

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:

SPRINGER/EL YOUSOUFI (PLN180538)

RESOLUTION NO. -

Resolution by the Monterey County Board of
Supervisors to:

- a. Find that a Public Convenience or Necessity (PCN) would be served by the issuance of a Type 21 Off-Sale General (Beer, Wine, and Distilled Spirits) license by the Department of Alcoholic Beverage Control to Village Market at 12 East Carmel Valley Road, Carmel Valley, CA 93924, for the sale of beer, wine, and spirits for off-site consumption, pursuant to California Business and Professional Code Section 23958.4.

(Public Convenience or Necessity PLN180538/
Village Market at 12 East Carmel Valley Road,
Carmel Valley, APN: 187-441-030-000)

The request for a finding that a Public Convenience or Necessity (PCN) would be served by the issuance of a Type 21 (Off-Sale Beer, Wine, and Distilled Spirits) license by the State of California Department of Alcoholic Beverage Control (ABC) of Village Market at 12 East Carmel Valley Road (PLN180538) came on for a public hearing before the Monterey County Board of Supervisors on April 23, 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 21 license before the California Department of Alcoholic Beverage Control (ABC) may issue a Type 21 (Off-sale beer, wine, and distilled spirits) license for sale of alcoholic beverages pursuant to California Business and Profession Code Section 23958.4. A Type 21 license authorizes the sale of beer, wine, and distilled spirits for consumption off-site from the premises where sold; and

WHEREAS, the applicants and business owners, El Youssoufi (hereafter "Village Market") have requested a finding of PCN on behalf of the ABC License Applicant Village Market which seeks to provide sale of beer, wine and distilled spirits from an existing local neighborhood grocery market located at 12 East Carmel Valley Road, Carmel Valley (Assessor's Parcel Number 187-441-030-000). The issuance of the Type 21 license to Village Market by the ABC will allow for the sale of distilled spirits in addition to beer and wine replace a Type 20 license that allow for Off-Sale consumption of beer and wine. The beer,

wine, and spirits sale element will complement the existing merchandise selection of the neighborhood market and also help sustain the existing retail business established at the subject property by providing additional foot traffic; and

WHEREAS, said business is located within Carmel Valley Village/Cachagua area (Census Tract No. 0110), which covers Carmel Valley Road, beginning at Robinson Canyon Road and ends at Tassajara Road in Cachagua. Based on the size and population of the census tract area, five (5) Off-Sale Licenses are considered within the allowable concentration for the area. According to the ABC's licensing data, the census tract area currently has eight (8) Off-Sale licenses issued. Off-Sale licenses within the census tract area consist of six (6) Type 20 (Off-Sale Beer and Wine) and two (2) Type 21 (Off-Sale General - which consist of beer, wine and distilled spirits); Since Mr. Youssoufi is surrendering his existing Type 20 license and not cancelling it, it adds another license to the already over-concentrated tract; and

WHEREAS, despite being over saturated with Off-Sale ABC licenses in this area, there are several factors that distinguish this proposal from other establishments with the same type of ABC licenses (Type 20 and Type 21) within Census Tract 0110. The finding that a public convenience or necessity would be served by the issuance of a Type 21 license by the ABC can be supported for the following reasons:

- 1) Village Market has been open and operated by the current licensee since 2014. The convenience market located on Carmel Valley Road is approximately ten (10) miles east of Highway 1 and 2.25 miles east of Laureles Grade. The Village Market is convenient for mostly surrounding residents and visitors in the area. This establishment provides grocery items, fruits, vegetables and dairy products, a deli and currently has a Type 20 ABC license that allows the sale of beer and wine for consumption elsewhere. The addition of distilled spirits with a Type 21 license will be a service to the existing customer base as well as other customers, as the nearest grocery (Safeway) is approximately six (6) miles away. The convenience of items, including alcoholic beverages and distilled spirits at this establishment is an important time saver for many customers.
- 2) This business is located within a Light Commercial zoning district which serves both the residents and visitors to Carmel Valley and, therefore; potentially more sales could occur, generating additional tax revenues for Monterey County. Furthermore, Village Market has the potential to serve customers from adjacent underserved census tract areas, including Carmel Rancho, Rancho San Carlos, and Arroyo Seco.
- 3) Although census tract no. 0110 has a limited population, this area of the Carmel Valley attracts regional, national and international visitors; thus, the ABC's issuance of this Type 21 license will serve a much larger population which includes both residents and visitors within the census tract no. 0110 area.
- 4) ABC approval of the Type 21 license will help sustain an existing, locally owned retail businesses catering to local tastes by allowing Village Market to expand its merchandise selection. This added merchandise selection has the potential to attract additional foot traffic to the surrounding shopping center, supporting other locally owned commercial tenants in the shopping center as well.
- 5) Staff has conferred with the Monterey County Sheriff's Office (MCSO) and the Health Department -Environmental Health Bureau (EHB). The MCSO and EHB are not

opposed to the issuance of a Type 21 (Off-Sale General) license which will replace an existing Type 20 (Off-Sale Beer and Wine) license at the establishment.

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 of Necessity (PCN) would be served by the issuance of a Type 21 Off-Sale General (Beer, Wine, and Distilled Spirits) license by the Department of Alcoholic Beverage Control to El Youssoufi (“Village Market”), located at 12 East Carmel Valley Road, Carmel Valley, CA 93924, for the sale of beer, wine, and spirits for off-site consumption, pursuant to California Business and Professional Code Section 23958.4.

PASSED AND ADOPTED upon motion of Supervisor _____, seconded by Supervisor _____, and carried this 23rd 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 _____.

Date:
File Number:

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

By _____
Deputy

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