



Staff Report

June 11, 2024

TO: Honorable Mayor and Members of the Town Council
FROM: Christy Consolini, Planning Director
DATE: June 11, 2024
RE: Letter of Public Convenience and Necessity for Le Bon Vin LLC Wine, Beer, and Charcuterie Bar 6099 Horseshoe Bar Road, Suite A (APN 043-100-037)

Recommendation

Adopt Resolution #24-XX (Attachment 1) approving a Letter of Public Convenience and Necessity (PCN Letter) for a Type 42 alcohol license for Le Bon Vin Wine, Beer, and Charcuterie Bar located at 6099 Horseshoe Bar Road, Suite A.

Issue Statement and Discussion

Le Bon Vin is a proposed wine, beer and charcuterie bar located in the former Starbucks suite of the Raley's Shopping Center located at 6099 Horseshoe Bar Road, Suite A. The applicant is requesting a PCN Letter to allow Le Bon Vin to acquire a Type 42 (On-Sale Beer and Wine for Public Premises) alcohol license from the Department of Alcoholic Beverage Control (ABC). The Type 42 license allows Le Bon Vin to conduct wine and beer tasting onsite as part of the operations. Charcuterie would also be sold in addition to wine and beer.

ABC requires an applicant to obtain a PCN Letter from the affected jurisdiction due to the prevalence of other establishments in the area selling alcohol including Raley's and the restaurants within the Raley's shopping center and along Taylor Road. While ABC previously allowed the Planning Director to provide approval and sign the PCN Letter, ABC recently revised their requirements and now requires that the Town Council approve the PCN Letter.

PCN Letter of Justification

As part of the request for a PCN Letter, an applicant must explain how the alcohol license will serve the public's convenience and necessity. In response, the applicant notes that Le Bon Vin would serve the public interest by creating a fun and casual environment for guests through an expertly curated wine buying and tasting experience. The applicant's objective is to create an outstanding customer experience, keep customer loyalty, retain employees, and provide wine education to the public. (Attachment 2).

Analysis

The Town of Loomis Municipal Code does not establish protocol for the issuance and review of Letters of Public Convenience and Necessity. Typically, a bar or tavern must comply with the requirements of the underlying zone (General Commercial) and the requirements of Section 13.42.050 – Alcoholic

Beverage Sales. Since the use would occupy an existing space with only small interior modifications, the use and structure comply with the Town's General Commercial Zoning Ordinance. Section 13.42.050 requires the following:

A. **Purpose.** *The town wishes to pay special attention to establishments that sell alcohol because of their potential to create problems including littering, loitering, public intoxication and disturbances. At the same time, the town wishes to avoid imposing unduly burdensome requirements on local businesses by requiring commission or council approval of these uses.*

B. **Permit Requirement.** *The owner of an on- or off-sale liquor establishment shall obtain an alcoholic beverage permit from the planning director prior to commencing operations. This permit requirement shall not apply to liquor establishments in existence or those with all required land use approvals as of August 10, 2001, until such time as these establishments come under new ownership. However, a permit holder who is not grandfathered and is issued a different type of liquor license thereafter, shall file a supplemental land use application, and their permit shall be subject to additional land use conditions at the discretion of the planning director.*

C. **Location Requirements.**

1. **Off-Sale.** *An off-sale liquor establishment shall be separated by a minimum of five hundred feet from all schools, religious facilities, public parks and playgrounds.*

2. **On-Sale.** *An on-sale liquor establishment shall be separated by a minimum of three hundred feet from all schools, religious facilities, public parks and playgrounds with the exception of Blue Anchor Park where no separation shall be required.*

a. *The planning commission may grant exemptions from the three-hundred-foot separation requirement for on-site sales on a case by case basis, if the planning commission finds that granting the exemption would not be detrimental to the public interest, health, safety, convenience, or welfare, or materially injurious to persons, property, or improvements in the vicinity. In approving the exemption, the Planning Commission may impose reasonable conditions to ensure compliance with this finding.*

b. *The procedure for granting exemption shall be the same as in Section [13.64.070](#), but only approved by the planning commission.*

3. *The distance shall be measured between the nearest point of the grounds, in use as part of a school, religious facility, public park or playground, and the primary public entrance of the liquor establishment, along the shortest route intended and available for public passage.*

