



Legislation Details (With Board Report)

File #: RES 19-032 **Name:** PLN180538 - Springer
Type: BoS Resolution **Status:** Passed - RMA Land Use and Community Development
File created: 3/29/2019 **In control:** Board of Supervisors
On agenda: 4/23/2019 **Final action:**
Title: PLN180538 - SPRINGER
 Consider finding that there is a Public Convenience or Necessity (PCN) to authorize issuance of a Type 21 (Off-Sale General) license to El Youssoufi (Village Market) from the Department of Alcoholic Beverage Control in an area with an over concentration of alcohol licenses.
 Address: 12 East Carmel Valley Road, Carmel Valley, Carmel Valley Master Plan

Sponsors:

Indexes:

Code sections:

Attachments: 1. Board Report, 2. Attachment A - Draft Resolution, 3. Attachment B - Cover Letter to the Clerk of the Board, 4. Attachment C - Applicant Request-Finding of Public Convenience or Necessity, 5. Attachment D - Correspondence, 6. Attachment E - Map showing Liquor Licenses in Census Tract, 7. Attachment F - Vicinity Map, 8. Completed Board Order & Resolution

Date	Ver.	Action By	Action	Result
4/23/2019	1	Board of Supervisors	adopted - rma land use and community development	Pass

PLN180538 - SPRINGER

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PROJECT INFORMATION:

- Planning File Number:** PLN180538
- Owner-Applicant:** El Youssoufi
- APN:** 187-441-030-000
- Plan Area:** Carmel Valley Master Plan
- CEQA Action:** Statutorily Exempt per CEQA Guidelines Section 15268 (a)

RECOMMENDATION:

It is recommended that the Board of Supervisors:
Adopt a resolution 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 (ABC) to El Youssoufi, Village Market, at 12 East Carmel Valley Road, Carmel Valley, California 93924, 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.

SUMMARY:

Property and business owner, Mr. El Youssoufi of Village Market. (applicant) is requesting a Type 21 (Off-Sale General or Type 21) license from the State of California Department of Alcoholic Beverage Control (ABC)

which would permit the sale of beer, wine and distilled spirits for consumption off the premises. This license (Type 21) is common for grocery stores, liquor stores, convenience markets, and any other store where alcohol is sold for consumption elsewhere.

State law requires that the local governing body of the area in which the applicant premises are located find that a public convenience or necessity would be served by the issuance of a Type 21 license before ABC may issue it. The applicant proposes to sell beer, wine and distilled spirits from an existing local neighborhood grocery market. The issuance of the Type 21 license will replace an existing Type 20 (Off-sale Beer and Wine) license at the establishment, which only allows the sale of beer and wine.

The proposal has been reviewed by the Monterey County Sheriff's Office (MCSO) and the Health Department - Environmental Health Bureau (EHB). The area is not considered to have a high crime rate and the replacement of the Type 20 license with a Type 21 license is not likely to lead to significant public health impacts from the proposed concentration of licenses in the area.

DISCUSSION:

Village Market is within Carmel Valley Village area (Census Tract No. 0110). The census tract 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.

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 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 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.

Therefore, staff recommends the adoption of a Resolution finding that a public convenience or necessity would be served by the issuance of a Type 21 license by the ABC to the Village Market.

OTHER AGENCY INVOLVEMENT:

The MCSO and EHB do not oppose the issuance of a Type 21 (Off-Sale General) license by the ABC to Village Market.

FINANCING:

Funding for staff time associated with this project is included in the FY18-19 Adopted Budget for RMA-Planning.

Prepared by: Son Pham-Gallardo, Associate Planner, ext. 5226

Reviewed by: Craig Spencer, Interim RMA Planning Services Manager, ext. 5233

Approved by: Carl Holm, Resource Management Agency, Director

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

Attachment A - Resolution finding a Public Convenience or Necessity would be served

Attachment B - Cover letter to the Clerk of the Board

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

Attachment D - Correspondence

Attachment E - Map showing Liquor Licenses in Census Tract 0110

Attachment F - Vicinity Map

cc: Front Counter Copy; El Youssoufi, Owner-Applicant; Chiquita Walker, Agent; The Open Monterey Project (Molly Erickson); LandWatch; Project File No. PLN180538.