



Legislation Details (With Board Report)

File #: 12-995 **Name:** Carmel Properties Company
Type: General Agenda Item **Status:** Consent Agenda
File created: 10/16/2012 **In control:** Board of Supervisors
On agenda: 10/23/2012 **Final action:**
Title: Adopt resolution finding that a public convenience would be served by the issuance of a Type 20 (Off-Sale Beer and Wine) license by the Department of Alcoholic Beverage Control (ABC) to Peninsula Petroleum, LLC at 7 Carmel Center Place, Carmel for the sale of beer and wine for off-site consumption, pursuant to Section 23958.4 of the Business and Professions Code. (PLN120569/ Peninsula Petroleum, LLC, 7 Carmel Center Place, Carmel, Carmel Valley Master Plan.

Sponsors:

Indexes:

Code sections:

Attachments: 1. Attachment A - Resolution, 2. Attachment B - Comments from Monterey County Sheriff's Office, 3. Attachment C - Vicinity Map, 4. Completed Board Order

| Date | Ver. | Action By | Action | Result |
|------------|------|----------------------|-----------|--------|
| 10/23/2012 | 1 | Board of Supervisors | continued | Pass |

Adopt resolution finding that a public convenience would be served by the issuance of a Type 20 (Off-Sale Beer and Wine) license by the Department of Alcoholic Beverage Control (ABC) to Peninsula Petroleum, LLC at 7 Carmel Center Place, Carmel for the sale of beer and wine for off-site consumption, pursuant to Section 23958.4 of the Business and Professions Code. (PLN120569/ Peninsula Petroleum, LLC, 7 Carmel Center Place, Carmel, Carmel Valley Master Plan.

PROJECT INFORMATION:

Planning File Number: PLN120569
Owner: Carmel Properties Company
Project Location: 7 Carmel Center Place Carmel
APN: 009-562-018-000
Applicant: Peninsula Petroleum, LLC
Plan Area: Carmel Valley Master Plan
Flagged and Staked: No
CEQA Action: N/A

RECOMMENDATION:

It is recommended that the Board of Supervisors:
Adopt resolution finding that a public convenience or necessity would be served by the issuance of a Type 20 (Off-Sale Beer and Wine) license by the Department of Alcoholic Beverage Control (ABC) to Peninsula Petroleum, LLC at 7 Carmel Center Place, Carmel for the sale of alcoholic beverages for off-site consumption, pursuant to California Business and Professions Code Section 23958.4.

SUMMARY:

The applicant, business owner and tenant, Peninsula Petroleum, LLC is requesting a Type 20 Alcoholic Beverage Control (ABC) license which would permit the sale of beer and wine for off-site consumption at an

existing convenience market and gasoline station (commonly known as Peninsula Petroleum Food Mart/Fueling Center) located at 7 Carmel Center Place, Carmel, at the property owned by Carmel Properties Company. California Business and Professions Code Section 23958.4 requires a finding that a public convenience or necessity would be served by the issuance of a Type 20 license by the appropriate local jurisdiction before the California Department of Alcoholic Beverage Control may issue a Type 20 (Off-Sale Beer and Wine) license.

ABC looks at population and the number of licenses by census tract or division. The ABC assumes that a certain number of licenses are needed depending upon population. The Carmel census tract is considered to have an “undue concentration” of off-sale licenses, as it has three existing licenses where one would be normal for the population within this tract. Factors considered are crime rates and public safety, as well as local law enforcement opposition or non-opposition.

Staff supports the adoption of a Resolution finding that a public convenience or necessity would be served by the issuance of a Type 20 (Off-Sale Beer and Wine) license by the Department of Alcoholic Beverage Control (ABC) to Peninsula Petroleum, LLC for the following reasons:

- 1) Staff has conferred with the Monterey County Sheriff’s office and the Sheriff’s Office does not oppose the issuance of a Type 20 (Off-Sale Beer and Wine) license. They have reviewed this application for crime rate and public safety issues.
- 2) This business is located within a light commercial area zoning district within the Carmel census tract, but this commercial area serves a much broader area, including residents of Carmel, Big Sur, Carmel (incorporated) and Carmel Valley and; therefore, more sales occur than would normally be associated with the population within the Carmel census tract.
- 3) Because this business is located within a light commercial area within the Carmel census tract and serves an area which includes other census tracts, including Big Sur, and Carmel Valley, the issuance of said license would serve a much larger population.

OTHER AGENCY INVOLVEMENT:

This request was referred to the Monterey County Sheriff’s Office who does not oppose the granting of the Type 20 (Off-Sale Beer and Wine) license. See **Attachment B**.

FINANCING:

There will be no impact to the General Fund.

Prepared by: Maria Lopez, Land Use Technician ext. 5239

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

<mailto:> Benny Young, Director Resource Management Agency

This report was reviewed by Wanda Hickman, Planning Services Manager.

cc: Front Counter Copy; Clerk of the Board (10); Wanda Hickman, Planning Services Manager; Carmel Properties Company, Owner; Peninsula Petroleum, LLC, Applicant; The Open Monterey Project; LandWatch; Commander Vince Hernandez, Monterey County Sheriff’s Office; Project File PLN120569.

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

Attachment A Resolution

Attachment B Comments from Monterey County Sheriff's Office
Attachment C Vicinity Map