D. **Operating Standards.** *Each on- or off-sale liquor establishment shall comply with all of the following standards at all times.*

1. **Complaints.** *The owner shall designate him or herself, or one or more persons responsible for addressing complaints about operations and maintenance, and for responding to concerns of adjacent property owners and other members of the community. Each liquor establishment shall have a phone directory public telephone listing. Written notice of the designated person shall be on file with the town at all times.*

2. **Consumption.** No alcoholic beverages shall be consumed on the premises of an off-sale liquor establishment that is not also an on-site liquor establishment.
3. **Employee Training.** All servers should, within ninety days of employment, complete an approved course in responsible beverage service training, including a review of pertinent state laws such as Alcoholic Beverage Control (ABC) and [Penal Code](#) provisions dealing with sale to minors; the effects of alcohol on people, including the impairment of driving skills; and methods of dealing with intoxicated customers and recognizing minors.
4. **Graffiti.** The owner or operator shall eliminate graffiti within seventy-two hours of notification by the town.
5. **Laws.** The establishment shall be maintained and operated in a manner that complies with all applicable laws, rules, and regulations.
6. **Noise.** Noise generated by the establishment shall not exceed sixty dBA at the property line if the abutting property is in a residential zoning district or occupied by a residential use, or sixty-five dBA at the property line if the abutting property is in a nonresidential zoning district or is occupied by a nonresidential use.
7. **Nuisance.** The establishment shall be maintained and operated in a manner that does not create or allow a public or private nuisance.
8. **Operation.** The establishment shall be maintained and operated in a manner that minimizes the congregation of individuals, loud noise, violence, on-site drunkenness, public urination, solicitation, loitering, and littering.
9. **Permit Posting.** A copy of the permit for alcohol sales shall be posted on the premises in a conspicuous place where it may be readily viewed by the public.
10. **Telephones.** Each public telephone located on an off-sale premises (or located in an adjacent area under the control of the off-sale licensee) shall be equipped with devices or mechanisms that prevent persons from calling into that public telephone, if requested by the chief of police.
11. **Trash.** Off-sale liquor establishments shall have litter and trash receptacles at convenient locations inside and outside the premises, and the operators shall remove trash and debris on a daily basis to an enclosed trash receptacle.

E. **Conditions of Approval.** In addition to ensuring compliance with the operating standards in subsection D, the director is assigned the discretion to impose conditions on permits for alcohol sales that are reasonably calculated to mitigate adverse land use impacts that may otherwise occur as a result of operating a particular liquor establishment.

F. **Permit Issuance.** The director shall either approve or disapprove a permit for alcohol sales within ten days if the application for alcohol sales is deemed complete, and all other required permits by the town have been approved. The director or town staff shall inform the applicant as soon as possible of any information missing from the application. If the applicant has requested an exemption from the separation requirement pursuant to subsection (C)(2), the ten-day period will begin following final action

by the planning commission. If the planning commission's decision is appealed, the ten-day period will begin following final action on the appeal by the town council.

*G. **Revocation.** Except as otherwise provided by this section, a permit for alcohol sales may be revoked in the same manner as a use permit, for failure to comply with the standards in this section or any conditions of approval. As part of the revocation proceedings, the planning commission may issue a warning, suspend a permit for a specified amount of time, or permanently revoke the permit, based on the seriousness of the underlying misconduct and the applicant's apparent ability to operate the establishment in compliance with applicable standards and conditions in the future. The commission shall make written findings in support of its decision.*

*H. **Appeal.** The director's decision may be appealed to the planning commission within ten days of the decision. A planning commission decision may be appealed to the council in the same manner, and under the same circumstances, as an appeal of a decision to revoke a use permit. (Ord. 273 § 1, 2017; Ord. 205 § 1 (Exh. A), 2003)*

In regard to Item C above, the proposed use would be located 500 feet from the Loomis Library and Community Learning Center, and over 1,500 feet from Blue Anchor Park, and is over 1,000 feet of any schools or religious facilities. The operating standards under Item D would be included in the business license conditions, along with requirements to obtain a future sign permit and abide by all other Town zoning requirements.

CEQA Requirements

Section 15061(b)(3) of the California Environmental Quality Act (CEQA) states that an activity is covered by the general rule that CEQA only applies to projects that have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA review. Granting this Letter of Public Convenience and Necessity will not bring about any physical change to the environment and will not have any potential for causing a significant effect on the environment.

