

DEPARTMENT: Planning

BY: Kris Schenk
PHONE: 209-966-5151

RECOMMENDED ACTION AND JUSTIFICATION:

Approve issuance of a "Letter of Public Convenience and Necessity" based on providing the same level of beverage services as are found in an other areas the size and makeup of Mariposa.

BACKGROUND AND HISTORY OF BOARD ACTIONS:

See Attached Statement of Justification

ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:

A Negative Action would result in no issuance of a "Letter of Public Convenience and Necessity" and the facility would not be able to offer On Sale Beer and Wine to its customers.

Financial Impact? () Yes () No	Current FY Cost: \$	Annual Recurring Cost: \$
Budgeted In Current FY? () Yes () No () Partially Funded		
Amount in Budget: \$ _____		List Attachments, number pages consecutively _____
Additional Funding Needed: \$ _____		Memo to Board _____
Source:		Common ABC License _____
Internal Transfer _____		List of On-Sale Licenses - Census Tract 1 _____
Unanticipated Revenue _____ 4/5's vote		ABC Application _____
Transfer Between Funds _____ 4/5's vote		Letter of justification from Applicant _____
Contingency _____ 4/5's vote		Draft Letter to ABC AND Vicinity Map _____
() General () Other		

CLERK'S USE ONLY:

Res. No.: 12-65 Ord. No. _____
 Vote - Ayes: 4 Noes: _____
 Absent: _____
 Approved *Obtained: Turpin*
 Minute Order Attached No Action Necessary

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

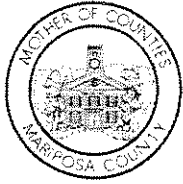
Date: _____
Attest: MARGIE WILLIAMS, Clerk of the Board
County of Mariposa, State of California

By: _____
Deputy

COUNTY ADMINISTRATIVE OFFICER:

Requested Action Recommended
 No Opinion
Comments:

CAO: *[Signature]*



MARIPOSA PLANNING

COUNTY OF MARIPOSA

5100 BULLION STREET • POST OFFICE BOX 2039

MARIPOSA, CALIFORNIA 95338-2039

209 . 742 . 1220 • FAX 209 . 742 . 5024

Kris Schenk, Director

kschenk@mariposacounty.org

Eileen Collins, Planning Technician

ecollins@mariposacounty.org

MEMORANDUM

Date: February 7, 2012

To: Mariposa County Board of Supervisors

From: Eileen Collins, Planning Technician (EC)

Topic: Issuance of a "Letter of Public Convenience and Necessity" for Aaron and Flora Savage located at 5027 Highway 140 "C" for "The Alley"

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 Alcohol Beverage Control (ABC) to allow a Type 42 On-Sale Beer and Wine – Public Premises license for "The Alley" located at 5027 Highway 140 "C". The letter will allow the applicant to offer the sale of beer and wine to customers at their facility, for on-site consumption only. This request is necessary as the ABC considers the area "over concentrated with On-Sale alcohol licenses" and requires Board approval to increase the number.

Background:

The Department of Alcoholic Beverage Control (ABC) regulates the issuance of alcohol licenses. The ABC has established a limit of fourteen (14) On-Sale Licenses in Mariposa County, Census Tract 001, without the issuance of a "Letter of Public Convenience and Necessity", by the Board of Supervisors. The area does have a total of twenty-five (25) On-Sale licenses issued. Please see attached list of issued permits. 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 applicant has been required by the ABC to receive a "Letter of Public Convenience and Necessity" due to the number of On-Sale licenses which exist within Census Tract 06-043-010-001. That area encompasses the Mariposa TPA, portions of Midpines, and runs to the westerly county line, including Catheys Valley. The Board has the opportunity to determine whether the increase of On-Sale Licenses is detrimental to the area.

It should be noted that the existing "Active License" list from ABC includes the following: "The Butterfly Café", which has gone out of business and will be the new home of "The Alley", "Valencia's Bon Ton", which has not been in operation for several years, "The 49er Pub", which is presently closed and Pioneer Market with a Type 86, which is an "On-Sale Instructional Tasting" license.

