

DEPARTMENT: Planning

By: Jay Pawlek, Senior Planner

Phone: 966-5151

RECOMMENDED ACTION AND JUSTIFICATION: (Policy Item: Yes ___ No X)

Approve issuance of "letter of public convenience and necessity" based upon the tourist nature of the community and the tourist serving nature of the proposed use.

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 6th Street Alley would be unable to sell alcohol.

COSTS: 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:

1. Map
2. Draft letter of Public Convenience and Necessity
3. Letter from the applicants (Garcia / Brown)

CLERK'S USE ONLY

Res. No.: 98-92 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: JP

MARIPOSA COUNTY BOARD OF SUPERVISORS

MINUTE ORDER

TO: ED JOHNSON, Planning & Building Director
FROM: MARGIE WILLIAMS, Clerk of the Board *mw*
SUBJECT: Letter of Public Convenience and Necessity; Res. 98-92

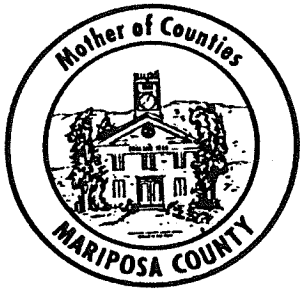
THE BOARD OF SUPERVISORS OF MARIPOSA COUNTY, CALIFORNIA,

ADOPTED THIS Order on March 17, 1998

ACTION AND VOTE:

Ed Johnson, Planning and Building Director;
Request for Issuance of a "Letter of Public Convenience and Necessity" to the Department of Alcoholic Beverage Control to Allow Issuance of an On-Sale Beer and Wine License to 5031-F Highway 140 (6th Street Alley)
BOARD ACTION: Discussion was held with Jay Pawlek, Senior Planner. Supervisor Parker advised of concerns expressed to him by a neighboring residential property owner relative to the hours of operation, and relative to the issue of the location of a County easement in the area. Isabelle Garcia, applicant, provided input relative to the easement and their contacts with neighboring property owners, and advised that they did not receive any objections to their request. Supervisor Parker asked about the approval process for licenses associated with restaurants -- these do not come to the Board. Joanne Brown, applicant, also provided input relative to their notification to neighbors. (M)Pickard, (S)Parker, Res. 98-92 adopted approving the letter based on the tourist nature of the downtown area/Ayes: Balmain, Parker, Pickard; Noes: Stewart; Abstained: Reilly.

cc: File



Mariposa County Planning and Building Department

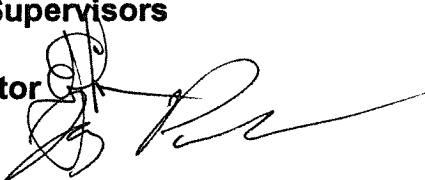
EDWARD J. JOHNSON
Director

5101 Jones Street
P.O. Box 2039
Mariposa, CA 95338
(209) 966-5151
FAX No. (209) 742-5024

March 2, 1998

MEMORANDUM

TO: Mariposa County Board of Supervisors

FROM: Ed Johnson, Planning Director
Jay Pawlek, Senior Planner 

RE: Issuance of a "Letter of Public Convenience and Necessity" for 5031-F Highway 140, Isabelle Garcia and Joanne Brown, Applicants

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 original on-sale beer and wine license to be used at 5031-F Highway 140, Mariposa (previously the 6th Street Alley). The action will result in the addition of one new license to the county. A draft letter is included with this memo.