Financial and/or Policy Implications

No identifiable direct material or negative financial impact to the Town's General Fund is expected.

Attachments

1. Resolution
2. Applicant's Justification Letters
3. Site Plan

TOWN OF LOOMIS

RESOLUTION NO. 24-__

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF LOOMIS
APPROVING A LETTER OF PUBLIC CONVENIENCE AND NECESSITY FOR A TYPE 42 (ON-SALE
BEER AND WINE FOR PUBLIC PREMISES) ALCOHOL LICENSE FOR LE BON VIN LOCATED AT
6099 HORSESHOE BAR ROAD, SUITE A ASSESSOR PARCEL NUMBER 043-100-037
PROJECT #24-07**

WHEREAS, the Planning Department of the Town of Loomis received an application on April 25, 2024 requesting a Letter of Public Convenience and Necessity for Le Bon Vin to obtain a Type 42 (On-Sale Beer and Wine) alcohol license from the Department of Alcoholic Beverage Control in order to conduct wine and beer tasting and sell beer, wine, and charcuterie from an existing storefront at 6099 Horseshoe Bar Road; and

WHEREAS, the proposed project is located on real property within the Town of Loomis at 6099 Horseshoe Bar Road, more particularly described as Assessor Parcel Number 043-100-037; and

WHEREAS, on March 20, 2024, the Department of Alcoholic Beverage Control sent notification to the Town of Loomis Planning Department that the Department of Alcoholic Beverage Control now requires a Letter of Public Convenience and Necessity to be approved by the Town Council; and

WHEREAS, the project is exempt from California Environmental Quality Act (CEQA) review under §15061(b)(3) of the CEQA Guidelines because a Letter of Public Convenience will not with reasonable certainty have a possible effect on the environment; and

WHEREAS, the Town Council held a duly noticed public hearing as required by law to consider all of the information presented by staff, information presented by the project proponent, and public testimony presented in writing and at the meeting.

NOW, THEREFORE, BE IT RESOLVED that the Town Council of the Town of Loomis hereby approves the Letter of Public Convenience and Necessity for Le Bon Vin located at 6099 Horseshoe Bar Road based on the following findings:

1. The project is exempt from CEQA review. Pursuant to §15061(b)(3) of the CEQA Guidelines, an activity is covered by the general rule that CEQA only applies to projects that have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA review. Granting this Letter of Public Convenience and Necessity will not bring about any physical change to the environment and therefore will not have any potential for causing a significant effect on the environment.
2. Public Convenience and Necessity is met by the issuance of a Type 42 (On-Sale Beer and Wine for Public Premises) alcohol license for Le Bon Vin. No existing violations against the property or Applicant have occurred that would discourage the issuance of a Type 42 alcohol license for Le Bon Vin. The type of use, Bar/Tavern, is consistent with the General Plan and General Commercial zoning district as well as Section 13.42.050 of the Town's Municipal Code. Furthermore, the public convenience would be served by allowing customers to sample

wine and beer at the store, providing consumers with the opportunity to make informed purchases. The public's convenience is further enhanced by providing additional merchandise and an interactive method of selecting it.

3. No objections were submitted to the Town by the public referral agencies, or neighboring parcel owners, who received notification of the request for a Letter of Public Convenience and Necessity and of the pending license for a wine, beer and charcuterie bar at 6099 Horseshoe Bar Road, Suite A. The applicant is required to submit tenant improvements for Town and agency approval prior to operation and to operate in compliance with Town and public agency Codes, standards, and requirements, and per their business license conditions. The authorization of this use would not be detrimental to the public interest, health, safety, convenience, or welfare, or materially injurious to persons, property, or improvements in the vicinity.

PASSED AND ADOPTED by the Council of the Town of Loomis this 11th day of June, 2024 by the following vote:

AYES:

NOES:

ABSTAINED:

ABSENT:

Stephanie Youngblood, Mayor

ATTEST:

Carol Parker, Deputy Town Clerk

To Loomis Town Council,

My name is Natalie Simonoff and I am writing this Statement of Justification for Le Bon Vin LLC, located at 6099 A Horseshoe Bar Rd. to request a Conditional Use Permit to serve beer and wine at our location.