(1)

Zoning Designation:

The subject property is zoned General Commercial, is in the Historic Design Review Overlay District and is located within the Mariposa Town Planning area. The on-site sale of alcohol is consistent with the zoning.

2005 Moratorium Counties/Cities:

Section 23817.5 B&P, first enacted in 1995 and amended in 1998, established a moratorium on original Type 20, Off-Sale Beer and Wine licenses in cities and or counties where the ratio of ABC licenses exceeded one for each 2,500 inhabitants. The moratorium section also prohibits an individual from transferring a Type 20 from one county to another; however, the Section does not prohibit the transfer of an existing Type 20 from person to person or premises to premises as long as it is within the county.

Additionally, there is also a prohibition on original General (hard liquor, beer and wine) License. The most common license is Type 21-Off-Sale General, Type 47- On-Sale General Eating Place and Type 48-On-Sale General Public Premises. As with the Type 20 license, there is no prohibition of transferring person to person or premises to premises as long as it is within the County.

As of 2005, Mariposa County was added to the list of moratorium Counties. The moratorium regulations are different from those establishing process for a census tract which is "over-saturated". Census Tract 06-043-010-0001, which encompasses Mariposa TPA, portions of Midpines, and runs to the westerly county line, including Catheys Valley is considered "over-saturated".

According to the 2010 census report Mariposa County's population increased from 17,130 to 18,251. Since the 1,121 increase falls short of the required 2,500 inhabitants for each additionally allowed license, Mariposa will continue to remain on the ABC list of moratorium Counties. The moratorium regulations do not consider Mariposa county's tourist population.

There is no prohibition on issuance of original Type 42 On-Sale Beer and Wine Licenses.

"The Alley" is requesting the issuance of an original Type 42 On-Sale Beer & Wine – Public Premises license, which is not included in the moratorium. It is only subject to the process for an over-saturated census tract, which requires the governing body to approve a "Letter of Public Convenience and Necessity".

Response from Mariposa County Sheriff

Sheriff Binnewies was contacted regarding the addition of a Type 42 On-Sale Beer & Wine license to be located at "The Alley". He responded with the following statement:

"I understand ABC's "oversaturated license" concern, however, considering our uniqueness as being a Gateway Community to one of the most beautiful and highly visited National Parks in the Nation, we host to multi-millions of visitors per year. Mariposa County shares three, of the four, Yosemite National Park entrances and Mariposa County sees a majority of the YNP visitors pass through. I believe this should be considered in the ABC license equation, and as so, I don't object to the license request. I think that it is appropriate that our businesses have equitable opportunity for success. Thanks much, Doug"

