



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 &
Development
Department No.: 053
For Agenda Of: November 28, 2023
Placement: Administrative
Estimated Time: N/A
Continued Item: No
If Yes, date from:
Vote Required: Majority

TO: Board of Supervisors

FROM: Department Lisa Plowman, Director, (805) 934-6559
Director(s)
Contact Info: Travis Seawards, Deputy Director, (805) 934-6559

SUBJECT: Public Convenience or Necessity Determination for Santa Convenience, LLC,
3825 Santa Claus Lane, Toro Canyon Community Plan area, Case No. 23PCN-
00002, First Supervisorial District

County Counsel Concurrence

As to form: Yes

Other Concurrence: N/A

As to form: N/A

Auditor-Controller Concurrence

As to form: N/A

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 or necessity will be served by issuing the new Off-Sale Beer & Wine license to Santa Convenience, LLC, located at 3825 Santa Claus Lane, Carpinteria, CA 93013, in the Toro Canyon Community Plan Area, Assessor's Parcel Number 005-450-013; and
- b) Determine that the proposed action is not a project pursuant to CEQA Guidelines Section 15378(b)(5) as it is an administrative government activity that will not result in direct or indirect physical changes in the environment.

Summary Text:

This Board item is a request for a Public Convenience or Necessity Determination for a new Off-Sale Beer & Wine license in the First Supervisorial District. On September 12, 2023, Planning and Development (P&D) received a request (ABC-245 Form) for a Public Convenience or Necessity (PCN) determination

for the Santa Convenience storefront at 3825 Santa Claus Lane in the Toro Canyon Community Plan Area. The requested Type 20 “Off-Sale Beer and Wine” license would allow the sale of beer and wine for consumption off the premises where sold. P&D staff reviewed the applicant’s request, and recommends that the Board find that public convenience or necessity will be served by ABC approval and issuance of the “Off-Sale Beer and 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-245 Form, are attached for the Board’s consideration of public convenience or necessity.

Background:

The requested license is a Type-20 Off-Sale license, which is defined by ABC as follows:

Issued to retail stores. Authorizes the sale of beer and wine for consumption off the premises where sold. Minors are allowed on the premises.

(Link: <https://www.abc.ca.gov/licensing/license-types/>)

The approval of this request would allow the Santa Convenience store to sell beer and wine as described above. The subject application is for 3825 Santa Claus Lane in the Toro Canyon Community Plan Area, which is located in Census Tract 17.06. The census tract contains approximately 4,569 people and encompasses a 47 square mile area. The census tract extends roughly east to west from the Ventura County line to the border between Montecito and Summerland, and north to south from Murietta Juncal Road to the Pacific Ocean (with the exception of the City of Carpinteria). The census tract encompasses the communities of Summerland and Toro Canyon.

The Department of Alcoholic Beverage Control (ABC) establishes a threshold for the number of licenses, including Type 20 licenses, issued in each census tract in order to control the concentration of establishments granted licenses for the sale of alcohol for consumption off the premises where sold (classified as “Off-Sale” licenses; Bus. & Prof. Code § 23817). The threshold is the ratio derived from the number of off-sale licenses County-wide compared to the County’s total population. Any census tract that exceeds the threshold for off-sale retail licenses is deemed a census tract of “undue concentration.” Census Tract 17.06 has a population of approximately 4,569, and is allowed 4 off-sale licenses (per the ABC Census Tract Authorizations “All Counties” report). There are currently 4 existing off-sale licenses within Census Tract 17.06. Therefore, pursuant to ABC standards, with issuance of the requested license, undue concentration would exist in Census Tract 17.06.

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 property is not in a reporting district that has a 20 percent greater number of reported crimes than the average number of reported crimes in the jurisdictional area.

When a census tract is subject to an undue concentration of off-sale licenses, Business and Professions Code Section 23958.4(b) provides that ABC may issue a license if the local governing body (County Board of Supervisors) “*determines within 90 days of notification of a completed application that public convenience or necessity would be served by the issuance. The 90-day period shall commence upon receipt*

by the local governing body of (A) notification by the department of an application for licensure, or (B) a completed application according to local requirements, if any, whichever is later.” If the Board of Supervisors (BOS) does not make a determination within the 90-day period, then the ABC may issue a license if the applicant shows the department that public convenience or necessity would be served by the issuance. In this particular case, the applicant submitted a complete application on September 12, 2023, and a determination on November 28, 2023, would be within the 90-day period.

The following table summarizes and defines the number of on-sale licenses in Census Tract 17.06:

| Off-Sale Licenses in Census Tract 17.06 (Per the California ABC License Query System) | | |
|--|---|--|
| ABC License Type | Definition | Number |
| Type 20 | Off-Sale Beer & Wine. Authorizes the sale of beer and wine for consumption off the premises where sold. Minors are allowed on the premises. | 1 Examples: Pierre LaFond & Company |
| Type 21 | Off-Sale General. Authorizes the sale of beer, wine and distilled spirits for consumption off the premises where sold. Minors are allowed on the premises. | 3 Examples: Sandpiper Liquor, Montecito Village Grocery, Summerland Fuel Depot |
| Total | ----- | 4 |

Within the subject census tract, the majority (75%) of establishments with an off-sale license are general licenses, and only one off-sale license is Type 20. As stated in the letter from the applicant (Attachment 3) the Santa Convenience storefront would provide specialty items, food, health items, dog food, and beach gear, along with beer and wine, to serve both residents and visitors of the Toro Canyon area, specifically Santa Claus Beach. The Santa Claus Lane location is more than a mile from the nearest off-sale Type 20 license location. The property is not located within a census tract of undue concentration due to crime levels, and the requested license would serve public convenience by providing a fifth location within the census tract and the only location within the Toro Canyon Community Plan Area at which people could purchase beer and wine for off-site consumption. Therefore, it is recommended that the Board determine that public convenience will be served by issuing the new Type 20 “Off-Sale Beer and Wine” license to the Santa Convenience storefront.

Fiscal and Facilities Impacts:

Budgeted: Yes

Fiscal Analysis:

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 \$4,512 (16 staff hours), and is budgeted in the Planning and Development Permitting Budget Program on Page 313 of the County of Santa Barbara Fiscal Year (FY) 2023-24 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 Anna Corona, 1000 South Hill Road, Suite 310, Ventura, CA 93003.

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: Kylie Sanchez.

Attachments:

1. Board of Supervisors Letter to State Department of Alcoholic Beverage Control
2. Alcoholic Beverage Control Form ABC-245
3. Public Convenience or Necessity Letter from Applicant

Authored by:

Kylie Sanchez, Planner (805) 568-2507