The purpose of our business is to provide an expertly curated wine buying and tasting experience to the community, while maintaining an approachable and fun atmosphere. Our objectives include to create an outstanding customer experience, keep customer loyalty and to retain employees and provide wine education to the public.

We believe we can serve the public interest by creating a fun and casual environment for our guests and using our space as a gathering place for the community. At Le Bon Vin LLC, we can have the public use our location for celebratory events such as baby and bridal showers and special birthday celebrations. We will also carry rare and unique wines for purchase that aren't easily found. There are no other wine bars in the Town of Loomis and we would like to fulfill the community's need by opening one.

Le Bon Vin LLC is a new business that was formed in August 2023 and inspired by intimate wine shops in Paris, France. While we are a new business, the owner is an experienced restaurant worker who most recently ran Fourk Kitchen in Lincoln, Ca and expanded her role to Director of Operations overseeing 3 Fourk locations and Citizen Vine in Lincoln, Ca. This is the only location for Le Bon Vin LLC.

We are asking the Town Council to make this exception for Le Bon Vin to serve the community beer and wine due to the need for a CUP to fulfill our Alcohol Beverage Control license requirements.

Our business will not interfere with the surrounding neighbors as no business in our shopping center or in the adjacent shopping center has a similar concept. We are also making minimal interior changes, limiting construction noise, and not interfering with any walkways or accessibility to the neighboring businesses. Our business will not have an adverse effect on health, safety or welfare due to following all city and county guidelines and obtaining proper permits from the Health Department and from Alcohol Beverage Control.

In addition to maintaining all permits to not interfere with neighboring businesses, we will also strictly adhere to all rules and regulations regarding our licensing. No person under the age of 21 shall be allowed in our establishment due to the type of license we require from Alcohol Beverage Control. Our employees will also keep in good standing, their California ServeSafe and RBS certificates. We will have a policy that any person that looks under the age of 30 shall be carded. Our hours will be more afternoon, early evening hours to limit a "late night crowd". We will also have ample lighting, and cameras on the premise to deter any crime.

We thank you for your time and consideration and look forward to opening a future business in Loomis.

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TOWN OF LOOMIS

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TOWN OF LOOMIS

To whom it may concern,

The project titled "Le Bon Vin LLC" to be completed at 6099 A Horseshoe Bar Rd, is designed to be a wine and charcuterie shop. The space was previously a Starbucks with most of the infrastructure already in place such as plumbing, electrical and mechanical. We will be making no changes to the existing infrastructure and will only be completing cosmetic upgrades. The walls will be primed and painted, and the existing wall paneling will be removed. We will also be constructing a bar seating area that will be ADA compliant, custom wine racks along the right-side wall of the building and hanging new light fixtures from the ceiling. The anticipated completion date will be July 5th, 2024.

The surrounding land use will remain the same and no changes will be made to the exterior of the building or surrounding areas.

Sincerely,

Natalie C. Simonoff

Owner Le Bon Vin LLC.

From: Alfaro, Tiffany@ABC <Tiffany.Alfaro@abc.ca.gov>
Sent: Wednesday, March 20, 2024 2:16 PM
To: Sarah Jennings <SJennings@loomis.ca.gov>
Subject: RE: 6099 Horseshoe Bar Rd, STE A, Loomis, CA 95650

Hi Sarah,

Due to the type of license and the overconcentration of licenses in that census tract, a PCN letter is required from the Governing Body. It used to be from the Planning Director, but I guess it recently changed to the Town Council.