**COMMON ABC LICENSE TYPES
AND THEIR BASIC PRIVILEGES**

LICENSE TYPE	DESCRIPTION
01	BEER MANUFACTURER - (Large Brewery) Authorizes the sale of beer to any person holding a license authorizing the sale of beer, and to consumers for consumption on or off the manufacturer's licensed premises. Without any additional licenses, may sell beer and wine, regardless of source, to consumers for consumption at a bona fide public eating place on the manufacturer's licensed premises or at a bona fide eating place contiguous to the manufacturer's licensed premises. May conduct beer tastings under specified conditions (Section 23357.3). Minors are allowed on the premises.
02	WINEGROWER - (Winery) Authorizes the sale of wine and brandy to any person holding a license authorizing the sale of wine and brandy, and to consumers for consumption off the premises where sold. Authorizes the sale of all wines and brandies, regardless of source, to consumers for consumption on the premises in a bona fide eating place that is located on the licensed premises or on premises owned by the licensee that are contiguous to the licensed premises and operated by and for the licensee. May possess wine and brandy for use in the preparation of food and beverage to be consumed at the bona fide eating place. May conduct winetastings under prescribed conditions (Section 23356.1; Rule 53). Minors are allowed on the premises.
20	OFF SALE BEER & WINE - (Package Store) Authorizes the sale of beer and wine for consumption off the premises where sold. Minors are allowed on the premises.
21	OFF SALE GENERAL - (Package Store) Authorizes the sale of beer, wine and distilled spirits for consumption off the premises where sold. Minors are allowed on the premises.
23	SMALL BEER MANUFACTURER - (Brew Pub or Micro-brewery) Authorizes the same privileges and restrictions as a Type 01. A brewpub is typically a very small brewery with a restaurant. A micro-brewery is a small-scale brewery operation that typically is dedicated solely to the production of specialty beers, although some do have a restaurant or pub on their manufacturing plant.
40	ON SALE BEER - (Bar, Tavern) Authorizes the sale of beer for consumption on or off the premises where sold. No wine or distilled spirits may be on the premises. Full meals are not required; however, sandwiches or snacks must be available. Minors are allowed on the premises.
41	ON SALE BEER & WINE - EATING PLACE - (Restaurant) Authorizes the sale of beer and wine for consumption on or off the premises where sold. Distilled spirits may not be on the premises (except brandy, rum, or liqueurs for use solely for cooking purposes). Must operate and maintain the licensed premises as a bona fide eating place. Must maintain suitable kitchen facilities, and must make actual and substantial sales of meals for consumption on the premises. Minors are allowed on the premises.
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. No distilled spirits may be on the premises. Minors are not allowed to enter and remain (see Section 25663.5 for exception, musicians). Food service is not required.
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. Must operate and maintain the licensed premises as a bona fide eating place. Must maintain suitable kitchen facilities, and must make actual and substantial sales of meals for consumption on the premises. Minors are allowed on the premises.
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. Minors are not allowed to enter and remain (see Section 25663.5 for exception, musicians). Food service is not required.
49	ON SALE GENERAL - SEASONAL - Authorizes the same privileges and restrictions as provided for a Type 47 license except it is issued for a specific season. Inclusive dates of operation are listed on the license certificate.



LICENSE TYPE	DESCRIPTION
51	CLUB - Authorizes the sale of beer, wine and distilled spirits, to members and guests only, for consumption on the premises where sold. No off-sale privileges. Food service is not required. Minors are allowed on the premises.
52	VETERAN'S CLUB - Authorizes the sale of beer, wine and distilled spirits, to members and guests only, for consumption on the premises where sold. Authorizes the sale of beer and wine, to members and guest only, for consumption off the licensed premises. Food service is not required. Minors are allowed on the premises.
57	SPECIAL ON SALE GENERAL - Generally issued to certain organizations who cannot qualify for club licenses. Authorizes the sale of beer, wine and distilled spirits, to members and guests only, for consumption on the premises where sold. Authorizes the sale of beer and wine, to members and guests only, for consumption off the licensed premises. Food service is not required. Minors are allowed on the premises.
59	ON SALE BEER AND WINE – SEASONAL - Authorizes the same privileges as a Type 41. Issued for a specific season. Inclusive dates of operation are listed on the license certificate.
60	ON SALE BEER – SEASONAL - Authorizes the sale of beer only for consumption on or off the premises where sold. Issued for a specific season. Inclusive dates of operation are listed on the license certificate. Wine or distilled spirits may not be on the premises. Minors are allowed on the premises.
61	ON SALE BEER – PUBLIC PREMISES - (Bar, Tavern) Authorizes the sale of beer only for consumption on or off the licensed premises. Wine or distilled spirits may not be on the premises. Minors are not allowed to enter and remain (warning signs required). Food service is not required.
67	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. No beer or distilled spirits may be on the premises. Wine shall not be given away to guests, but the price of the wine shall be included in the price of the overnight transient occupancy accommodation. Removal of wine from the grounds is not permitted. Minors are allowed on the premises.
70	ON SALE GENERAL – RESTRICTIVE SERVICE - Authorizes the sale or furnishing of beer, wine and distilled spirits for consumption on the premises to the establishment's overnight transient occupancy guests or their invitees. This license is normally issued to "suite-type" hotels and motels, which exercise the license privileges for guests' "complimentary" happy hour. Minors are allowed on the premises.
75	ON SALE GENERAL – BREWPUB - (Restaurant) Authorizes the sale of beer, wine and distilled spirits for consumption on a bona fide eating place plus a limited amount of brewing of beer. Also authorizes the sale of beer and wine only for consumption off the premises where sold. Minors are allowed on the premises.
80	BED AND BREAKFAST INN – GENERAL - Authorizes the sale of beer, wine and distilled spirits purchased from a licensed wholesaler or winegrower only to registered guests of the establishment for consumption on the premises. Alcoholic beverages shall not be given away to guests, but the price of the alcoholic beverage shall be included in the price of the overnight transient occupancy accommodation. Removal of alcoholic beverages from the grounds is not permitted. Minors are allowed on the premises.
86	INSTRUCTIONAL TASTING LICENSE —Issued to the holder of and premises of a Type 20 or Type 21 licensee, authorizes the tasting of alcoholic beverages as authorized to be sold from the off-sale premises, on a limited basis. Requires physical separation from the off-sale premises while tasting is taking place and generally requires the participation of a specifically-authorized manufacturer or wholesaler licensee.



