



TO: Mayor and Councilmembers

FROM: Jaime Valdez, Interim Neighborhood Services and Public Safety Director

SUBJECT: Determination of Public Convenience or Necessity to sell beer and wine for off-site consumption at 42 North Fairview Avenue in the CI (Intersection Commercial) Zone

RECOMMENDATION:

Adopt Resolution No. 21-__, entitled “A Resolution of the City of Goleta, California Determining that the Public Convenience or Necessity Would be Served by Issuance of an Alcoholic Beverage Control License as Required by the California Business and Professions Code Section 23958.4 for the Property located at 42 North Fairview Avenue.”

BACKGROUND:

On June 30, 2015, the City Council adopted Resolution No. 15-34 which authorizes the City Council to make determinations of whether public convenience or necessity (PCN) would be served by the issuance of a California Department of Alcohol Beverage Control (ABC) license. Previously, that authority rested with the City Manager (via Resolution No. 11-20) and prior to that, with the Santa Barbara Sheriff’s Office (via Resolution No. 03-06).

According to the ABC website (report as of June 7, 2021), within the City of Goleta, there are 17 establishments that have an active Type 20 license and 18 establishments that have an active Type 21 license for a total of 35 businesses that actively sell alcohol beverages for off-site consumption. A Type 20 license is an “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. A Type 21 license is an “Off-Sale General” license, which authorizes the sale of beer, wine *and* distilled spirits for consumption off the premises where sold. Minors are allowed on the premises.

The ownership of the Fairview Chevron Station located at 42 North Fairview Avenue submitted their Form ABC-211 for a “person to person” and “premises to premises” transfer of a “surrendered” existing Type 20 license from another business within Santa Barbara County to the 42 North Fairview Avenue location just north of Highway 101(see photo on next page).



Attachment 1 consists of all the relevant documentation provided to the City of Goleta by ABC, including form ABC-211 (Application), ABC-257 (Licensed Premises Diagram), and ABC-245. Form "ABC-245" is to be used for all applications for issuance of premises-to-premises transfer of licenses in an overconcentrated census tract.

ABC reports that while this location is not within a high-crime reporting district, the site is located within a census tract in which the ratio of off-sale licenses to population exceeds the ratio of the off-sale licenses to population of Santa Barbara County. As a result, the Council must determine that the public convenience or necessity would be served by issuance of this license in order for ABC to grant the license. Form ABC-245 requires a PCN determination from City Council as a result of the "undue concentration" (commonly referred to as overconcentration) of licenses in the area as established by ABC.

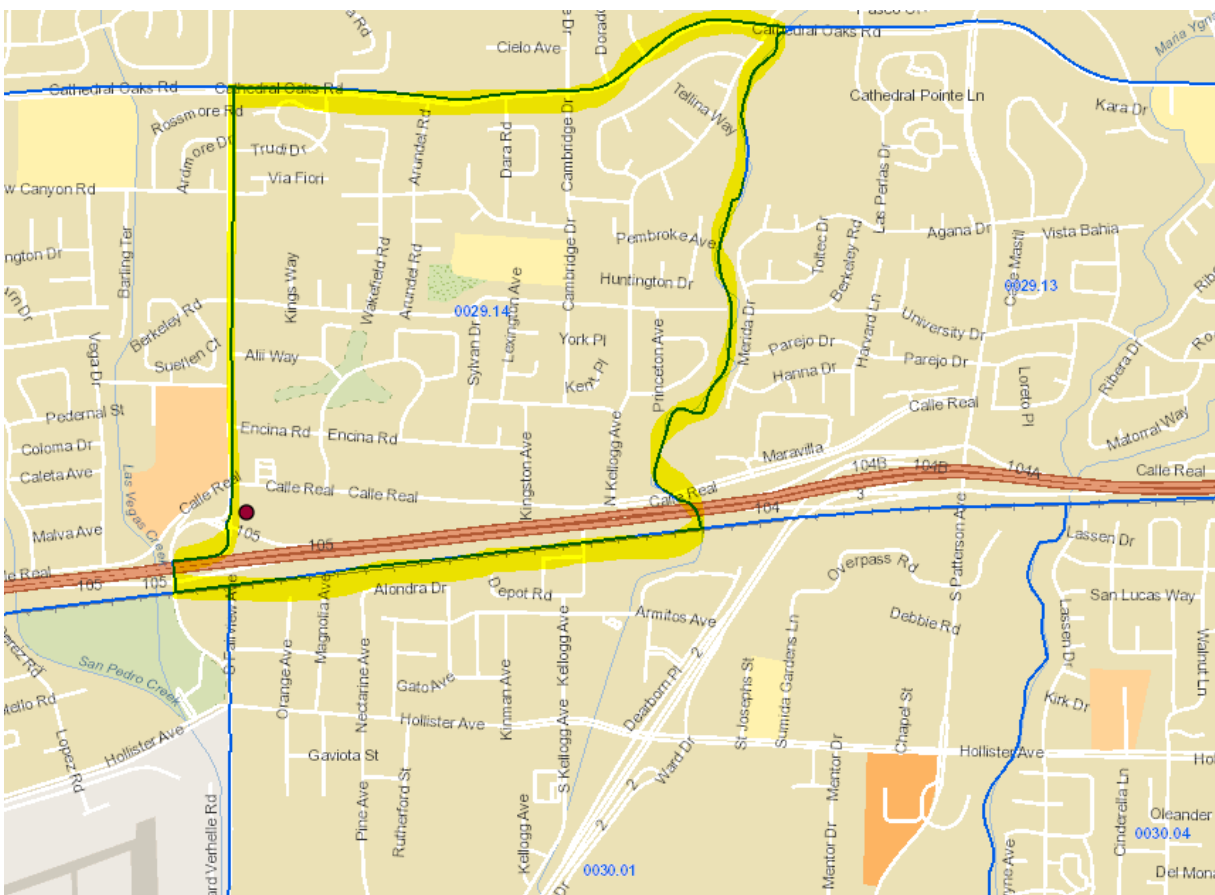
If the local governing body, or its designated subordinate officer or body (City Council), does not make a determination within 90 days of notification of a completed application, then ABC may issue a license if the applicant shows ABC that public convenience or necessity would be served by the issuance. Staff informed ABC with sufficient notice that a PCN finding consideration would come to the City Council for consideration.