Thank you,

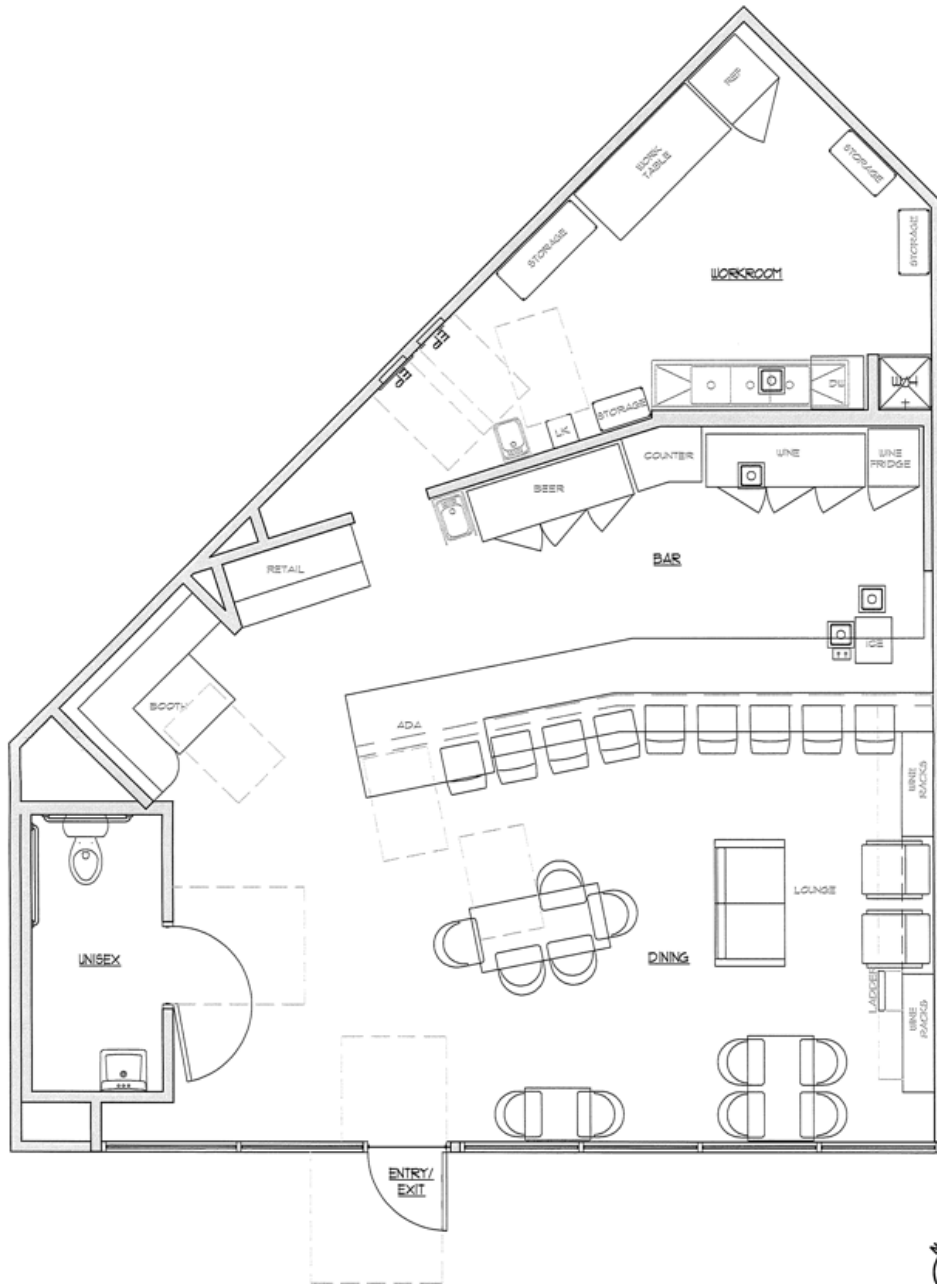
Tiffany Alfaro
Licensing Representative II
Department of Alcoholic Beverage Control
2400 Del Paso Rd, Ste 155
Sacramento, CA 95834
(916)419-7967




