



Legislation Details (With Board Report)

File #: RES 23-094 **Name:** PLN230071 - BARNYARD CARMEL LLC (INCIPIENT VEISALGIA INC)

Type: BoS Resolution **Status:** Passed

File created: 5/31/2023 **In control:** Board of Supervisors

On agenda: 6/13/2023 **Final action:** 6/13/2023

Title: PLN230071 - BARNYARD CARMEL LLC (INCIPIENT VEISALGIA INC)
Consider adopting a resolution 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.
Project Location: 26400 Carmel Rancho Ln, Carmel, CA 93923
Proposed CEQA Action: Find the project categorically exempt pursuant to CEQA Guidelines section 15301

Sponsors:

Indexes:

Code sections:

Attachments: 1. Board Report, 2. Attachment A – Applicant Request for Finding of Public Convenience or Necessity, 3. Attachment B – Comments from Monterey County Sheriff’s Department, 4. Attachment C – Comments from County of Monterey Health Department, 5. Attachment D – Vicinity Map, 6. Attachment E – Map showing Types of Liquor Licenses in Census Tract 116.05, 7. Attachment F - Draft Resolution, 8. Completed Board Order Item No. 57, 9. Completed Resolution Item No. 57, 10. REVISED Completed Resolution Item No. 57

Date	Ver.	Action By	Action	Result
6/13/2023	1	Board of Supervisors		

PLN230071 - BARNYARD CARMEL LLC (INCIPIENT VEISALGIA INC)

Consider adopting a resolution 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.

Project Location: 26400 Carmel Rancho Ln, Carmel, CA 93923

Proposed CEQA Action: Find the project categorically exempt pursuant to CEQA Guidelines section 15301

PROJECT INFORMATION:

Planning File Number: PLN230071

Owner: Barnyard Carmel LLC (Incipient Veisalgia Inc)

APN: 015-012-061-000

Applicant: Kye Ricks

Plan Area: Carmel Valley Master Plan

RECOMMENDATION:

It is recommended that the Board of Supervisors:

Adopt a resolution finding that a Public Convenience or Necessity (PCN) would be served by allowing the issuance of a Type 42 license by the Department of Alcoholic Beverage Control, for the sale of beer and wine for on-site consumption, to “Post No Bills” located at 26400 Carmel Rancho Ln H11, Carmel, CA 93923, pursuant to California Business and Professional Code section 23958.4.

SUMMARY:

Post No Bills is a local craft beer house located in the Carmel Barnyard Center adjacent to Highway 1. Prior to Post No Bills occupying the space, the structure was an Erik's Deli Café. The applicant, "Post No Bills", is requesting a Type 42 license for the sale of beer and wine for on-site consumption from the State of California Department of Alcoholic Beverage Control (ABC). Currently the area where Post No Bills is located, Census Tract 116.05, is considered "saturated" by State standards. State law requires that the local governing body in which the applicant's premises are located find that a public convenience or necessity would be served by the issuance of a license in a "saturated" area before the ABC can issue the license. Saturation for this census tract is based on the ratio of licenses to population within the census tract as compared to licenses to population within the County. Given the population within the Census Tract 116.05, five "On-Sale" alcohol licenses can be issued before the area is considered saturated. There are currently twenty-four "On-Sale" licenses in the census tract. Approval of the applicant's request would bring the total number of "On-Sale" licenses to twenty-five.

The Sheriff's office supports the request for the PCN and the Health Department opposes it, citing high concentration of retail alcohol outlets in a small area as an environmental risk factor for excessive drinking, intoxicated driving, and related health effects.

DISCUSSION:

"Post No Bills" is in the Carmel Valley Census Tract (Tract. No. 116.05), which covers a portion of the Carmel Valley Road area beginning at the edge of Highway 1 and extending east just beyond Carmel Valley Ranch. This census tract is located within the unincorporated area of the County of Monterey. According to the United States Census Bureau and ABC, the County has a population of 439,035 and 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 of 1 (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 (or "saturation" of licenses). Tract No. 116.05 currently has 15 on-sale licenses. If approved, this license would represent the 16th on-sale license in the census tract.

Despite the concentration of ABC licenses in this area, there are several factors that distinguish this census tract and proposal. The finding that a public convenience or necessity would be served by the issuance of a Type 42 license by the ABC can be supported 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.

Therefore, staff supports the adoption of a Resolution finding that a public convenience or necessity would be served by the issuance of a Type 42 License by the ABC to "Post No Bills" despite the possible health effects.

ENVIRONMENTAL REVIEW:

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 craft beer house is a negligible expansion of the existing use and the project therefore qualifies for a categorical exemption pursuant to CEQA Guidelines section 15301.

OTHER AGENCY INVOLVEMENT:

The report has been prepared by HCD with input from the Sheriff's Office and the Health Department.

FINANCING:

Funding for staff time associated with this project is included in the FY2022-23 Adopted Budget for HCD.

Prepared by: Zoe Zepp, Assistant Planner, x5198

Reviewed and approved by: Craig Spencer, HCD Interim Director, x5233

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

Attachment A - Applicant Request for Finding of Public Convenience or Necessity

Attachment B - Comments from Monterey County Sheriff's Department

Attachment C - Comments from County of Monterey Health Department

Attachment D - Vicinity Map

Attachment E - Map showing Types of Liquor Licenses in Census Tract 116.06

Attachment F - Draft Resolution

cc: Front Counter Copy; Craig Spencer, HCD Chief of Planning; Zoe Zepp, Assistant Planner; Commander Tongol, Sheriff's Office; Roxann Seepersad, Health Department; Eric Del Real, Applicant; The Open Monterey Project (Molly Erickson); LandWatch (Amy White); John H. Farrow; Janet Brennan; Project File PLN230071