DISCUSSION:

ABC considers whether the area has an overconcentration of alcohol licenses in determining whether public convenience or necessity warrants the license. There is a total of 35 active off-sale licenses within the City of Goleta. According to ABC and provided in Business and Professions Code Section 23817.5, an area can limit the number of off-sale licenses based on population (1 for every 2,500 people for a Type 20 and 1 for every 1,250 people for both Type 20 and 21).

Based on Goleta's population of 32,212 (California Department of Finance Estimate as of 1/1/2020), the number of total licenses (Type 20 and Type 21 in combination) of 26 for the entire city is sufficient concentration to support the population.

If the population criterion is limited to the Census Tract where the business is located (Census Tract 060830029.14 hereinafter referred to as 29.14), there would be an overconcentration of licenses based on the criteria of one license for every 1,250 people. According to the Federal Financial Institutions Examination Council (ffiec.gov), there are 3,190 residents within Census Tract 29.14 (below for reference). This should result in no more than three off-site sales licenses within this area. There are seven active and operational businesses with off-site sales licenses (Type 20 and 21) within this Census Tract.



The zoning district for this area is CI (Intersection Commercial) which provides for a limited range of commercial uses of low to moderate intensity located at major roadway intersections by implementing the Intersection Commercial (C-I) land use designation of the General Plan. Customers are anticipated to drive to these establishments. Uses are limited to various commercial and retail services oriented to the traveling public, including, but not limited to, gas stations, convenience markets, highway-oriented restaurants, and similar uses.

The sale of beer and wine in conjunction with the convenience market business and gas station is consistent with the zoning district as confirmed with the City's Planning and Environmental Review (PER) Department. The convenience market business with gasoline sales, with the ancillary sale of beer and wine for off-site consumption, complements the other commercial businesses in the area and will provide an additional amenity to the City's residents and visitors.

With regard to the ABC-245 form, if "Yes" is checked in either item #11 (number of existing licenses exceeds the number allowed) or item #19 (premises located in a high crime reporting district), and the applicant is applying for an off-sale license, the applicant must take the form to the local governing body (City Council), or its designated subordinate officer or body to have them complete Section 3. The completed form will need to be provided to ABC in order to process the application.

The applicant has provided their own information (Attachment 2) to staff related to the ABC-245 form which makes their case for a PCN. According to the information submitted, it is the applicant's intent with a Type 20 license to:

"...allow us to offer our customer base a healthy selection of beer and wine for consumption off-site. Many of our customers use us as an all-in-one shop. By offering beer and wine, we can round out our business model and fill a void in our concept."

The applicant also goes on to state "I have owned and operated another Type 20 license since 2008 without incident."

Based on the information received from the applicant, input from the Santa Barbara Sheriff's Office that the property is not located in a high crime reporting district, and confirmation from the PER Department that the proposed use is permitted under current zoning regulations, Staff recommends City Council make a PCN determination for 42 North Fairview Avenue via the recommended Resolution (Attachment 3).

