




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:** October 5, 2021  
**Placement:** Administrative  
**Estimated Time:** N/A  
**Continued Item:** No  
**If Yes, date from:**  
**Vote Required:** Majority

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**TO:** Board of Supervisors  
**FROM:** Department Lisa Plowman, Director, Planning and Development  
Director: (805) 568-2086   
Contact Info: Travis Seawards, Deputy Director, Planning and Development  
(805) 568-2518  
**SUBJECT: Public Convenience or Necessity Determination for Shelter Rancho/Alamo, LLC., Case No. 21PCN-00000-00003, Third Supervisorial District**

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**County Counsel Concurrence**

As to form: Yes

**Other Concurrence:** N/A

As to form: No

**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 and necessity will be served by issuing the new "On-Sale Beer and Wine for Public Premises" license to Shelter Rancho/Alamo, LLC. (dba The Alamo Motel), APN 101-154-002, located at 425 Bell Street, Los Alamos; 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 purposes of the California Environmental Quality Act (CEQA) under State CEQA Guidelines Section 15378(b)(5).

**Summary Text:**

On July 12, 2021, Planning and Development (P&D) received a request (ABC-245 Form) for a Public Convenience or Necessity (PCN) determination for The Alamo Motel, located at 425 Bell Street in Los Alamos. The requested Type 42 “On-Sale Beer and Wine for Public Premises” license will allow the sale of beer and wine for consumption on or off the premises where sold. Beer and wine will be sold from a bar onsite.

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

**Background:**

The requested license is a Type-42 On-Sale license, which is defined as follows:

*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. Food service is not required.*

The approval of this request will allow the Alamo Motel to sell beer and wine as described above. The subject application is for 425 Bell Street in Los Alamos, which is located in Census Tract 19.01. The size of the census tract contains approximately 7,805 people and encompasses approximately 162 square miles in area. The census tract extends roughly between the Foxen Canyon Road – Tepesquet Road intersection to the north, and Highway 246 to the south. Census Tract 19.01 includes the majority of Los Alamos and Buellton, and a portion of Los Olivos.

The Department of Alcoholic Beverage Control (ABC) establishes a threshold for the number of licenses, including Type 42 licenses, issued in each census tract in order 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 § 23816]. 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 19.01 has a population of approximately 7,805, and is allowed 15 on-sale licenses (per the ABC Census Tract Authorizations “All Counties” report). There are currently 35 existing on-sale licenses within Census Tract 19.01. Therefore, pursuant to ABC standards, undue concentration exists in Census Tract 19.01.

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. In addition, the Sherriff’s Office has been notified of the request and indicated that the Department has no concerns with this request.

When a census tract is subject to an undue concentration of on-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 July 12, 2021 and a determination on October 5, 2021 would be within the 90-day period.

The following table summarizes and defines the number of on-sale licenses in Census Tract 19.01:

<b>On-Sale Licenses in Census Tract 20.12 (Per the California ABC License Query System)</b>		
<b>ABC License Type</b>	<b>Definition</b>	<b>Number</b>
<b>Type 41</b>	<b>On-Sale Beer &amp; Wine – Eating Place – (Restaurants).</b> Authorizes the sale of beer and wine for consumption on or off the premises where sold.	<b>23</b> Examples: Hitching Post II, Bob’s Well Bread Bakery, Full of Life Flatbread
<b>Type 42</b>	<b>On-Sale Beer &amp; Wine – Public Premises – (Bar, Tavern).</b> Authorizes the sale of beer and wine for consumption on or off the premises where sold.	<b>0</b>
<b>Type 47</b>	<b>On-Sale General – Eating Place – (Restaurant).</b> Authorizes the sale of beer, wine, and distilled spirits for consumption on the licenses premises. Authorizes the sale of beer and wine for consumption off the licenses premises.	<b>10</b> Examples: Santa Ynez Valley Marriot, Zaca Creek, The Maker’s Son
<b>Type 48</b>	<b>On-Sale General – Public Premises (Bar, Night Club)</b> Authorizes the sale of beer, wine and distilled spirits for consumption on the premises where sold. Authorizes the sale of beer and wine for consumption off the premises where sold.	<b>2</b> Example: Los Alamos Depot, Sideways Inn
<b>Total</b>	-----	<b>35</b>

Within the subject census tract, the majority of establishments with an on-sale license are eating places, and zero on-sale licenses are Type 42. As stated in the letter from the applicant (Attachment 3), the applicant is requesting the license in order to serve beer and wine at an onsite bar to customers of The Alamo Motel. The requested license will serve public convenience by providing the patrons with drinks and pre-packaged food in an area where most stores and restaurants are closed by 9 p.m. The Alamo will

provide service to those in Los Alamos who would otherwise have to travel to Orcutt (13 miles away) or Buellton (14 miles away) for similar provisions. Therefore, it is recommended that the Board determine that public convenience will be served by issuing the new “On-Sale Beer & Wine – Public Premises” license to Shelter Rancho/Alamo, LLC. (dba The Alamo Motel).

**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 \$2,500 (10 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 Stella Felt, 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: Ben Singer.

**Attachments:**

1. Board of Supervisors letter to State Department of Alcohol Beverage Control
2. Alcohol Beverage Control Form ABC 245
3. Letter from Applicant
4. CEQA Notice of Exemption

**Authored by:**

Ben Singer, Planner