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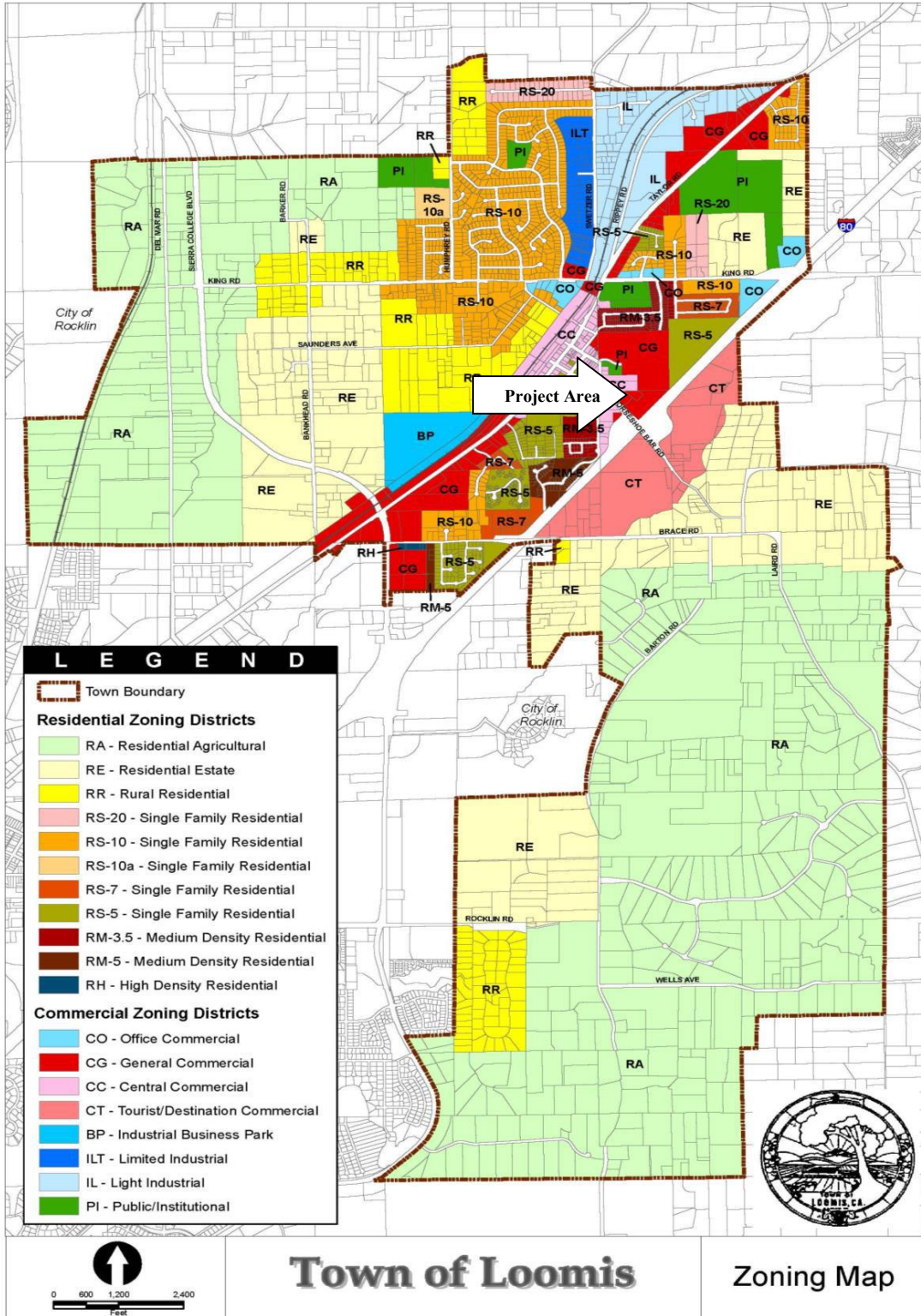
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TOWN OF LOOMIS

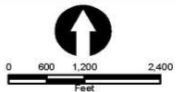


 <p>HDL Design Architecture & Interiors 14704 Snee Ooah Rd., La Combe, WA 98227 (509) 773-6758 heather@hdtola.com</p>	<p>LOOMIS CHARCUTERIE STORE 6099 HORSESHOE BAR ROAD LOOMIS, CA 95650</p>	<p>SPACE PLAN V1.1 Scale: 3/32" = 1'-0" Date: January 2, 2024 Drawn by: Jaimee Elliott</p>
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Zoning Map



LEGEND	
	Town Boundary
Residential Zoning Districts	
	RA - Residential Agricultural
	RE - Residential Estate
	RR - Rural Residential
	RS-20 - Single Family Residential
	RS-10 - Single Family Residential
	RS-10a - Single Family Residential
	RS-7 - Single Family Residential
	RS-5 - Single Family Residential
	RM-3.5 - Medium Density Residential
	RM-5 - Medium Density Residential
	RH - High Density Residential
Commercial Zoning Districts	
	CO - Office Commercial
	CG - General Commercial
	CC - Central Commercial
	CT - Tourist/Destination Commercial
	BP - Industrial Business Park
	ILT - Limited Industrial
	IL - Light Industrial
	PI - Public/Institutional



Town of Loomis

Zoning Map