FISCAL IMPACTS:

Sales tax revenue would likely increase if this item were approved given that the location would be offering customers visiting the site to purchase alcohol beverages along with other items sold at the location. There are no additional fiscal impacts other than the costs of including a specific application on the Consent Calendar for Council consideration. City staff reviews ABC license applications and then provides a recommendation to the City Council for determination of public convenience or necessity. Final decisions on approval or denial of applications would remain with ABC.

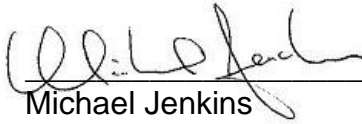
Reviewed By:

Legal Review By:

Approved By:



Kristine Schmidt
Assistant City Manager



Michael Jenkins
City Attorney



Michelle Greene
City Manager

Attachments:

1. California Alcohol Beverage Control Forms ABC-211, ABC-257, and ABC-245 for 42 North Fairview Avenue
2. 42 North Fairview Avenue Request for PCN Findings from Applicant
3. Resolution No. 21-__, entitled "A Resolution of the City Council of the City of the City of Goleta, California Determining that Public Convenience or Necessity Would be Served as Required by the California Business and Professions Code Section 23958.4 for the Property located at 42 North Fairview Avenue."

Attachment 1

California Alcohol Beverage Control Forms ABC-211, ABC-257, and ABC-245
for 42 North Fairview Avenue

APPLICATION FOR ALCOHOLIC BEVERAGE LICENSE(S)

ABC 211 (6/99)

AMENDED 3/29/21

TO: Department of Alcoholic Beverage Control
 1000 SOUTH HILL ROAD
 SUITE 310
 VENTURA, CA 93003
 (805) 289-0100

File Number: **624793**
 Receipt Number: **2664790**
 Geographical Code: **4208**
 Copies Mailed Date: **March 16, 2021**
 Issued Date:

DISTRICT SERVING LOCATION: **VENTURA**

First Owner: **PRICE FUEL AND SERVICE, LP**
 Name of Business: **FAIRVIEW CHEVRON STATION**
 Location of Business: **42 N FAIRVIEW AVE**
GOLETA, CA 93117-2307

County: **SANTA BARBARA**Is Premises inside city limits? **Yes**

Census Tract:

Mailing Address:(If different
 from
 premises address)

Type of license(s): **20** Dropping Partner: Yes___ No___Transferor's license/name: **483138 / MAIDAA, GEORGE R AL**

<u>License Type</u>	<u>Transaction Type</u>	<u>Master</u>	<u>Secondary LT And Count</u>		
20 - Off-Sale Beer And Wine	PER/PRM	Y			
<u>License Type</u>	<u>Transaction Description</u>	<u>Fee Code</u>	<u>Dup</u>	<u>Date</u>	<u>Fee</u>
Application Fee	STATE FINGERPRINTS	NA	1	03/16/21	\$39.00
Application Fee	DBL TRF: PREMISES AND PERSON	NA	0	03/16/21	\$905.00
Application Fee	FEDERAL FINGERPRINTS	NA	1	03/16/21	\$24.00
20 - Off-Sale Beer And Wine	ANNUAL FEE	NA	0	03/16/21	\$400.00
Total					\$1,368.00

Have you ever been convicted of a felony? **No**

Have you ever violated any provisions of the Alcoholic Beverage Control Act, or regulations of the
 Department pertaining to the Act? **No**

STATE OF CALIFORNIA County of SANTA BARBARA

Date: March 16, 2021

Applicant Name(s)

PRICE FUEL AND SERVICE, LP

Amended Premise Address
 Replaced NORTH with N

LICENSED PREMISES DIAGRAM (RETAIL)

