

***Before the Board of Supervisors
County of Monterey, State of California***

In the matter of the application of:

Barnyard Carmel LLC (Incipient Veisalgia Inc) (PLN230071)

RESOLUTION NO. 23-218

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 draft beer house, is a negligible expansion of the existing use of the shop that therefore qualifies for a categorical exemption pursuant to CEQA Guidelines section; and
- b. Finding that a Public Convenience or Necessity (PCN) would be served by allowing the issuance of a Type 42 license, for the sale of beer and wine for on-site consumption, to “Post No Bills” located at 26400 Carmel Rancho Ln Suite H11, Carmel, CA 93923, pursuant to California Business and Professional Code section 23958.4.

[PLN230071, 26400 Carmel Rancho Ln Suite H11, Carmel, Carmel Valley Master Plan (Assessor’s Parcel Number: 015-012-061-000)]

The request for a Public Convenience or Necessity (PCN) finding for the on-site sale of beer and wine at Post No Bills in Carmel Valley (PLN230071) came on for a public hearing before the Monterey County Board of Supervisors on June 13th, 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, Incipient Veisalgia Inc (Applicant), on behalf of “Post No Bills” (Business) located at 26400 Carmel Rancho Ln Suite H11, Carmel, California, has requested that the County of Monterey (County) determine that a Public Convenience or Necessity (PCN) would be served by the on-site sale of beer and wine at the Business. The Business occupied the

space at 26400 Carmel Rancho Ln Suite H11 in 2021 but has not been open for public use. Prior to Post No Bills, Erik's Deli Café was the previous tenant of the existing structure.

WHEREAS, The PCN is needed for the Business to obtain a license to sell beer and wine for consumption on-site (Type 42 license) from the California Department of Alcohol and Beverage Control (ABC) pursuant to of the California Business and Professions Code section 23958.4 because ABC has determined that the ratio of on-sale (on-site) retail licenses to population in the census tract or census division in which the Business is located, exceeds the ratio of on-sale retail licenses to population with county in which the Business is located; and

WHEREAS, said Business is located within the County in the Carmel Valley Census Tract (Tract No. 116.05), which generally covers the Carmel Valley Road area, beginning at the edge of Highway 1 and extending east just beyond Carmel Valley Ranch. According to the United States Census Bureau and ABC, the County has a population of 439,035 and within the County there are 980 on-sale licenses (a ratio of licenses to population of 0.22%). Tract No. 116.05 has a population of 2,963 and 15 on-sale licenses (a ratio of 0.5%). Based on the ratio of population to licenses, Tract No. 116.05 would be allowed up to 5 on-sale licenses without the area having an "undue concentration" of licenses. Tract No. 116.05 currently has 15 on-sale licenses. This license would represent the 16th on-sale license in the census tract.

WHEREAS, given the concentration of on-sale licenses Tract No. 116.05, the local governing body (in this case, the County), must find that a PCN would be served by the issuance of a Type 42 License before ABC will issue a Type 42 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. Given the concentration of outlets in Tract No. 116.05, MCHD does not support the issuance of the license. The Board of Supervisors has considered the recommendation of MCHD in making their recommendation.

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

- 1) Post No Bills proposes on-site sale of alcoholic beverage in a commercial area (The Barnyard Shopping Village), which is a shopping center serving multiple goods and services already.
- 2) Post No Bills proposes to support local businesses by featuring a menu of local beers and wines and partnering with local food vendors.
- 3) Carmel Valley is a tourist destination. Although the census area has a relatively small 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 larger population that includes visitors in addition to residents in the area.
- 4) Tract No. 116.05 is in a low crime rate area, and the issuance of this alcohol license is supported by Monterey County Sheriff's Office.

- 5) The Business 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;

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 draft beer house (formerly a deli café) involves negligible expansion of the existing use and therefore qualifies for a categorical exemption pursuant to CEQA Guidelines section 15391.

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 requested determination of a Public Convenience or Necessity, allowing issuance of a license for the sale of beer and wine within an existing draft beer house, involves negligible expansion of the existing use of the shop and therefore qualifies for a categorical exemption pursuant to Section 15301 of the CEQA Guidelines; and
- b. Find that a Public Convenience or Necessity (PCN) would be served by allowing the issuance of a Type 42 license, for the sale of beer and wine for on-site consumption, to “Post No Bills” located at 26400 Carmel Rancho Ln, Carmel, CA 93923, pursuant to California Business and Professional Code section 23958.4.

PASSED AND ADOPTED on this 13th day of June 2023, by roll call vote:

AYES: Supervisors Alejo, Church, Lopez, Askew, and Adams

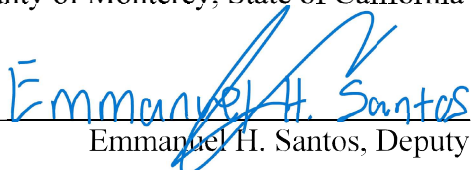
NOES: None

ABSENT: None

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 of Minute Book 82 for the meeting on June 13, 2023.

REVISED Date: June 30, 2023
File ID: RES 23-094
Agenda Item No. 57

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


Emmanuel H. Santos, Deputy