

# Attachment A

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## **DRAFT RESOLUTION**

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

In the matter of the application of:

**DON CHAPIN COMPANY LLC (PLN090138-ADM1)**

#### **RESOLUTION NO. 24 -**

Resolution by the Monterey County Board of  
Supervisors:

- a. Finding that the determination of a Public Convenience or Necessity, allowing issuance of a license for the sale of beer and wine within an existing market, is a negligible expansion of the existing market that therefore qualifies for a categorical exemption pursuant to CEQA Guidelines section; and
- b. Finding Public Convenience or Necessity would be served by allowing the “Windmill Market” to obtain of a Type 20 license, for the sale of beer and wine for off-site consumption, pursuant to California Business and Professional Code section 23817.7.

[PLN090138-AMD1, 115 Monterey Salinas  
Highway, Salinas, Greater Salinas Area Plan  
(Assessor’s Parcel Number: 207-131-004-000)]

**The request for a Public Convenience or Necessity (PCN) finding for the off-sale of beer and wine at the Windmill Market (PLN090138-AMD1) came on for a public hearing before the Monterey County Board of Supervisors on December 5, 2023. Having considered all the written and documentary evidence, the administrative record, the staff report, oral testimony, and other evidence presented, the Board of Supervisors finds and decides as follows:**

#### **RECITALS**

**WHEREAS**, Renee Murillo (Applicant), on behalf of the “Windmill Market” located at 115 Monterey Salinas Highway, Salinas, California, has requested that the County of Monterey determine that a Public Convenience or Necessity (PCN) would be served by the on-sale of specialty beer and wine at the Business. The Windmill Market, opened in 2021, primarily sells fresh fruits, produce and a variety of “gourmet” grocery items including non-alcoholic beverages, dairy provides, breads, and specialty foods. The Windmill Market is seeking to expand their selection of products and sell gourmet beer and wine; and

**WHEREAS**, the PCN is needed for the Windmill Market to obtain a license to sell beer and wine for consumption off-site (Type 20 license) from the California Department of Alcohol and Beverage Control (ABC) pursuant to of the California Business and Professions Code section 23817.7 because the County of Monterey has established a moratorium on the issuance of new (original) off-sale beer and wine licenses; and

**WHEREAS**, said subject property is located within Census Tract 106.06, within the unincorporated area of Monterey County, near the City of Salinas. This census tract covers unincorporated areas west, south, and east of the City of Salinas, as well as Spreckels. According to the United States Census Bureau and ABC, the County has a population of 439,035 and 411 off-sale licenses (Ratio of 1 license per 1,041 individuals). Based on the population of the census area, Census Tract No. 106.06 would be allowed up to 7 off-sale licenses without the area having an “undue concentration” of licenses. Tract No. 106.06 currently has 3 on-sale licenses, located near north and south Salinas, and in Spreckels. Issuance of a Type 20 license for the Windmill Market would represent the 4th off-sale license in the census tract.

**WHEREAS**, due to the County’s moratorium of Type 20 licenses, the local governing body (in this case, the County), must find that a PCN would be served by the proposed sale of beer and wine before ABC will issue a Type 20 license; and

**WHEREAS**, according to the Monterey County Health Department (MCHD), high alcohol outlet density, defined as a high concentration of retail alcohol outlets in a small area, is known to be an environmental risk factor for excessive drinking. Excessive drinking has been shown to have health and safety risks. Although the MCHD recognizes that the property is not located in an over concentrated area, approval of one more off-sale alcohol outlet would increase the density and thus contribute to excessive drinking, intoxicated driving, and related health effects. The Board of Supervisors has considered the recommendation of MCHD in making their recommendation; and

**WHEREAS**, on-site sale of beer and wine for off-site consumption will provide a convenience for residents, tourists, and local business, and serve the needs of the Windmill Markey, for the following reasons:

- 1) The Windmill Market proposes to support local businesses by featuring a menu of local beers and wines and partnering with local food vendors throughout the Salinas Valley.
- 2) The subject property is located near the entrance of the City of Salinas. Although the census area has a relatively small population, the Salinas Valley area attracts regional (Monterey Peninsula Area), national, and international visitors. Therefore, the ABC’s issuance of this Type 20 License would serve a larger population that includes visitors in addition to residents in the area.
- 3) The Windmill Market proposes to sell gourmet beers and wines, which is unique to the subject census tract. Therefore, the ABC’s issuance of this Type 20 License would increase the variety of beer and wine products sold through the area.
- 4) Tract No. 106.06 is in a low crime rate area and the issuance of this alcohol license is supported by Monterey County Sheriff’s Office.
- 5) The Windmill Market believes that the sale of beer and wine will enhance their customer experience and diversify the type of goods and commodities offered to the public; and

**WHEREAS**, 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 market involves negligible expansion of the existing use and therefore qualifies for a categorical exemption pursuant to CEQA Guidelines section 15301.

**DECISION**

**NOW, THEREFORE BE IT RESOLVED**, based on the above recitals, and the administrative record as a whole, that the Board of Supervisors does hereby:

- a) Find that the determination of a Public Convenience or Necessity, allowing issuance of a license for the sale of beer and wine within an existing market, is a negligible expansion of the existing market that therefore qualifies for a categorical exemption pursuant to CEQA Guidelines section; and
- b) Find that a Public Convenience or Necessity would be served by allowing the “Windmill Market” to obtain of a Type 20 license, for the sale of beer and wine for off-site consumption, pursuant to California Business and Professional Code section 23817.7.

**PASSED AND ADOPTED** upon motion of Supervisor \_\_\_\_\_, seconded by Supervisor \_\_\_\_\_, and carried this 5<sup>th</sup> day of December 2023, by the following vote to wit:

AYES:  
NOES:  
ABSENT:  
ABSTAIN:

I, Valerie Ralph, 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 Minute Book \_\_\_\_\_ for the meeting on December 5, 2023.

Date:  
File Number:

Valerie Ralph, Clerk of the Board of Supervisors  
County of Monterey, State of California

By \_\_\_\_\_  
Deputy

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