1. APPLICANT NAME (If individual: Last, first, middle)

PRICE FUEL AND SERVICE, LP

2. LICENSE TYPE

20

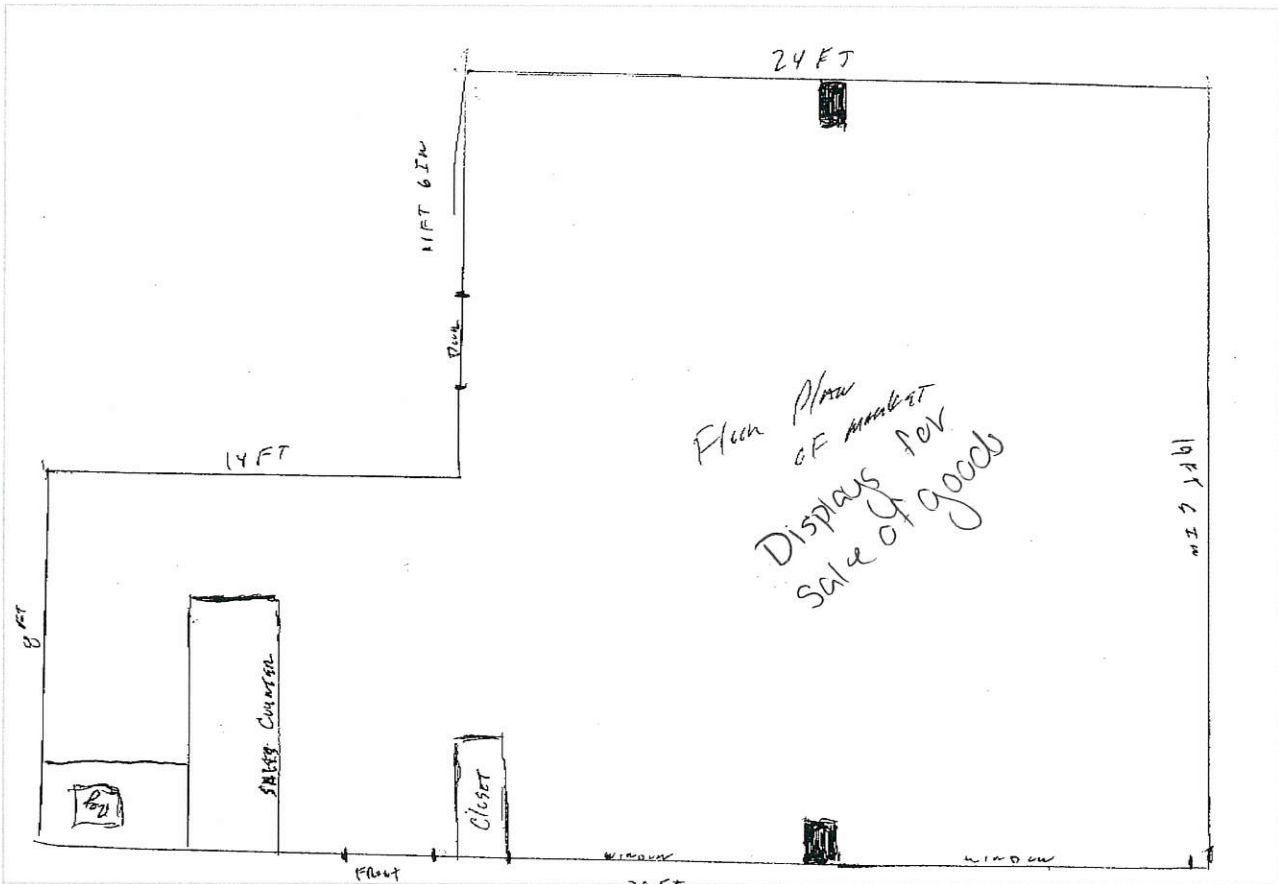
3. PREMISES ADDRESS (Street number and name, city, zip code)

42 North Fairview, Goleta, CA 93117

4. NEAREST CROSS STREET

CALLE REAL

The diagram below is a true and correct description of the entrances, exits, interior walls and exterior boundaries of the premises to be licensed, including dimensions and identification of each room (i.e., "storeroom", "office", etc.).

DIAGRAM

It is hereby declared that the above-described premises and character of premises, as indicated on the reverse side, will not be changed in accordance with Rule 64.2 of the California Code of Regulations without first notifying and securing approval of the Department of Alcoholic Beverage Control. Substantial changes to the premises may require an application fee in accordance with Section 24072 of the Business and Professions Code. I declare under penalty of perjury that the foregoing is true and correct.

APPLICANT SIGNATURE (Only one signature required)

ⓧ

DATE SIGNED

02/25/21

FOR ABC USE ONLY

CERTIFIED CORRECT (Signature)