On-Sale Liquor Licenses in Mariposa County for Census Tract 06-043-010-0001

The following information is from the Alcohol Beverage Control (ABC) and is current as of 1/17/12.

- Type 40 = On Sale Beer (Bar, Tavern)
- Type 41 = On Sale Beer & Wine – Eating Place
- Type 42 = On Sale Beer & Wine – Public Premises
- Type 47 = On Sale General – Eating Place
- Type 48 = On Sale General – Public Premises
- Type 49 = On Sale General – Seasonal
- Type 86 = On Sale Instructional Tasting

The number of On-Sale Licenses in Census Tract 06-043-010-0001 is currently Twenty-Five (25). The area encompasses Mariposa TPA, portions of Midpines, and runs to the westerly county line, including Catheys Valley. The following are the holders of those permits.

1. Type 41 – Pizza Factory – 5005 5th Street
2. Type 41 – The Oasis, 2675 Hwy 140
3. Type 41 – Charles Street Dinner House – 5043 Charles Street
4. Type 42 – The 49er Pub, 5026 Hwy 140
5. Type 41 – The Yosemite Bug LLC, Café at the Bug, 6979 Hwy 140
6. Type 41 - Happy Burger, 5120 Hwy 140
7. Type 41 – China Station Restaurant, 5004 Hwy 140
8. Type 41 – Pizza Plus, 5004 Hwy 140
9. Type 41 – River Rock Inn – 4993 7th Street
10. Type 41 – Valencia's Bon Ton Café, 7307 Hwy 49N
11. Type 41 – Castillo's – 4995 5th Street
12. Type 47 – The Miners Inn Restaurant and Lounge, 5159 Hwy 140
13. Type 41 – Coyote Springs Ranch, 2412 Old Hwy, Catheys Valley
14. Type 40 – Airport Inn – 6065 Hwy 49N
15. Type 41 – The Butterfly Café – 5027 Hwy 140 #C
16. Type 48 – Plaza Bar, 2881 Bear Valley Road, Hornitos
17. Type 41 – Salvador's Mexican Restaurant – 5109 Hwy 140
18. Type 41 – Catheys Valley Food & Gas – 4993 Hornitos Road, CV
19. Type 42 – Hideout Saloon, 5031 Hwy 140, #F
20. Type 86 – Pioneer Market – 5034 Coakley Circle
21. Type 41 – Red Fox Restaurant, 5114 Hwy 140
22. Type 41 – Sugar Pine Café – 5038 Hwy 140
23. Type 47 – Betts Gold Coin Sports Tavern – 5021 Hwy 140
24. Type 40 – Tap Room – 2534 Hwy 140, Catheys Valley
25. Type 47 – Savory's Restaurant LLC, 5034 Hwy 140

The ABC provides local jurisdiction the ability to permit alcohol licenses above the number permitted by ABC per Section 23958 and 23958.4 of the Business and Professions Code. The number of on-sale licenses allowed outright in Census Tract 06-043-010-001 is 14. The addition of one will bring the total to 26.

