine tastings will be offered on the premises Sunday through Saturday and during our Grand Opening. The size of the tasting area will be approximately 10' by 25', and we do not provide seating in the area. All samples must take place within the boundaries of the tasting area. A sign is posted stating that no one under 21 is allowed in the tasting area. Customers are also not allowed to bring in spirits or shopping carts of any kind into the area. Service in the area is by winemakers, vendor representatives, and trained store staff. Samples are approximately 1 oz in size, served in glass or disposable plastic tasting cups, and a nominal fee is charged for each sample as required by the ABC.

Permitting the sale of alcoholic beverages and offering tastings at this location will provide residents with a convenient, well-maintained facility with reasonable prices that will have a positive impact on the local economy and community. Given the information provided, we respectfully request a determination of public convenience or necessity.

If you have any questions, please feel free to contact me at (925)609-6153.

Sincerely,



Liz Zaninovich

BevMo!

Licensing/Permit Entitlement Specialist

[zaninoviche@bevmo.com](mailto:zaninoviche@bevmo.com)

(925)609-6153

**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

Beverage & More Inc

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

SWC Carmel Rancho Blvd & Carmel Valley Rd Carmel, CA 93923

3. LICENSE TYPE

21

4. TYPE OF BUSINESS

- |   |  |  |   |
|---|--|--|---|
| <input type="checkbox"/> Full Service Restaurant                | <input type="checkbox"/> Hofbrau/Cafeteria | <input type="checkbox"/> Cocktail Lounge     | <input type="checkbox"/> Private Club                 |
| <input type="checkbox"/> Deli or Specialty Restaurant           | <input type="checkbox"/> Comedy Club       | <input type="checkbox"/> Night Club          | <input type="checkbox"/> Veterans Club                |
| <input type="checkbox"/> Cafe/Coffee Shop                       | <input type="checkbox"/> Brew Pub          | <input type="checkbox"/> Tavern: Beer        | <input type="checkbox"/> Fraternal Club               |
| <input type="checkbox"/> Bed & Breakfast:                       | <input type="checkbox"/> Theater           | <input type="checkbox"/> Tavern: Beer & Wine | <input checked="" type="checkbox"/> Wine Tasting Room |
| <input type="checkbox"/> Wine only <input type="checkbox"/> All |  |  |   |

- |  |  |  |  |
|--|--|--|--|
| <input type="checkbox"/> Supermarket             | <input type="checkbox"/> Membership Store  | <input type="checkbox"/> Service Station               | <input type="checkbox"/> Swap Meet/Flea Market |
| <input checked="" type="checkbox"/> Liquor Store | <input type="checkbox"/> Department Store  | <input type="checkbox"/> Convenience Market            | <input type="checkbox"/> Drive-in Dairy        |
| <input type="checkbox"/> Drug/Variety Store      | <input type="checkbox"/> Florist/Gift Shop | <input type="checkbox"/> Convenience Market w/Gasoline |  |
| <input type="checkbox"/> Other - describe:       |  |  |  |

5. COUNTY POPULATION

419,038

6. TOTAL NUMBER OF LICENSES IN COUNTY

432

On-Sale     Off-Sale

7. RATIO OF LICENSES TO POPULATION IN COUNTY

R:969

On-Sale     Off-Sale

8. CENSUS TRACT NUMBER

0116.02'

9. NO. OF LICENSES ALLOWED IN CENSUS TRACT

5

On-Sale     Off-Sale

10. NO. OF LICENSES EXISTING IN CENSUS TRACT

5

On-Sale     Off-Sale

11. 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?)

- 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)     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.
- 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:

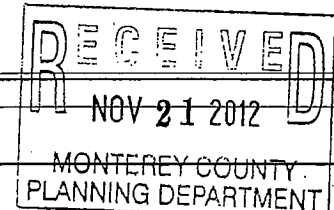
Planning Dept.