PRINTED NAME

M. Rea

INSPECTION DATE

4/26/21

PLANNED OPERATION (RETAIL)**SECTION I - FOR ALL RETAIL APPLICANTS**

1. APPLICANT NAME(S) (If Individual: Last, First, Middle Initial) PRICE FUEL AND SERVICE, LP				2. LICENSE TYPE(S) 20			
3. PREMISES ADDRESS (Street number and name, city, zip code) 42 North Fairview, Goleta, CA 93117				4. NEAREST CROSS STREET CALLE REAL			
5. TYPE OF BUSINESS (Choose one that best describes the planned operation)							
<input type="checkbox"/> Full Service Restaurant		<input type="checkbox"/> Cafeteria/Hofbrau		<input type="checkbox"/> Cocktail Lounge		<input type="checkbox"/> Private Club	
<input type="checkbox"/> Deli or Specialty Restaurant		<input type="checkbox"/> Comedy Club		<input type="checkbox"/> Night Club		<input type="checkbox"/> Veterans Club	
<input type="checkbox"/> Cafe/Coffee Shop		<input type="checkbox"/> Brew Pub		<input type="checkbox"/> Tavern		<input type="checkbox"/> Fraternal Club	
<input type="checkbox"/> Bed & Breakfast		<input type="checkbox"/> Theater		<input type="checkbox"/> Wine Tasting Room			
<input type="checkbox"/> Supermarket		<input type="checkbox"/> Membership Store		<input type="checkbox"/> Service Station		<input type="checkbox"/> Swap Meet/Flea Market	
<input type="checkbox"/> Liquor Store		<input type="checkbox"/> Department Store		<input type="checkbox"/> Convenience Market		<input type="checkbox"/> Drive-in Dairy	
<input type="checkbox"/> Variety/Drug Store		<input type="checkbox"/> Gift Shop/Florist		<input checked="" type="checkbox"/> Convenience Market w/Gasoline			
<input type="checkbox"/> Other - describe: _____							
6. PATRON CAPACITY 49		7. SURROUNDING AREA <input checked="" type="checkbox"/> Commercial <input type="checkbox"/> Rural <input type="checkbox"/> Residential <input type="checkbox"/> Industrial <input type="checkbox"/> Other _____		8. PREMISES IS LOCATED IN <input checked="" type="checkbox"/> Free Standing Building <input type="checkbox"/> Shopping Center (Name): _____ <input type="checkbox"/> 10 Units or Less <input type="checkbox"/> More than 10 Units			
9. FOOD SERVICE <input checked="" type="checkbox"/> None <input type="checkbox"/> Minimal <input type="checkbox"/> Full Meals		10. PARKING LOT? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		11. PATIO? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		12. WILL YOU HIRE A MANAGER? (Rule 57.5) <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
13. WILL YOU HAVE A FOOD LESSEE? (Rule 57.7) <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No							
14. MEAL TYPE <input type="checkbox"/> Dinner House <input type="checkbox"/> Seafood <input type="checkbox"/> Fast Food/Deli <input type="checkbox"/> Other: _____ <input type="checkbox"/> Pizza/Pasta _____		15. TYPE OF FOOD <input type="checkbox"/> American <input type="checkbox"/> Greek <input type="checkbox"/> Indian <input type="checkbox"/> French <input type="checkbox"/> Chinese <input type="checkbox"/> Korean <input type="checkbox"/> Italian <input type="checkbox"/> Thai <input type="checkbox"/> Japanese <input type="checkbox"/> Other: _____				16. HOURS OF FOOD SERVICE BREAKFAST HOURS From: _____ To: _____ LUNCH HOURS From: _____ To: _____ DINNER HOURS From: _____ To: _____	
17. OPERATING HOURS							
	Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
Opening Time	7:00 AM	7:00 AM	7:00 AM	7:00 AM	7:00 AM	7:00 AM	7:00 AM
Closing Time	1:00 AM	1:00 AM	1:00 AM	1:00 AM	1:00 AM	1:00 AM	1:00 AM
18. ENTERTAINMENT (One or more may apply. Please describe any entertainment with an asterisk (*) below)							
<input type="checkbox"/> None		<input type="checkbox"/> *Amplified Music		<input type="checkbox"/> Patron Dancing		<input type="checkbox"/> Card Room	
<input checked="" type="checkbox"/> Recorded Music		<input type="checkbox"/> *Live Entertainment		<input type="checkbox"/> Bikini/Topless/Exotic		<input type="checkbox"/> Movies	
<input type="checkbox"/> Juke Box		<input type="checkbox"/> *Floor/Stage Shows		<input type="checkbox"/> Pool/Billiard Tables		<input type="checkbox"/> "Hot Spot"/Lottery	
<input type="checkbox"/> *Other		<input type="checkbox"/> Karaoke		<input type="checkbox"/> *Amateur/Pro Sports Events		<input type="checkbox"/> Video/Coin-Operated Games	
*Description: _____							
19. PREMISES IS LOCATED ON <input checked="" type="checkbox"/> Major Thoroughfare <input type="checkbox"/> Secondary Street <input type="checkbox"/> Other _____				20. TYPE OF STRUCTURE <input checked="" type="checkbox"/> Single Story <input type="checkbox"/> Two-Story <input type="checkbox"/> Multi-Story - Number of stories: _____			
21. PASS-THROUGH WINDOW? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		22. FIXED BARS? <input type="checkbox"/> Yes - how many: _____ <input checked="" type="checkbox"/> No		23. WHAT PERCENTAGE OF YOUR TOTAL SALES WILL BE ALCOHOLIC BEVERAGES? 50%			
FOR ABC USE ONLY							
24. INFORMATION GIVEN (R-27, R-107, Sec. 25612.5, Sec. 23790.5, etc.)						25. DATE ENTERED INTO CABIN	

INFORMATION AND INSTRUCTIONS -**SECTION 23958.4 B&P**

Instructions This form is to be used for all applications for original issuance or premises to premises transfer of licenses.

