



County of Monterey

Board of Supervisors
Chambers
168 W. Alisal St., 1st Floor
Salinas, CA 93901

Legislation Details (With Board Report)

File #: RES 17-014 **Name:** PLN170002 - Suarez
Type: BoS Resolution **Status:** Passed
File created: 1/20/2017 **In control:** Board of Supervisors
On agenda: 2/7/2017 **Final action:** 2/7/2017
Title: 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 to Stan Suarez ("101 Gas Station, Inc.") from the Department of Alcoholic Beverage Control.
Address: 32655 Silliman Rd, Soledad, CA 93960, Central Salinas Valley Area Plan.

Sponsors:

Indexes:

Code sections:

Attachments: 1. Board Report, 2. Attachment A – Draft Resolution, 3. Attachment B – Cover letter, 4. Attachment C – Applicant Request for PCN, 5. Attachment D – Correspondence with Monterey County Sheriff's Office, 6. Attachment E – Map, 7. Attachment F – Vicinity Map, 8. Completed Board Order & Resolution

Date	Ver.	Action By	Action	Result
2/7/2017	1	Board of Supervisors	adopted	Pass

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 to Stan Suarez ("101 Gas Station, Inc.") from the Department of Alcoholic Beverage Control.

Address: 32655 Silliman Rd, Soledad, CA 93960, Central Salinas Valley Area Plan.

PROJECT INFORMATION:

Planning File Number: PLN170002

Owner: Stan Suarez

APN: 257-032-011-000

Plan Area: Central Salinas Valley Area Plan

CEQA Action: Statutorily Exempt per CEQA Guidelines Section 15268 (b)(3)

RECOMMENDATION:

It is recommended that the Board of Supervisors:

Adopt a resolution (**Attachment A**) 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.

SUMMARY:

Property and business owner, Mr. Stan Suarez of "101 Gas Station, Inc." is requesting a Type 21 (Off-Sale General) 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 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 must 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 gas station convenience store. The issuance of the Type 21 license will replace an existing Type 20 (Off-sale Beer and Wine) license at the establishment, which only allowed the sale of beer and wine.

DISCUSSION:

“101 Gas Station Inc.” is located in Census Tract No. 111.01, an area comprised 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- which consists of beer, wine and distilled spirits).

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) 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 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 census tract no. 111.01, which serves both the residents and 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 area.
- 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.

Therefore, staff supports 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 “101 Gas Station, Inc.”

OTHER AGENCY INVOLVEMENT:

The Monterey County Sheriff’s Office does not oppose the issuance of a Type 21 (Off-Sale General) license by the ABC to “101 Gas Station, Inc.”

FINANCING:

Funding for staff time associated with this project is included in the FY16-17 Adopted Budget, General Fund 001, RMA-Planning Appropriation Unit RMA001.

Prepared by: Nadia Amador, Associate Planner, ext. 5114

Reviewed by: Brandon Swanson, Planning Services Manager

Approved by: Carl Holm, RMA Director

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

Attachment A - Draft Resolution

Attachment B - Cover letter to the Clerk of the Board

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

Attachment D - Correspondence with Monterey County Sheriff's Office

Attachment E - Map showing Type 20/21 Liquor Licenses in Census Tract 111.01

Attachment F - Vicinity Map

cc: Front Counter Copy; Stan Suarez, Owner; Chiquita Walker, Agent; The Open Monterey Project (Molly Erickson); LandWatch; Project File No. PLN170002