A "Letter of Public Convenience and Necessity" is required from the local governing body due to the over-saturation of liquor licenses in this Census Tract area.

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

Aaron C and Flora A SAVAGE

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

5027 State Highway 140, Ste C - Mariposa, CA 95345

3. LICENSE TYPE

42

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 checked="" 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 type="checkbox"/> Convenience Market w/Gasoline | |
| <input type="checkbox"/> Other - describe: | | | |

5. COUNTY POPULATION

6082

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

CT 1

9. NO. OF LICENSES ALLOWED IN CENSUS TRACT

14

- On-Sale Off-Sale

10. NO. OF LICENSES EXISTING IN CENSUS TRACT

38

- 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:

County Board of Supervisors

FOR DEPARTMENT USE ONLY

PREPARED BY (Name of Department Employee)

Eda Copeland

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.

(please see attached letter)
The premises that we occupy is already licenced.
We are applying for a different type of liane, not
an entirely new one. One licence will be surrendered
(The Butterfly Cafe) and ours would be in it's place.
The total number of licences in Mariposa
will stay the same.

22. APPLICANT SIGNATURE

Steve Savage

23. DATE SIGNED

11/9/2012

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):

26. CITY/COUNTY OFFICIAL NAME

27. CITY/COUNTY OFFICIAL TITLE

28. CITY/COUNTY OFFICIAL PHONE NUMBER

29. CITY/COUNTY OFFICIAL SIGNATURE

30. DATE SIGNED

January 13, 2012

Dear Mariposa County Board Members:

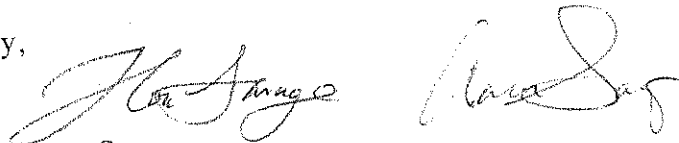
My husband and I are in the process of starting a small beer and wine lounge in Downtown Mariposa. Our priority is to provide a high quality, responsible service to our community and it's visitors. As proprietors of a vacation rental, and managers of several commercial properties in the downtown area, we understand the value of our county's tourism industry. It has come to our attention that Mariposa County is saturated with On-Sale beer and wine licenses. Our intention is to convey to the board that the issuance of our On-Sale beer and wine license would be to the convenience and necessity of the public.

The building that we own and occupy has held an On-Sale license for at least the past fifteen years (under several different establishments). It is important to make clear that the issuance of our license will not actually change the total number of On-Sale establishments in our County. The last occupant "The Butterfly Café" is no longer in business; their license is inactive, and will soon expire. Our license would actually replace the existing one, causing no increase to the number of licenses in Mariposa County. A decision by the board to allow the issuance of our On-Sale license would allow us to continue to compete on a level playing field with the other establishments.

Our county's population determines the number of On-Sale licenses, however, the census data does not take into account the number of tourists that visit Mariposa. We have a unique and wonderful situation when it comes to tourism; during the winter months we are a small town with a modest population, starting in spring and continuing thru fall we see an amazing amount of tourism from all over the state, country, and world. Of the four million visitors that visit Yosemite National Park annually, nearly one million of those pass through Mariposa on highway 140. It is our goal to keep these people in the town of mariposa to shop, eat, recreate, and take in the charm of our lovely town. With tourism being such a vital part of our small town's economy it is to the public's convenience, and economic necessity, to allow this premises to continue to hold an On-Sale license.

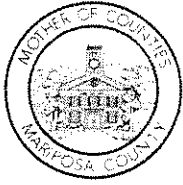
We see a bright future for our town with local shops thriving, a rejuvenated downtown, and streets bustling with visitors --- Visitors to Mariposa, not just passing through. We thank you for your time and consideration.