- Part 1 is to be completed by an ABC employee, given to applicant with pre-application package, with copy retained in holding file or applicant's district file.
- Part 2 is to be completed by the applicant, and returned to ABC.
- Part 3 is to be completed by the local governing body or its designated subordinate officer or body, and returned to ABC.

PART 1 - TO BE COMPLETED BY ABC

1. APPLICANT'S NAME

PRICE FUEL AND SERVICE, LP

2. PREMISES ADDRESS (Street number and name, city, zip code)

42 NORTH FAIRVIEW AVE, GOLETA, 93117-2307

3. LICENSE TYPE

20

4. TYPE OF BUSINESS

- | | | | |
|---|--|---|--|
| <input type="checkbox"/> Full Service Restaurant | <input type="checkbox"/> Hofbrau/Cafeteria | <input type="checkbox"/> Cocktail Lounge | <input type="checkbox"/> Private Club |
| <input type="checkbox"/> Deli or Specialty Restaurant | <input type="checkbox"/> Comedy Club | <input type="checkbox"/> Night Club | <input type="checkbox"/> Veterans Club |
| <input type="checkbox"/> Cafe/Coffee Shop | <input type="checkbox"/> Brew Pub | <input type="checkbox"/> Tavern: Beer | <input type="checkbox"/> Fraternal Club |
| <input type="checkbox"/> Bed & Breakfast: | <input type="checkbox"/> Theater | <input type="checkbox"/> Tavern: Beer & Wine | <input type="checkbox"/> Wine Tasting Room |
| <input type="checkbox"/> Wine only <input type="checkbox"/> All | | | |
| <input type="checkbox"/> Supermarket | <input type="checkbox"/> Membership Store | <input type="checkbox"/> Service Station | <input type="checkbox"/> Swap Meet/Flea Market |
| <input type="checkbox"/> Liquor Store | <input type="checkbox"/> Department Store | <input type="checkbox"/> Convenience Market | <input type="checkbox"/> Drive-in Dairy |
| <input type="checkbox"/> Drug/Variety Store | <input type="checkbox"/> Florist/Gift Shop | <input checked="" type="checkbox"/> Convenience Market w/Gasoline | |
| <input type="checkbox"/> Other - describe: | | | |

5. COUNTY POPULATION

6. TOTAL NUMBER OF LICENSES IN COUNTY

☐ On-Sale ☐ Off-Sale

7. RATIO OF LICENSES TO POPULATION IN COUNTY

☐ On-Sale ☐ Off-Sale

8. CENSUS TRACT NUMBER

29.14

9. NO. OF LICENSES ALLOWED IN CENSUS TRACT

3

☐ On-Sale ☒ Off-Sale

10. NO. OF LICENSES EXISTING IN CENSUS TRACT

7

☐ On-Sale ☒ Off-Sale

11. IS THE ABOVE CENSUS TRACT OVERCONCENTRATED WITH LICENSES? (i.e., does the ratio of licenses to population in the census tract exceed the ratio of licenses to population for the entire county?)

- ☒ Yes, the number of existing licenses exceeds the number allowed
- ☐ No, the number of existing licenses is lower than the number allowed

12. DOES LAW ENFORCEMENT AGENCY MAINTAIN CRIME STATISTICS?

- ☐ Yes (Go to Item #13) ☐ No (Go to Item #20)

13. CRIME REPORTING DISTRICT NUMBER

14. TOTAL NUMBER OF REPORTING DISTRICTS

15. TOTAL NUMBER OF OFFENSES IN ALL REPORTING DISTRICTS

16. AVERAGE NO. OF OFFENSES PER DISTRICT

17. 120% OF AVERAGE NUMBER OF OFFENSES

18. TOTAL NUMBER OF OFFENSES IN REPORTING DISTRICT

19. IS THE PREMISES LOCATED IN A HIGH CRIME REPORTING DISTRICT? (i.e., has a 20% 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)

- ☐ Yes, the total number of offenses in the reporting district equals or exceeds the total number in item #17
- ☐ No, the total number of offenses in the reporting district is lower than the total number in item #17

20. CHECK THE BOX THAT APPLIES (check only one box)

- ☐ a. If "No" is checked in both item #11 and item #19, Section 23958.4 B&P does not apply to this application, and no additional information will be needed on this issue. Advise the applicant to bring this completed form to ABC when filing the application.
- ☐ b. If "Yes" is checked in either item #11 or item #19, and the applicant is applying for a non-retail license, a retail bona fide public eating place license, a retail license issued for a hotel, motel or other lodging establishment as defined in Section 25503.16(b) B&P, or a retail license issued in conjunction with a beer manufacturer's license, or winegrower's license, advise the applicant to complete Section 2 and bring the completed form to ABC when filing the application or as soon as possible thereafter.
- ☒ c. If "Yes" is checked in either item #11 or item #19, and the applicant is applying for an off-sale beer and wine license, an off-sale general license, an on-sale beer license, an on-sale beer and wine (public premises) license, or an on-sale general (public premises) license, advise the applicant to take this form to the local governing body, or its designated subordinate officer or body to have them complete Section 3. The completed form will need to be provided to ABC in order to process the application.

