

DEPARTMENT: Planning

By: Skip Strathearn
Associate Planner

Phone: 966-5151

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.

COSTS: (X) Not Applicable

A. Budgeted Current FY \$ _____

B. Total anticipated Costs \$ _____

C. Required additional funding \$ _____

D. Internal transfers \$ _____

COSTS: () 4/5th Vote Required

A. Unanticipated revenues \$ _____

B. Reserve for Contingencies \$ _____

C. Source Description \$ _____

Balance in Reserve Contingencies, If Approved:
\$ _____

SPECIAL INSTRUCTIONS

List the attachments and number the pages consecutively:

Memorandum to Board with Attachments

Attachment 1 Draft letter of Convenience and Necessity

Attachment 2 Letter from applicant (Marks)

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: JM



**COUNTY OF MARIPOSA
PLANNING DEPARTMENT**

5100 BULLION STREET • POST OFFICE BOX 2039
MARIPOSA, CALIFORNIA 95338-2039

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

Eric Jay Toll, Director
etoll@sierratel.com

December 1, 2000

MEMORANDUM

TO: Mariposa County Board of Supervisors

FROM: Skip Strathearn, Associate Planner *SS*

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.



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Eric Jay Toll, Director

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Skip Strathearn, Associate Planner

skips@sierratel.com

December 12, 2000

Ron McCarty

Department of Alcoholic Beverage Control

31 East Channel Street

Room 168

Stockton, CA 95201

(Via facsimile and U.S. Mail)

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:

Applicant:	Marks & Allison, Inc.
Business:	The Oaks
Site:	4993 Hornitos Road, Mariposa County
License	Off-sale beer and wine (Type 20)

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

RECEIVED

NOV 30 2000

Mariposa County Planning Dept.


30-Nov-00

Dear Mr Stratheran;

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

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

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



Russell B. Marks
Allison & Marks Inc.,