



Legislation Details (With Board Report)

File #: 13-0182 **Name:** Bucquet (BevMo)
Type: General Agenda Item **Status:** Passed
File created: 2/14/2013 **In control:** Board of Supervisors
On agenda: 2/26/2013 **Final action:** 2/26/2013

Title: Public hearing (continued from February 12, 2013 to February 26, 2013) to:
 Adopt a resolution finding that a Public Convenience or Necessity (PNC) will be served by the issuance of a Type 21 (Off-Sale General) and a Type 42 (On-Sale Beer and Wine - Public Premises) license by the Department of Alcoholic Beverage Control (ABC) to BevMo located within the Carmel Rancho Shopping Center at 26538 Carmel Rancho Boulevard, Carmel, for sale of alcoholic beverages, pursuant to California Business and Professions Code Section 23958.4.
 (PLN120769/Bucquet (BevMo) Carmel Rancho Shopping Center, 26538 Carmel Rancho Boulevard, Carmel, Carmel Valley Master Plan)

Sponsors:

Indexes:

Code sections:

Attachments: 1. Attachment A - Project Discussion, 2. Attachment B - Board Resolution, 3. Attachment C - California Alcohol Beverage Control Licensing Data, 4. Attachment D - Letter from County Sheriff's Department, 5. Attachment E - Letter Requesting a Public Convenience or Necessity Determination, 6. Attachment F - Opposition Letters, 7. Attachment G - Response from BevMo! to Opposition Letters, 8. Attachment H - Support Letters, 9. Attachment I - Vicinity Map, 10. Attachment J - Request for Continuance from BevMo of Agenda Item #15 received February 12, 2013, 11. Attachment K - Additional Support & Opposition Letters, 12. Completed Board Order & Resolution

Date	Ver.	Action By	Action	Result
2/26/2013	1	Board of Supervisors	approved	Pass

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PROJECT INFORMATION:

Planning File Number: PLN120769
Owner: Bucquet, Katherine TR ET AL
Project Location: 26538 Carmel Rancho Boulevard, Carmel
APN: 015-012-020-000
Applicant/Agent: Liz Zaninovich, BevMo
Plan Area: Carmel Valley Master Plan
Flagged and Staked: No
CEQA Action: Exempt

RECOMMENDATION:

It is recommended that the Board of Supervisors:

Adopt a resolution finding that a Public Convenience or Necessity (PCN) will be served by the issuance of a Type 21 (Off-Sale General) and a Type 42 (On-Sale Beer and Wine - Public Premises) license by the Department of Alcoholic Beverage Control (ABC) to BevMo located within the Carmel Rancho Shopping Center at 26538 Carmel Rancho Boulevard, Carmel, for sale of alcoholic beverages, pursuant to California Business and Professions (B&P) Code Section 23958.4.

SUMMARY:

Beverages and More, Inc. (BevMo), a large retailer specializing in a variety of alcoholic and non-alcoholic beverage sales, seeks to lease space in the Carmel Rancho Shopping Center located at 26538 Carmel Rancho Boulevard, Carmel. Since the retailer primarily sells alcoholic and non-alcoholic products and provides beer and wine tasting seminars, a Type 21 (Off-Sale General) and a Type 42 (On-Sale Beer and Wine - Public Premises) license is required by the Department of Alcoholic Beverage Control (ABC). Pursuant to B&P Code Section 23958.4 (Undue Concentration; Requirements for Issuance of License) the local governing body of the area in which the applicant premises are located must make a determination of Public Convenience or Necessity (PCN) as the number of allowed licenses already exceeds the number allowed without this determination.

Due to the excess number of licenses in the area, a determination of PCN by the Board of Supervisors is required for ABC licensing purposes. Staff recommends that the Board of Supervisors support the finding of a public convenience. Based on support letters received and information about BevMo from the BevMo representative, BevMo will create a regional draw to the Carmel Rancho Shopping Center. Based on crime data reviewed by the County Sheriff's Department and BevMo's strict policies and regional draw, a finding of a PCN can be supported. No discretionary permit is required for the business as it is locating within an existing retail space and is not located within 200 feet of a residential zoning district.

On February 8, 2013, the applicant, BevMo, requested a continuance of their scheduled hearing before the Board of Supervisors in order to continue conversations with Carmel community members in hopes to resolve some concerns about BevMo (**Attachment J**). Due to the Board Report deadline, staff did not include the outcome of said conversations. Additional letters of support and opposition received after the circulation of the February 12, 2013 Board Report have been added as **Attachment K**.

DISCUSSION:

(See **Attachment A** for Project Discussion)

OTHER AGENCY INVOLVEMENT:

The request was referred to the Sheriff's Office who did not oppose the granting of the Type 21 and Type 42 license (see **Attachment C**).

FINANCING:

Funding for staff time associated with this project is included in the FY12-13 Adopted Budget for the Planning Department.

Prepared by: Dan Lister, Assistant Planner ext. 6617

Approved by: Mike Novo, Director, RMA-Planning, ext. 5192

<mailto:> Benny Young, Director Resource Management Agency

This report was prepared with assistance and review by John Ford, Senior Planner

cc: Front Counter Copy; Wanda Hickman, Planning Services Manager; John Ford, Senior Planner; Liz Zaninovich of BevMo, Applicant/Agent; Margaret Robbins,; Christine Williams, Carmel Valley

Association; The Open Monterey Project; LandWatch; Donna Galletti, Monterey County Sheriff's Department; Project File PLN120769

The following attachments on file with the Clerk of the Board:

Attachment A	Project Discussion
Attachment B	Board Resolution
Attachment C	California Alcohol Beverage Control (ABC) Licensing Data for On-Sale and Off-Sale Licenses with the Carmel Area Census Tract
Attachment D	Letter from County Sheriff's Department
Attachment E	Letter Requesting a Public Convenience or Necessity Determination
Attachment F	Opposition Letters
Attachment G	Response from BevMo! to Opposition Letters (Amended)
Attachment H	Support Letters
Attachment I	Vicinity Map
Attachment J	Request for Continuance from BevMo of Agenda Item #15 received February 12, 2013
Attachment K	Additional Support and Opposition Letters received after February 4, 2013