



Monterey County Board of Supervisors

Board Order

168 West Alisal Street,
1st Floor
Salinas, CA 93901
831.755.5066

Upon motion of Supervisor Parker, seconded by Supervisor Phillips and carried by those members present, the Board of Supervisors hereby:

Adopted Resolution 17-041 finding that a Public Convenience or Necessity (PCN) would be served by the issuance of a Type 21 (Off-Sale General) license by the Department of Alcoholic Beverage Control to Stan Suarez, "101 Gas Station, Inc.," at 32655 Silliman Rd, Soledad, CA 93960, for the sale of beer, wine and distilled spirits for consumption off the premises where sold, pursuant to California Business and Professional Code Section 23958.4.

PASSED AND ADOPTED on this 7th day of February 2017, by the following vote, to wit:

AYES: Supervisors Alejo, Phillips, Salinas, Parker and Adams

NOES: None

ABSENT: None

I, Gail T. Borkowski, 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 79 for the meeting on February 7, 2017.

Dated: February 16, 2017
File ID: RES 17-014

Gail T. Borkowski, Clerk of the Board of Supervisors
County of Monterey, State of California

By *Denise Hancock*
Deputy

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

Resolution No. 17-041

Resolution of the Monterey County Board of)
Supervisors:)
Adopting a resolution finding that a Public)
Convenience or Necessity (PCN) will be)
served by the issuance of a Type 21 (Off-Sale)
General) license by the Department of)
Alcoholic Beverage Control (ABC) to Stan)
Suarez (101 Gas Station, Inc.) located at)
32655 Silliman Rd, Soledad, CA, 93960, for)
the sale of alcoholic beverages pursuant to)
California Business and Professions (B&P))
Code Section 23958.4.)
(Public Convenience or Necessity)
PLN170002/Stan Suarez (101 Gas Station,)
Inc.) 32655 Silliman Rd, Soledad, APN: 257-)
032-011-000.....)

The request for a finding that a Public Convenience or Necessity (PCN) would be served by the issuance of a Type 21 (Off-Sale General) license to Stan Suarez ("101 Gas Station, Inc.", PLN170002) came on for public hearing before the Monterey County Board of Supervisors on February 7, 2017. Having considered all the written and documentary evidence, the administrative record, the staff report, oral testimony, and other evidence presented, the Monterey County Board of Supervisors hereby finds and decides as follows:

RECITALS

WHEREAS, a finding off "Public Convenience or Necessity" (PCN) must be made by the appropriate local jurisdiction before the California Department of Alcoholic Beverage Control (ABC) may issue a Type 21 (Off-Sale General) 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 applicant and business owner, Stan Suarez ("101 Gas Station, Inc.") has requested a finding of PCN in order to be issued a Type 21 license which seeks to provide the sell of beer, wine and distilled spirits from a gas station's convenience store located at 32655 Silliman Road , Soledad (Unincorporated) with Assessor's Parcel Number 257-032-011-000. The issuance of the Type 21 license which will allow for the sale of distilled spirits in addition to beer and wine will replace a Type 20 license that allows for off-sale consumption of beer and wine.

WHEREAS, said business is located in Census Tract No. 111.01, an area of approximately 189 square miles from Camphora Road to the end of the City of Soledad and west from Tassajara Hot Springs to E. Carmel Valley Road. Based on the size and population of the census tract area, five (5) off-sale licenses are considered an adequate amount. According to the ABC's licensing

data, the census tract area currently has 15 off-sale licenses issued. Off-sale licenses within the census tract area consist of eleven (11) Type 20 (Off-Sale Beer and Wine) and four (4) Type 21 [Off-Sale General (beer, wine and distilled spirits)]. Because Mr. Suarez is surrendering his existing Type 20 license and not cancelling it, it adds another license to the already over-concentrated tract; and

WHEREAS, the finding for a Public Convenience or Necessity can be supported for the following reasons:

- 1) 101 Gas Station, Inc. has been open and operating, by the current licensee since 2005. The gas station and convenience market, located adjacent to Highway 101 South, is convenient for travelers, field workers and employees that work in the area. This establishment provides coffee, microwaveable food items, other sundry items 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 there are no other stores or markets until you enter the City of Soledad. 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 Heavy Industrial zoning district, within a census tract which serves both the residents and the visitors of the area, therefore more sales occur than would normally be associated with the population within this census tract. The applicant proposes to sell distilled spirits in addition to beer and wine for an off-site consumption from an existing gas station's convenience market.
- 3) Although Census Tract No. 111.01 has a limited population, this area of the Central Salinas Valley has visitors traveling through to other destinations; thus, the ABC's issuance of this Type 21 license will serve a much larger population which includes both residents and visitors within census tract No. 111.01.
- 4) Staff has conferred with the Monterey County Sheriff's Office (MCSO). The MCSO is 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 THAT, that the Board of Supervisors does hereby:

Adopt a resolution finding that a Public Convenience or Necessity (PCN) will be served by the issuance of a Type 21 (Off-Sale General) license by the Department of Alcoholic Beverage Control (ABC) to Stan Suarez ("101 Gas Station, Inc."), located at 32655 Silliman Rd, Soledad, California, 93960, for the sale of alcoholic beverages pursuant to California Business and Professions (B&P) Code Section 23958.4.

PASSED AND ADOPTED upon motion of Supervisor Parker, seconded by Supervisor Phillips carried this 7th day of February 2017, by the following vote, to wit:

AYES: Supervisors Alejo, Phillips, Salinas, Parker and Adams
NOES: None
ABSENT: None

I, Gail T. Borkowski, 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 79 for the meeting on February 7, 2017.

Dated: February 15, 2017
File Number: RES 17-014

Gail T. Borkowski, Clerk of the Board of Supervisors
County of Monterey, State of California

By Denise Hancock
Deputy