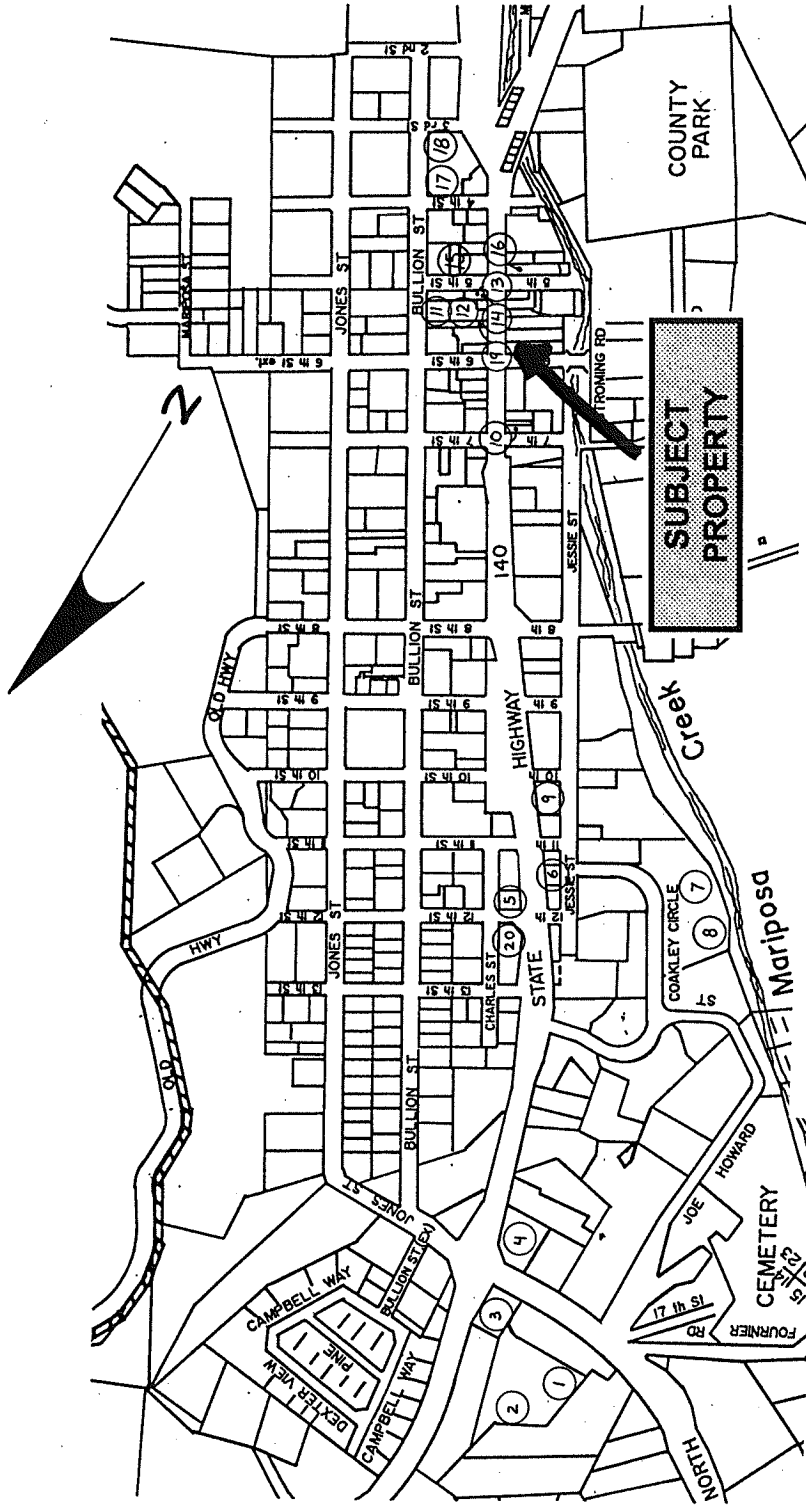
BACKGROUND

The Department of Alcoholic Beverage Control (ABC) regulates the issuance of alcohol licenses within the County. The ABC has recently established a limit (12) on the number of on-sale alcohol licenses (such as bars and restaurants) which can be issued in the Mariposa area, without the issuance of a "letter of public convenience and necessity", by the Board of Supervisors (this area previously had exceeded the limit of 12). 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" because the number of on-sale licenses (approximately 20) 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. The Board has the opportunity to determine whether an additional alcohol license is detrimental to the area.

ZONING DESIGNATION:

The subject property is zoned General Commercial and is located within the Mariposa Town Planning Area. The operation of a bar is consistent with the zoning. The applicant is required to obtain a Building Permit to convert the space to a bar use.

LOCATION OF ON-SALE AND OFF-SALE LIQUOR LICENSES (MARIPOSA TPA)

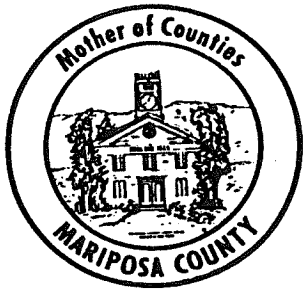


BUSINESS NAME	BUSINESS TYPE
1. 49er Market	Market
2. 49er Liquor	Liquor Store
3. BP	Gas / Mini-Mart
4. Miner's Inn	Restaurant / Bar
5. Red Fox	Restaurant