Sincerely,



Flora and Aaron Savage
"The Alley"
5027 Suite "C"
Mariposa Ca. 95338
thealleylounge@gmail.com
(209) 742-7343

8



MARIPOSA PLANNING

COUNTY OF MARIPOSA

5100 BULLION STREET • POST OFFICE BOX 2039

MARIPOSA, CALIFORNIA 95338-2039

209 . 966 . 5151 • FAX 209 . 742 . 5024

Kris Schenk, Director

kschenk@mariposacounty.org

Eileen Collins, Planning Technician

ecollins@mariposacounty.org

February 7, 2012

Department of Alcohol Beverage Control
31 East Channel Street, Room 168
Stockton, CA 95202

RE: Applicant: Aaron and Flora Savage

At their February 7, 2012 meeting, the Mariposa County Board of Supervisors approved the issuance of this "Letter of Public Convenience and Necessity" for the addition of one (1) Type 42 On-Sale Beer and Wine – Public Premises License in Census Tract 06-043-010-001 to the following location:

Applicant:	Aaron and Flora Savage
Business:	The Alley
Site:	5027 Highway 140 "C"
License:	Type 42 On-Sale Beer and Wine – Public Premises License

It was determined that the ability to offer On-Sale Beer and Wine will provide the same level of services as are found in any other areas the size and makeup of Mariposa.

