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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:

**CARMEL VALLEY PARTNERS dba “The Annex”, (PLN190048)
237 Crossroads Boulevard, Carmel Valley**

RESOLUTION NO. 18 -

Resolution by the Monterey County Board of
Supervisors to:

- a. Finding the project is the approval of a business license which qualifies as a Statutory Exemption pursuant to California Environmental Quality Act (CEQA) Guidelines Section 15268)(b)(2); and
- b. Finding that a Public Convenience or Necessity (PCN) would be served by the issuance of a Type 42 On-Sale Beer and Wine License for Public Premises by the Department of Alcoholic Beverage Control to Ashleigh Elizabeth Hutchison dba “The Annex” at 237 Crossroads Boulevard, Carmel, California 93923 pursuant to California Business and Professions Code Section 23958.4

(Public Convenience or Necessity PLN190048/“The Annex”, 237 Crossroads Boulevard, Carmel Valley, APN:009-562-030-000)

The request for a finding that a Public Convenience or Necessity (PCN) would be served by the issuance of a Type 42 (On-Sale Beer and Wine License for Public Premises by the State of California Department of Alcoholic Beverage Control (ABC) of Ashleigh Elizabeth Hutchison (The Annex, PLN190048) came on for a public hearing before the Monterey County Board of Supervisors on April 30, 2019. 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, the local governing body of the area in which the applicant premises are located must find that a public convenience or necessity would be served by the issuance of a Type 42 license before the California Department of Alcoholic Beverage Control (ABC) may issue a Type 42 (On-Sale Beer and Wine for Public Premises) license for sale of alcoholic beverages pursuant to California Business and Professions Code Section 23958.4. A Type 42 license authorizes the sale of beer and wine for consumption on the premises and the sale of packaged beer and wine for off-site consumption unless the public jurisdiction finds that off-site (off-sale) sales would be a detriment to the jurisdiction; and

WHEREAS, the applicant and business owner, Ashleigh Elizabeth Hutchison (hereafter, "The Annex") has requested a finding of PCN on behalf of the ABC License Applicant The Annex, which seeks to provide for the sale of beer and wine for on-site consumption (and off-site consumption) at the subject property, located at the west end of Carmel Valley at 237 The Crossroads, Carmel. The issuance of the Type 42 license to The Annex by the ABC will allow The Annex to sell packaged beer and wine from an existing commercial building within an existing regional shopping center for on-site and off-site consumption. The beer and wine sale element will complement and add diversity to the existing merchant mix at The Crossroads Shopping Center and also help sustain the existing retail businesses established at the subject property by providing additional foot traffic; and

WHEREAS, said business is located within an existing tenant space located within an existing retail shopping center containing a variety of retail merchants and services for public convenience, located at 237 The Crossroads, Carmel, California, Assessor's Parcel Number 009-562-030-000; and

WHEREAS, said business is located within the Carmel Valley Census Tract (Tract. No. 116.04) an irregular shaped census tract which covers portions of the Carmel Valley, south of Carmel Valley Road and extending west to include Point Lobos State Park, into the Carmel Highlands, and the western edge of Carmel Valley Village. Based on the population of the subject census tract, ABC regulations determined that three (3) On-Sale licenses are adequate to meet the public's needs; and

WHEREAS, the finding that a public convenience or necessity would be served by the issuance of a Type 42 license by the ABC can be supported for the following reasons:

- 1) Providing unique small label wines which are produced by "micro" vintners, produced in limited cases, featuring wines that are not readily available from the "big box" retailers in the area.
- 2) ABC approval of the Type 42 license will help establish a new, locally owned specialty retail businesses catering to local tastes. This new merchant has the potential to attract additional foot traffic to the Carmel area and the surrounding Crossroads Carmel Shopping Center, supporting other locally owned commercial tenants in the shopping center as well.
- 3) The Annex considers themselves as an advocate for the small label wine producer. The enterprise would focus on the small or "micro" vintner that produces small batches of wine, giving these producers a stage to present their wines to the public. Additionally, many of the featured wines would be produced locally by local vintners. The Annex would also include "micro" wines from other parts of the world, giving the local consumer a global wine consumption experience.
- 4) Approval of this request would bring the number of Type 42 licenses to two (2) within the subject Census tract, with a total of 13 On-Sale beer and wine licenses located in Census Tract 116.04. Based on ABC licensing data for the Carmel Valley census tract, the majority of On-Sale licensing in the area is attributed to restaurants, with other licenses attributed to an inn, an athletic club, and a golf course. ABC approval of The Annex's Type 42 license request will allow a new, locally owned enterprise to enhance

wine consumers' experience by offering limited production wines produced by small label producers to the public.

- 5) This business is located within an LC-D-S-RAZ (Light Commercial) zoning district, within a census tract which serves both the residents of and visitors to Carmel Valley; and, therefore, potentially more sales could occur, generating additional tax revenues for Monterey County. Furthermore, The Annex has the potential to serve customers from adjacent under-served census tract areas along Palo Colorado, and the greater Big Sur area.
- 6) Although Census Tract 116.04 has a limited population, the Carmel Valley commercial area attracts regional (Monterey Peninsula Area), national, and international visitors; therefore, the ABC's issuance of this Type 42 license would serve a potentially much larger population that includes residents of and visitors to the census tract, and the sale of carry-out wines would likely be consumed in an alternate census tract.
- 7) The Monterey County Sheriff's Office does not oppose the issuance of a Type 42 On-Sale Beer and Wine for Public Premises License for this business.

DECISION

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

- a. A Public Convenience or Necessity (PCN) would 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 to Ashleigh Elizabeth Hutchison ("The Annex") at 237 The Crossroads, Carmel, California 93923, for the sale of beer, wine, and spirits for on-site and off-site consumption, pursuant to California Business and Professions Code Section 23958.4.

PASSED AND ADOPTED upon motion of Supervisor _____, seconded by Supervisor _____, and carried this 30th day of April 2019, 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 April 30, 2019.

Date:
File Number:

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

By _____
Deputy

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