Governing Body/Designated Subordinate Name: _____

FOR DEPARTMENT USE ONLY

PREPARED BY (Name of Department Employee) _____

PART 2 - TO BE COMPLETED BY THE APPLICANT (If box #20b is checked)

21. Based on the information on the reverse, the Department may approve your application if you can show that public convenience or necessity would be served by the issuance of the license. Please describe below the reasons why issuance of another license is justified in this area. You may attach a separate sheet or additional documentation, if desired. Do not proceed to Part 3.

22. APPLICANT SIGNATURE

☒

23. DATE SIGNED

03/19/21

PART 3 - TO BE COMPLETED BY LOCAL OFFICIALS (If box #20c is checked)

The applicant named on the reverse is applying for a license to sell alcoholic beverages at a premises where undue concentration exists (i.e., an over-concentration of licenses and/or a higher than average crime rate as defined in Section 23958.4 of the Business and Professions Code). Sections 23958 and 23958.4 of the Business and Professions Code requires the Department to deny the application unless the local governing body of the area in which the applicant premises are located, or its designated subordinate officer or body, determines within 90 days of notification of a completed application that public convenience or necessity would be served by the issuance. Please complete items #24 to #30 below and certify or affix an official seal, or attach a copy of the Council or Board resolution or a signed letter on official letterhead stating whether or not the issuance of the applied for license would serve as a public convenience or necessity.

24. WILL PUBLIC CONVENIENCE OR NECESSITY BE SERVED BY ISSUANCE OF THIS ALCOHOLIC BEVERAGE LICENSE?

☐ Yes

☐ No

☐ See Attached (i.e., letter, resolution, etc.)

25. ADDITIONAL COMMENTS, IF DESIRED (may include reasons for approval or denial of public convenience or necessity)

RECEIVED

APR 13 2021

Dept. of Alcoholic Beverage Control
VENTURA

26. CITY/COUNTY OFFICIAL NAME

27. CITY/COUNTY OFFICIAL TITLE

28. CITY/COUNTY OFFICIAL PHONE NUMBER

29. CITY/COUNTY OFFICIAL SIGNATURE

30. DATE SIGNED

Attachment 2

42 North Fairview Avenue Request for PCN Findings from Applicant

To Whom it May Concern:

In accordance with the provisions of Section 23958.4 of the Business & Professions Code, I would like to submit the following considerations to demonstrate that public convenience and necessity will be served by the approval of our Off-Sale Beer and Wine license application at 42 North Fairview Ave, Goleta, CA 93117.

- ◆ For the past 30 years, we have owned and operated this location as a gas station and convenience store. We provide an array of products and services for our customers to choose from, including gas, propane and diesel fuel, so all our customers will be able to purchase the fuel that is right for their specific vehicle. Inside our market, we offer a large selection of cold drinks and snacks to our customers.
- ◆ A Type 20 license will allow us to offer our customer base a healthy selection of beer and wine for consumption off-site. Many of our customers use us as an all-in-one shop. By offering beer and wine, we can round out our business model and fill a void in our concept.
- ◆ The approval of this additional Type 20 license will allow us to complement our food market rather than be a focus.
- ◆ Throughout our 30 years of service, we've come to understand what the residents in Goleta, CA, expect, and we strive to exceed these expectations at all times. We are well-known with the local clientele and have watched many families grow up in the neighborhood, with both adults and children continuing to frequent our store and to support our family's endeavors for the last decades.
- ◆ We have built a loyal customer base with a focus on family and community. It will not promote an environment in which excessive or irresponsible alcohol consumption is present or permitted. We have successfully created a casual and comfortable atmosphere for all patrons and plan to continue this tradition with the Type 20 license.
- ◆ Our employees will undergo intensive procedural training in the areas of customer identification in the event of alcohol service, site security and premises boundaries, and the proper handling of alcoholic beverages. An ownership presence will be on-site at all times, ensuring quality service and a healthy and safe eating environment.
- ◆ We would not serve any patron who would endanger our relationship with law enforcement.

I am also the owner of many other gas stations and convenience stores in the Santa Barbara area. I have owned and operated another Type 20 license since 2008 without incident. We hope you have continued confidence in our abilities and will approve our Off-Sale Beer and Wine license application.

Thank you for your time and consideration. I look forward to your favorable reply.

