RECOMMENDED ACTION AND JUSTIFICATION: Policy Item: Yes ___ No X __

Approve issuance of a “letter of public convenience and necessity” based upon the need for such services for a widely dispersed population of the affected Census Tract area.

BACKGROUND AND HISTORY OF BOARD ACTIONS:

See attached memorandum

LIST ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:

A Negative Action would result in no issuance of a “letter of public convenience and necessity” and the permit would not be issued.

<table>
<thead>
<tr>
<th>COSTS: (X) Not Applicable</th>
<th>SPECIAL INSTRUCTIONS</th>
</tr>
</thead>
<tbody>
<tr>
<td>A. Budgeted Current FY</td>
<td>List the attachments and number the pages consecutively:</td>
</tr>
<tr>
<td>B. Total anticipated Costs</td>
<td>Memorandum to Board with Attachments</td>
</tr>
<tr>
<td>C. Required additional funding</td>
<td>Attachment 1 Draft letter of Convenience and Necessity</td>
</tr>
<tr>
<td>D. Internal transfers</td>
<td>Attachment 2 Letter from applicant (Marks)</td>
</tr>
<tr>
<td>$______________________</td>
<td>$______________________</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>COSTS: ( ) 4/5th Vote Required</th>
<th>$______________________</th>
</tr>
</thead>
<tbody>
<tr>
<td>A. Unanticipated revenues</td>
<td>$______________________</td>
</tr>
<tr>
<td>B. Reserve for Contingencies</td>
<td>$______________________</td>
</tr>
<tr>
<td>C. Source Description</td>
<td>$______________________</td>
</tr>
<tr>
<td>Balance in Reserve Contingencies, If Approved:</td>
<td>$______________________</td>
</tr>
</tbody>
</table>

CLERK’S USE ONLY

Res. No.: 00-434 Ord. No.: ___________

Vote - Ayes: 5 Noes: ________

Absent: ___________ Abstained: ___________

Approved: ___________ Denied: ___________

☐ Minute Order Attached ☐ No Action Necessary

The foregoing instrument is a correct copy of the original on file in this office.

Date: _____________

ATTEST: ____________

MARGIE WILLIAMS, Clerk of the Board

By: ____________

Deputy

ADMINISTRATIVE OFFICER’S RECOMMENDATION:

This item on agenda as:

Recommended
Not Recommended
For Policy Determination
Submitted for Comment
Returned for Further Action

Comment: ____________________________

A.O. Initials: ____________

Action Form Revised 10/95
MEMORANDUM

TO: Mariposa County Board of Supervisors

FROM: Skip Strathearn, Associate Planner

SUBJECT: Issuance of a “Letter of Public Convenience and Necessity” for 4993 Hornitos Road, Marks & Allison, Inc., applicant

REQUESTED ACTION:

The applicant has requested that the Board of Supervisors authorize the issuance of a “letter of public convenience and necessity” to the Department of Alcoholic Beverage Control (ABC) to allow the issuance of an ABC (Type 20) Off-sale license. The letter will allow the applicant to sell beer and wine at the convenience store.

BACKGROUND:

The ABC regulates the issuance of alcohol licenses within the County. The ABC has established a limit of 11 Type 20 licenses which can be issued in the area without the issuance of a “letter of public convenience and necessity” by the Board of Supervisors. The applicant has been required by the ABC to receive a “letter of public convenience and necessity” because the number of Type 20 Off-sale licenses (16) which exist within Census Tract 06-043-010-001 (which encompasses the Mariposa TPA, portions of Midpines, and runs to the westerly county line, including Catheys Valley) exceeds the number which is outright permitted by the ABC. By requiring this letter the ABC is providing the local jurisdiction the ability to permit alcohol licenses above the number outright permitted by the ABC. The Board has the opportunity to determine whether the issuance of another alcohol license is detrimental to the area and if it is necessary. It should be noted that the applicants are purchasing the license from an existing account in Mariposa County.

ZONING DESIGNATION:

The subject property is located within the Catheys Valley Town Planning Area. Neighborhood Commercial (CN) Zone-1 and Neighborhood Commercial (CN) Zone-2 uses can
be considered within TPAs without specific plans subject to the Use Permit Determination process. Food and beverage stores, with or without fuel pumps and cafes and restaurants that may sell alcoholic beverages are permitted uses within Neighborhood Commercial Zone-2. The applicant’s Use Permit Determination application (UPD 016-140-031) to make all of the uses that are permitted in the CN zones allowable on the site was approved by the Planning Commission on February 4, 2000. The projects proposed uses, i.e. restaurant, convenience store, and fuel pumps are consistent with the CN zone.
December 12, 2000

Ron McCarty
Department of Alcoholic Beverage Control
31 East Channel Street
Room 168
Stockton, CA 95201

(RE: Applicant: Marks & Allison, Inc.

At their meeting on December 12, 2000 the Mariposa County Board of Supervisors approved the issuance of this “letter of public convenience and necessity” for the issuance of a Type 20 Off-sale beer and wine license:

<table>
<thead>
<tr>
<th>Applicant:</th>
<th>Marks &amp; Allison, Inc.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Business:</td>
<td>The Oaks</td>
</tr>
<tr>
<td>Site:</td>
<td>4993 Hornitos Road, Mariposa County</td>
</tr>
<tr>
<td>License</td>
<td>Off-sale beer and wine (Type 20)</td>
</tr>
</tbody>
</table>

It was determined that the ability to offer Off-sale beer and wine at this location would provide convenience to the public given the widely dispersed population of this Census Tract area.

Sincerely,

Skip Strathearn
Associate Planner

cc: Applicant
    Board of Supervisors
30-Nov-00

Dear Mr Stratheran;

I need a letter of Public Convenience and Necessity from the County Board of Supervisors in order to finish the transfer of a type 20 license we are currently purchasing from an existing account in Mariposa County.

This will enable us to better serve the people of our community and the visitors county.

Thank you for your consideration, I will look forward to hearing from you.

Russell B. Marks
Allison & Marks Inc.