



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: January 15, 2019
Placement: Administrative
Estimated Time: N/A
Continued Item: No
If Yes, date from:
Vote Required: Majority

TO: Board of Supervisors
FROM: Department Dianne M. Black, Director 568-2086
Director Planning & Development
Contact Info: Jeff Wilson, Deputy Director 568-2518
Planning & Development
SUBJECT: Public Convenience or Necessity Determination for Los Alamos Depot Mall Pub (Thompson), Case No. 18PCN-00000-00001, Third Supervisorial District

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 will be served by issuing the new "On-Sale General for Public Premises" license to the Los Alamos Depot Mall Pub, APN 101-160-012, located at 515 Leslie St. #A, 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 September 14, 2018, Planning and Development (P&D) received a request (ABC-245 Form) for a Public Convenience or Necessity (PCN) determination for the Los Alamos Depot Mall Pub, located at

515 Leslie St. #A, in Los Alamos. The application was completed on December 7, 2018. The requested Type 48 “On-Sale General for Public Premises” license would allow the sale of beer, wine and distilled spirits for consumption on the premises where sold, and the sale of beer and wine for consumption off the premises where sold. P&D staff has reviewed the applicant’s request, and recommend that the Board find that public convenience will be served by the ABC approval and issuance of the “On-Sale General 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 ABC-245 Form, are attached for the Board’s consideration of public convenience or necessity.

Background:

The requested license is a Type-48 On-Sale license, which is defined as follows:

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. Minors are not allowed to enter and remain. Food service is not required.

The approval of this request would allow the Los Alamos Depot Mall Pub to sell beer, wine and distilled spirits as described above. The subject application is for 515 Leslie St. #A, Los Alamos, located in Census Tract 19.01. The size of the census tract is based on population and encompasses an approximately 162 square mile area. The census tract extends roughly from the Sisquoc River to the Santa Ynez River, and from Cat Canyon Road to the San Rafael Wilderness and Ballard Canyon Road. Census Tract 19.01 includes the City of Buellton and community of Los Alamos.

The Department of Alcoholic Beverage Control (ABC) establishes a threshold for the number of licenses, including Type 48 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 7,102 and is allowed 14 on-sale licenses (per the ABC Census Tract Authorizations (All Counties) report). There are currently 39 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 has indicated that the Department has expressed 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 completed their application on December 7, 2018.

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

On-Sale Licenses in Census Tract 19.01 (Per the California ABC License Query System)		
ABC License Type	Definition	Number
Type 40	On-Sale Beer – (Bar, Tavern) authorizes the sale of beer for consumption on or off the premises where sold.	1
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.	25
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.	1
Type 47	On-Sale General – Eating Place – (Restaurant) 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.	10
Type 48	On-Sale General – Public Premises (Bar, Night Club) 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.	1
Type 67	On-Sale Bed and Breakfast Inn Authorizes the sale of wine purchased from a licensed winegrower or wine wholesaler only to registered guests of the establishment for consumption on the premises.	1
Total	-----	39

Within the subject census tract, the majority of establishments with an on-sale license are located in Buellton (64%). There are 14 establishments in Los Alamos with on-sale licenses. As stated in the letter

from the applicant (Attachment 4), the Los Alamos Depot Mall Pub would provide a full bar in a historical and convenient location that is walkable for residents of Los Alamos. The business also provides ample parking for tourists coming to town for a meal or shopping. The requested license would serve public convenience by continuing to provide a full-service establishment convenient by foot within Los Alamos. Therefore, it is recommended that the Board determine that public convenience will be served by issuing the new “On-Sale General for Public Premises” license to the Los Alamos Depot Mall Pub.

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 \$2,320 (10 staff hours), and is budgeted in the Planning and Development Permitting Budget Program on page D-272 of the adopted FY 2018-19 fiscal year 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 Esquibel, 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: Shannon Reese.

Attachments:

1. Board of Supervisors letter to State Department of Alcohol Beverage Control
2. Alcohol Beverage Control Form ABC 245
3. Letter from Applicant, dated December 7, 2018

Authored by:

Shannon Reese, Planner