Kind regards,

Thomas Price
Price Fuel and Service, LP

Attachment 3

Resolution No. 21-__, entitled "A Resolution of the City Council of the City of the City of Goleta, Determining that Public Convenience or Necessity Would be Served as Required by the California Business and Professions Code Section 23958.4 for the Property located at 42 North Fairview Avenue."

RESOLUTION NO. 21-__

**A RESOLUTION OF THE CITY OF GOLETA, CALIFORNIA,
DETERMINING THAT PUBLIC CONVENIENCE OR NECESSITY
WOULD BE SERVED BY THE ISSUANCE OF AN ALCOHOLIC
BEVERAGE CONTROL LICENSE AS REQUIRED BY THE
CALIFORNIA BUSINESS AND PROFESSIONS CODE SECTION
23958.4 FOR THE PROPERTY LOCATED AT 42 NORTH
FAIRVIEW AVENUE**

WHEREAS, the California Department of Alcohol Beverage Control (“ABC”) issues licenses for the sale of alcoholic beverages; and

WHEREAS, the California Business and Professions Code authorizes ABC to seek local input for determining if the public convenience or necessity would be served by the issuance of a license would justify an exception to the concentration of licenses; and

WHEREAS, Business and Professions Code § 23958.4 states that ABC may grant a license to an applicant premises in areas of undue concentration if the local governing body of the area in which the applicant premises is located determines that public convenience or necessity would be served by issuance of the license; and

WHEREAS, under the Business and Professions Code, the local governing body, or its designated subordinate officer or body, has the right to determine whether public convenience or necessity would be served by the issuance of an ABC license; and

WHEREAS, Resolution No. 15-34 authorizes the City Council to make the determination of whether public convenience or necessity would be served for the State issuance of alcohol licenses under Business and Professions Code § 23958.4; and

WHEREAS, the applicant for an ABC off-sale beer and wine alcohol license at 42 North Fairview Avenue requires a public convenience or necessity due to the existence of an undue concentration of alcohol licenses in US Census Tract 060830029.14.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF
THE CITY OF GOLETA, AS FOLLOWS:**

SECTION 1. The City Council of the City of Goleta finds as follows:

- A. The proposed business is within one of Goleta's Commercial Retail areas.
- B. The zoning district for this area is CI (Intersection Commercial) which provides for a limited range of commercial uses of low to moderate intensity located at major roadway intersections by implementing the Intersection Commercial (C-I) land use designation of the General Plan. Customers are anticipated to drive to these establishments. Uses are limited to various commercial and retail services oriented to the traveling public, including, but not limited to, gas stations, convenience markets, highway-oriented restaurants, and similar uses. The sale of beer and wine in conjunction with the convenience market business and gas station is consistent with the zoning district. The convenience market business with gasoline sales, with the ancillary sale of beer and wine for off-site consumption, complements the other commercial businesses in the area and will provide an additional amenity to the City's residents and visitors.
- C. A responsibly operated convenience market business with gasoline sales with the ancillary sale of alcohol for off-site consumption is a valuable part of the business mix within Goleta's commercial corridors and intersection commercial zones. The convenience market business with gasoline sales with ancillary beer and wine sales will be a beneficial addition to Goleta's commercial corridor and intersection commercial zones. The sale of beer and wine to customers in addition to the other retail sales at the convenience market will enhance the business while creating minimal impacts on neighboring uses or buildings.
- D. The sales of beer and wine is an important feature in most successful convenience market stores with gasoline sales and the sale of alcohol in conjunction with the convenience market business with gasoline sales will enhance the locally run business while creating minimal impacts on the community.
- E. The location at 42 North Fairview Avenue is not within a high-crime reporting district.

SECTION 2. The City Council of the City of Goleta determines that issuance of a license for off-site consumption of beer and wine for 42 North Fairview Avenue, will serve the public convenience and necessity.

SECTION 3. The City Clerk shall certify to the passage and adoption of this resolution and enter it into the book of original resolutions.

PASSED, APPROVED AND ADOPTED this 20th day of July 2021.

PAULA PEROTTE, MAYOR

ATTEST:

APPROVED AS TO FORM:

DEBORAH S. LOPEZ
CITY CLERK

MICHAEL JENKINS
CITY ATTORNEY

STATE OF CALIFORNIA)
COUNTY OF SANTA BARBARA) ss.
CITY OF GOLETA)

I, DEBORAH S. LOPEZ, City Clerk of the City of Goleta, California, DO
HEREBY CERTIFY that the foregoing Resolution No. 21-__ was duly adopted by
the City Council of the City of Goleta at a regular meeting held on the 20th day of
July 2021 by the following vote of the Council:

AYES:

NOES:

ABSENT:

(SEAL)

DEBORAH S. LOPEZ
CITY CLERK