



BOARD OF SUPERVISORS
AGENDA LETTER

Agenda Number:

Clerk of the Board of Supervisors
105 E. Anapamu Street, Suite 407
Santa Barbara, CA 93101
(805) 568-2240

Department Name: Planning and
Development
Department No.: 053
For Agenda Of: June 28, 2022
Placement: Administrative
Estimated Time: N/A
Continued Item: No
If Yes, date from: N/A
Vote Required: Majority

TO: Board of Supervisors
FROM: Department Planning and Development
Director Lisa Plowman, Director, (805) 568-2086
Contact Info: Travis Seawards, Deputy Director, (805) 568-2518
SUBJECT: Public Convenience or Necessity Determination for Lark + Sparrow, LLC, Old
Town Orcutt area, Case No. 22PCN-00000-00001, Fourth Supervisorial District

County Counsel Concurrence

As to form: Yes

Other Concurrence: N/A

As to form: No

Auditor-Controller Concurrence

As to form: No

Recommended Actions:

That the Board of Supervisors:

- a) Approve and authorize the Chair to sign the attached letter (Attachment 1) and forward the application (Attachment 2) and letter to the California Department of Alcohol Beverage Control (ABC) determining that public convenience and necessity will be served by issuing the new On-Sale Beer & Wine license to Lark + Sparrow, LLC, located at 155 E Clark Street, Suite 110, in Old Town Orcutt, with Assessor's Parcel Number 105-073-008; and
- b) Determine that the proposed action is an administrative activity of the County, which will not result in direct or indirect physical changes in the environment and is therefore not a "project" as defined for the purposes of the California Environmental Quality Act (CEQA) under State CEQA Guidelines Section 15378(b)(5).

Summary Text:

On April 1, 2022, Planning and Development (P&D) received a request (ABC Form 245) for a Public Convenience or Necessity (PCN) determination for Lark + Sparrow, LLC, located at 155 E Clark Street, Suite 110, in Old Town Orcutt. The requested Type 42 "On-Sale Beer & Wine" license will allow the sale of beer and wine for consumption on or off of the premises where sold (minors are not allowed to enter

and remain on the premises). P&D staff reviewed the applicant’s request, and recommends that the Board find that public convenience will be served by the ABC approval and issuance of the On-Sale Beer & Wine license in this location, based on the information provided in the Background discussion below. A transmittal letter indicating the finding of public convenience, and ABC Form 245, are attached for the Board’s consideration of public convenience or necessity.

Background:

The requested license is a Type 42 On-Sale Beer & Wine license, which “*authorizes the sale of beer and wine for consumption on or off the premises where sold. No distilled spirits may be on the premises. Minors are not allowed to enter and remain*”. The request will allow Lark + Sparrow, LLC, a wine tasting room, to serve wine and beer for on and off premise consumption. Lark + Sparrow is located in Suite 110 of an existing commercial center located at the intersection of E Clark Avenue and N 1st Street, at 155 E Clark Avenue, in Orcutt, which is located in Census Tract 20.12. The size of the census tract contains approximately 2,805 people and encompasses approximately 1.21 square miles in area. The census tract is located west of Patterson Road, south of Skyway Drive, and is bisected by E Clark Avenue.

The Department of Alcoholic Beverage Control (ABC) establishes a threshold for the number of licenses, including Type 42 licenses, issued in each census tract to control the concentration of establishments granted licenses for the sale of alcohol for consumption on the premises where sold (classified as “On-Sale” licenses; Bus. & Prof. Code § 25665). The threshold is the ratio derived from the number of On-Sale licenses County-wide compared to the County’s total population. Any census tract that exceeds the threshold for On-Sale retail licenses is deemed a census tract of “undue concentration.” Census Tract 20.12 has a population of 2,805 and is allowed six On-Sale licenses. There are currently six existing On-Sale licenses within Census Tract 20.12. Therefore, pursuant to ABC criteria, undue concentration exists in Census Tract 20.12 based on the number of existing licenses.

Undue concentration may also be deemed to exist if “*the applicant premises are located in a crime reporting district that has a 20 percent greater number of reported crimes... than the average number of reported crimes as determined from all crime reporting districts within the jurisdiction of the local law enforcement agency*”(Bus. & Prof. Code § 23958.4(a)(1).). According to the Santa Barbara County Sheriff’s Office, the applicant premises is not located in a reporting district that has a 20 percent greater number of reported crimes than the average number of reported crimes within the jurisdiction of the local law enforcement agency, and the Sheriff’s Office has no concerns with the applicant’s proposal.

The following table summarizes and defines the number of On-Sale licenses in Census Tract 20.12:

On-Sale Licenses in Census Tract 20.12 (Per the California ABC)		
ABC License Type	Definition	Number
Type 41	On-Sale Beer & Wine – Eating Place – (Restaurants). Authorizes the sale of beer and wine for consumption on or off the premises where sold.	4 Examples: The Shift, Jacks of Old Orcutt, Patricio’s Pizza

Type 42	On-Sale Beer & Wine – Public Premises – (Bar, Tavern). Authorizes the sale of beer and wine for consumption on or off the premises where sold.	2 Examples: Stellar Cellar, Board and Brush Creative Studio- Orcutt
Type 58	Caterer’s Permit. allows certain licensees to cater alcoholic beverages off-site.	1 Example: Stellar Cellar
Total	-----	7

The applicant, Lark + Sparrow, LLC, is proposing to operate a wine and beer tasting room. The County has experienced notable population growth in the Northern region, and the proposed tasting room will supplement existing On-Sale licenses in the area and satisfy any increased demand for the local economy’s specialization in wineries and wine tasting. The addition of this business operation will therefore serve public convenience by accommodating perceived growth and demand within an existing cluster economy. Therefore, it is recommended that the Board determine that public convenience will be served by issuing the new On-Sale Beer & Wine license to Lark + Sparrow, LLC.

Fiscal and Facilities Impacts:

Budgeted: Yes

There is no fee to the applicant for the processing of a Public Convenience or Necessity Request. The total estimated cost to process this request is approximately \$3,800 (15 staff hours.) Funding for this project is budgeted in the Planning and Development’s Permitting Budget Program on page D-301 of the County of Santa Barbara Fiscal Year 2021-22 adopted budget. There are no facilities impacts.

Special Instructions:

The Clerk of the Board shall obtain the signature of the Chair of the Board of Supervisors and send the executed letter and application to: Department of Alcohol Beverage Control, Attention Cindy Stuppy, 3220 S. Higuera Street, Suite 233, San Luis Obispo, CA 93401.

The Clerk of the Board shall forward copies of the signed Board of Supervisors Letter to State Department of Alcohol Beverage Control and the Minute Order to P&D, Attn: David Villalobos, and to P&D, Attn: Hugo Agosto.

Attachments:

1. Board of Supervisors Letter to State Department of Alcohol Beverage Control
2. Alcohol Beverage Control Form 245
3. Letter from Applicant, dated April 15, 2022
4. CEQA Notice of Exemption

Authored by:

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 Development Review Division, Planning and Development Department