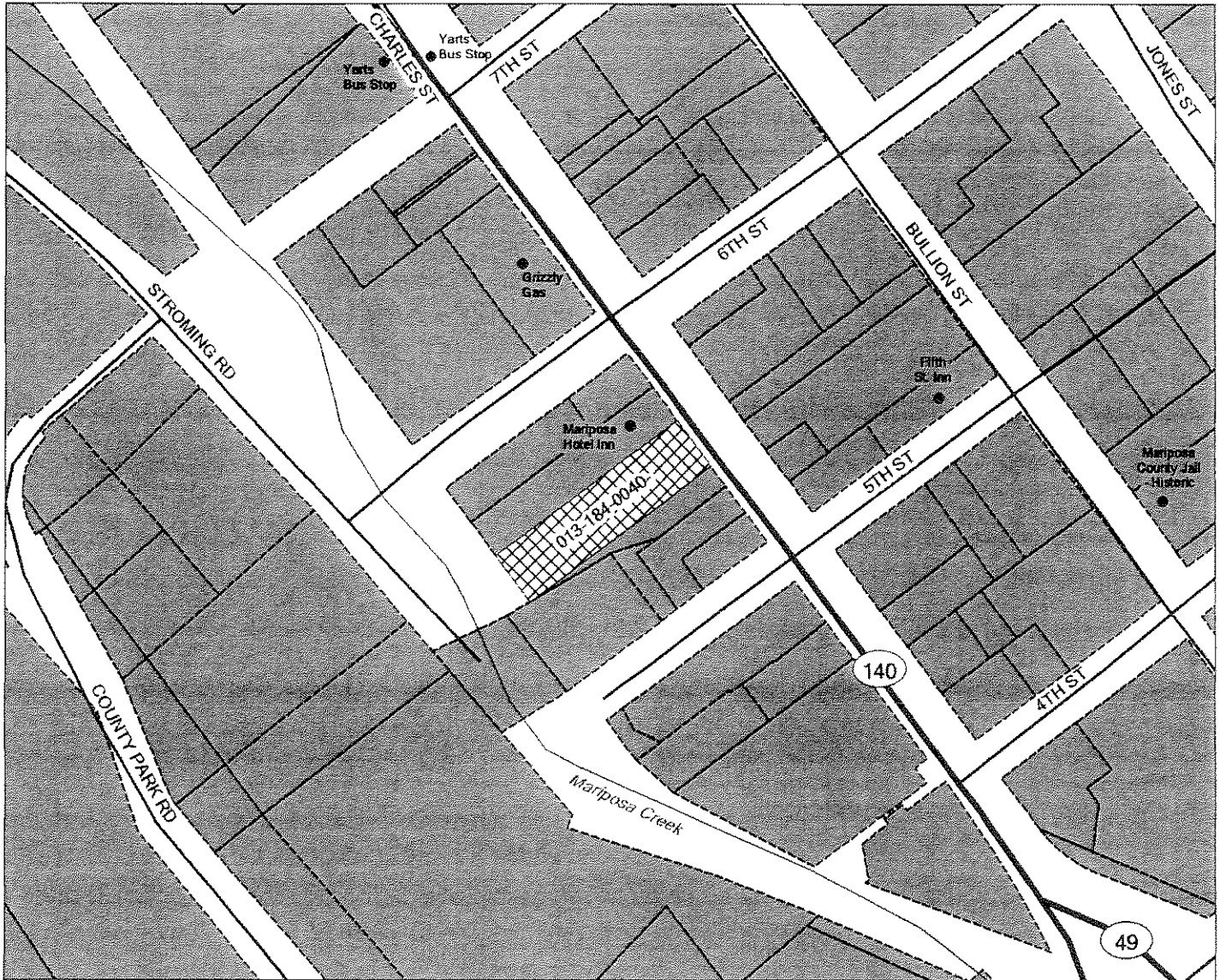
Sincerely,

Kris Schenk, Planning Director
County of Mariposa, Planning Department

Our Mission is to provide our clients with professional service and accurate information in a respectful, courteous, and enthusiastic manner resulting in a well-planned rural environment.

9

Mariposa County Planning Department Project Vicinity Map



0 250 500 Feet

1:2,000

PROJECT TYPE: ABC Request No. 2012-001

APPLICANT: "The Alley"; Aaron & Flora Savage






APN: 013-184-004

SITE ADDRESS: 5027 State Highway 140 "C"

Map created on: January 18, 2011

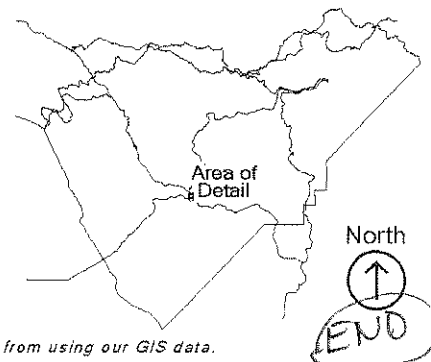
Data Source: Parcel map from Mariposa County Assessor's Map November 2011 Update

Map created by: EE Meriam, GIS Technician

-  Project Location
-  Roads
-  Assessor Parcel Map
-  State Highway
-  Landmarks



Mariposa County Planning Department
PO BOX 2039 5100 Bullion Street
Mariposa, California 95338-2039
209.966.5151 FAX 209.742.5024
mariposaplanning@mariposacounty.org
<http://www.mariposacounty.org/planning>





MARIPOSA PLANNING

COUNTY OF MARIPOSA

5100 BULLION STREET • POST OFFICE BOX 2039
MARIPOSA, CALIFORNIA 95338-2039
209 . 966 . 5151 • FAX 209 . 742 . 5024

Kris Schenk, Director

kschenk@mariposacounty.org

Eileen Collins, Planning Technician

ecollins@mariposacounty.org

February 7, 2012

Department of Alcohol Beverage Control
31 East Channel Street, Room 168
Stockton, CA 95202

RE: Applicant: Aaron and Flora Savage

At their February 7, 2012 meeting, the Mariposa County Board of Supervisors approved the issuance of this "Letter of Public Convenience and Necessity" for the addition of one (1) Type 42 On-Sale Beer and Wine – Public Premises License in Census Tract 06-043-010-001 to the following location:

Applicant:	Aaron and Flora Savage
Business:	The Alley
Site:	5027 Highway 140 "C"
License:	Type 42 On-Sale Beer and Wine – Public Premises License

It was determined that the ability to offer On-Sale Beer and Wine will provide the same level of services as are found in any other areas the size and makeup of Mariposa.

Sincerely,

Kris Schenk, Planning Director
County of Mariposa, Planning Department

Our Mission is to provide our clients with professional service and accurate information in a respectful, courteous, and enthusiastic manner resulting in a well-planned rural environment.