



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: December 7, 2021
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 Forage Florals, Santa Ynez area, Case No. 21PCN-00000-00004, Third 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 Off-Sale Beer & Wine license to Forage Florals, located at 1095 Meadowvale Road, Suite 1, in Santa Ynez, with Assessor's Parcel Number 143-220-019; 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 September 16, 2021, Planning and Development (P&D) received a request (ABC Form 245) for a Public Convenience or Necessity (PCN) determination for Forage Florals, located at 1095 Meadowvale Road, Suite 1, in Santa Ynez. The requested Type 20 "Off-Sale Beer & Wine" license will allow the sale of beer and wine for consumption off of the premises where sold (minors are allowed 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 Off-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 20 Off-Sale Beer & Wine license, which "*authorizes the sale of beer and wine for consumption off the premises where sold (minors are allowed on the premises.)*" The request will allow Forage Florals, a floral shop, to include wine and beer in gift baskets sold at the shop. Forage Florals is located in Suite 1 of the shopping center located at the intersection of Meadowvale Road and Sagunto Street, at 1095 Meadowvale Road, in Santa Ynez, which is located in Census Tract 19.08. The size of the census tract contains approximately 5,303 people and encompasses approximately 14.9 square miles in area. The census tract is located west of San Marcos Pass Road, south of Los Olivos and Ballard, and is bisected by Mission Drive.

The Department of Alcoholic Beverage Control (ABC) establishes a threshold for the number of licenses, including Type 20 licenses, issued in each census tract 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 19.08 has a population of 5,303 and is allowed five Off-Sale licenses. There are currently six existing Off-Sale licenses within Census Tract 19.08, one more than allowed by concentration criteria. Therefore, pursuant to ABC criteria, undue concentration exists in Census Tract 19.08 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).) The applicant premises are located in crime reporting district #440. Reporting district #440 includes a large amount of commercial development and is located between Roblar Ave to the North, Highway 246 (Mission Drive) to the South, Highway 154 (San Marcos Pass Road) to the East, and Calzada Avenue to the West (see Attachment 4 for reference map image). According to the Santa Barbara County Sheriff's Office, the applicant premises are 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. Specifically, between January 1, 2021, and June 30, 2021, the average number of reported crimes per reporting district in the jurisdictional area, including 20% overage, totals 29 crimes. By comparison, the subject reporting district totaled 84 crimes during this time period. Therefore, pursuant to ABC standards, undue concentration exists in Census Tract 19.08 based on crime data. However, the Sheriff's Office expressed that they have no concerns with the applicant's proposal and indicated that the higher number of crimes is likely due to the large amount of commercial (rather than residential) development located within district #440.

When a census tract is subject to an undue concentration of Off-Sale license, Business and Professions Code Section 23958.4(b) provides that ABC may issue a license if the local governing body (in this case,

the 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 does not make a determination within the 90-day period, the ABC may issue a license if the applicant demonstrates to 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 16, 2021 and determination on December 7, 2021 would be within the 90-day period.

The following table summarizes and defines the number of Off-Sale licenses in Census Tract 19.08:

Off-Sale Licenses in Census Tract 19.08 (Per the California ABC)		
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.	3 Examples: Meadowlark Vineyards, Vintegrated Solutions LLC, Real Wine Trail
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: El Rancho Market, Rio Market Wine & Spirits, Santa Cota Market
Total	-----	6

The applicant, Forage Florals, is proposing to include local wine and beer in gift baskets consistent with their current operations and specialty. The concept is unique compared to other Off-Sale licenses in the area given the floral shop context (Forage Florals is a florist shop, not a vineyard, wine shop, or market) and is not currently available in Santa Ynez (the applicant indicated that they will be the only floral shop in the area providing wine and beer in gift baskets). The inclusion of wine and beer in the gift baskets will therefore serve public convenience by allowing patrons to purchase wine, gifts, and floral arrangements at a single location. Therefore, it is recommended that the Board determine that public convenience will be served by issuing the new Off-Sale Beer & Wine license to Forage Florals.

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 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: Paige Roosa.

Attachments:

1. Board of Supervisors Letter to State Department of Alcohol Beverage Control
2. Alcohol Beverage Control Form 245
3. Letter from Applicant, dated October 17, 2021
4. Crime Reporting District 440 Reference Map
5. Notice of Exemption

Authored by:

Paige Roosa, Planner, 568-2081

Development Review Division, Planning and Development Department