FOR DEPARTMENT USE ONLY

PREPARED BY (Name of Department Employee)

Carmen Gonzalez (ABC)

ABC-245 (12/03)



PART 2 - TO BE COMPLETED BY THE APPLICANT

ANT (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

see ATTACHED

22. APPLICANT SIGNATURE

*Clyde A. [Signature]*

23. DATE SIGNED

11/21/12

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

**INFORMATION AND INSTRUCTIONS -**

**SECTION 23958.4 B&P**

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- 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

Beverage & More Inc

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

SWC Carmel Rancho Blvd & Carmel Valley Rd Carmel, CA 93923

3. LICENSE TYPE

42

4. TYPE OF BUSINESS

- |   |  |  |   |
|---|--|--|---|
| <input type="checkbox"/> Full Service Restaurant                | <input type="checkbox"/> Hofbrau/Cafeteria | <input type="checkbox"/> Cocktail Lounge     | <input type="checkbox"/> Private Club                 |
| <input type="checkbox"/> Deli or Specialty Restaurant           | <input type="checkbox"/> Comedy Club       | <input type="checkbox"/> Night Club          | <input type="checkbox"/> Veterans Club                |
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| <input type="checkbox"/> Bed & Breakfast:                       | <input type="checkbox"/> Theater           | <input type="checkbox"/> Tavern: Beer & Wine | <input checked="" type="checkbox"/> Wine Tasting Room |
| <input type="checkbox"/> Wine only <input type="checkbox"/> All |  |  |   |

- |  |  |  |  |
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| <input checked="" type="checkbox"/> Liquor Store | <input type="checkbox"/> Department Store  | <input type="checkbox"/> Convenience Market            | <input type="checkbox"/> Drive-in Dairy        |
| <input type="checkbox"/> Drug/Variety Store      | <input type="checkbox"/> Florist/Gift Shop | <input type="checkbox"/> Convenience Market w/Gasoline |  |
| <input type="checkbox"/> Other - describe:       |  |  |  |

5. COUNTY POPULATION

419,038

6. TOTAL NUMBER OF LICENSES IN COUNTY

673

On-Sale     Off-Sale

7. RATIO OF LICENSES TO POPULATION IN COUNTY

R:596

On-Sale     Off-Sale

8. CENSUS TRACT NUMBER

0116.02'

9. NO. OF LICENSES ALLOWED IN CENSUS TRACT

8

On-Sale     Off-Sale

10. NO. OF LICENSES EXISTING IN CENSUS TRACT

18

On-Sale     Off-Sale

11. 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?)

- Yes, the number of existing licenses exceeds the number allowed
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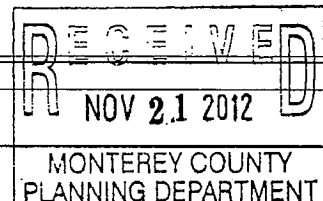
Planning Dept.

FOR DEPARTMENT USE ONLY

PREPARED BY (Name of Department Employee)

Carmen Gonzalez (ABC)

ABC-245 (12/03)



PART 2 - TO BE COMPLETED BY THE APPLICANT

ANT (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

see ATTACHED

22. APPLICANT SIGNATURE

*[Handwritten Signature]*

23. DATE SIGNED

11/21/13

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



*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) <b>Beverages &amp; More, Inc.</b>		
2. PREMISES ADDRESS (Street number and name, city, zip code) <b>S/W/C Carmel Rancho Blvd and Carmel Valley Rd., Carmel, CA 93923</b>		3. PARCEL NUMBER OF PROPERTY (Obtain from County Assessor's Office) <b>015-012-020-000</b>
4. TYPE OF LICENSE APPLIED FOR <b>21 and 42</b>	5. UPGRADE OF LICENSED PRIVILEGES <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	6. CURRENT LICENSE TYPE AT THIS LOCATION, IF ANY <b>None</b>
7. TYPE OF BUSINESS (i.e., restaurant, mini-mart, gas station, etc.) <b>Specialty Beverage Retail</b>		8. ARE THE PREMISES INSIDE THE CITY LIMITS? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<p><i>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.</i></p>		
9. HOW ARE APPLICANT PREMISES ZONED? STATE TYPE (i.e., "C" commercial, "R" residential, etc.) <b>LC-D-S (Light Commercial)</b>		
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 for C.U.P.) <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	12. IF YES, DATE YOU FILED APPLICATION FOR C.U.P. <b>N/A</b>
13. NAME OF PLANNER CONTACTED AT PLANNING DEPARTMENT <b>Joseph Sidor</b>		14. PLANNER'S PHONE NUMBER <b>(831) 755-5262</b>
<p>Under the penalty of perjury, I declare the information in this affidavit is true to the best of my knowledge.</p>		
15. APPLICANT'S SIGNATURE (One signature will suffice) <i>Denise M. Kolar</i>		16. DATE SIGNED <b>11/19/12</b>

**FOR DEPARTMENT USE ONLY**

<input 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 county or city.

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.