BUSINESS NAME	BUSINESS TYPE
6. Gold Rush Grill	Restaurant
7. Pioneer Market	Market
8. Old Sawmill	Restaurant
9. Stage Stop	Gas / Mini-Mart
10. Charles Street	Restaurant

BUSINESS NAME	BUSINESS TYPE
11. Yos. Brew Co.	Brewery
12. Meadow Ranch Cafe	Restaurant
13. Radanovich Winery	Winery
14. Hull House	Bar
15. Castillo's	Restaurant

BUSINESS NAME	BUSINESS TYPE
16. Pizza Factory	Restaurant
17. China Station	Restaurant
18. Yosemite Liquor	Liquor Store
19. 49er Bar	Bar
20. Happy Burger	Restaurant



Mariposa County Planning and Building Department

EDWARD J. JOHNSON
Director

5101 Jones Street
P.O. Box 2039
Mariposa, CA 95338
(209) 966-5151
FAX No. (209) 742-5024

March 17, 1998

Department of Alcoholic Beverage Control
31 East Channel Street, Room 168
P.O. Drawer 150
Stockton, CA 95201

RE: Applicant: Isabelle Garcia and Joanne Brown

At their March 17, 1998 meeting, the Mariposa County Board of Supervisors approved the issuance of this "letter of public convenience and necessity" for:

Applicant:	Isabelle Garcia and Joanne Brown
Business:	6th Street Alley
Site:	5031-F Highway 140, Mariposa County
License:	On-Sale Beer and Wine

It was determined that the ability to offer on-sale beer and wine to the public in the historic Mariposa downtown would provide convenience to the public.

Sincerely,

Sarah Williams
Planning Manager

cc: Board of Supervisors

Isabelle Garcia and Joanne Brown
5532 Meadow Lane
Mariposa, CA 95338

ZONING DESIGNATION:

The subject property is zoned General Commercial and is located within the Mariposa Town Planning Area. The operation of a bar is consistent with the zoning. The applicant is required to obtain a Building Permit to convert the space to a bar use.

209-966-6565



6th Street Alley

mailing address: 5532 Meadow Lane, Mariposa, CA 95338
e-mail address: 6street@sierratel.com

February 12, 1998

Mr. Jay Pawlek, Senior Planner
Planning and Building Department
P.O. Box 2039
Mariposa, CA 95338

RECEIVED

FEB 13 1998

Mariposa County Planning Dept.

Dear Mr. Pawlek:

On February 4, 1998 we applied for an Original On Sale Beer and Wine Type 42 License with the State of California's Department of Alcoholic Beverage Control. They informed us that due to an oversaturation of licenses in our area we must have a letter of Public Convenience and Necessity from our Board of Supervisors.

Therefore as requested, here is a letter detailing our planned operation for the incorporation of a specialty coffees, beer and wine bar into our existing antiques and collectibles shop, 6th Street Alley, located on the "alley" between the 6th and 5th street parking lots in Mariposa's historic downtown. The physical address is 5031-F Highway 140.

Based on the tourist nature of our community we believe we will be a real draw for tourists who are looking for "something different". We can offer them an experience they just can't find elsewhere in our community because The Hideout at 6th Street Alley will be an establishment conducive to relaxed social gatherings in a setting of hand-layed stone walls, where fine antiques, old western tack and cowboy collectibles will be offered for sale. Featuring desserts, ice creams, savory snacks and libations such as wine, beer, and fine coffees, in addition to a planned soup & salad bar, we will cater to our tourists and local community alike with our unique ambiance served up in the true spirit of the old west.

In keeping with the regulations of the Type 42 License we have applied for, please be advised that although the licensed premises is being incorporated under the 6th Street Alley umbrella, said premises will be completely self-contained with notices posted at all entrances that no one under 21 is allowed on licensed premises.

continued...

Mr. Jay Pawlek, Senior Planner
February 12, 1998
Page 2

We expect our clientele to be a cross-section of responsible adults who wish to enjoy their leisure time by engaging in conversation with other patrons, reading a good book or magazine, watching "Dallas" reruns or an old Western on TV, or playing darts, checkers or a board game.

In the short nine months that 6th Street Alley has been open, we have built a loyal following and we are intent on further catering to our tourists and our local community to the extent that we are able by:

- featuring cowboy poetry, storytelling, and low-key live music performances (NO AMPED MUSIC).
- working with the Chamber and our family of local businesses and hospitality industry to promote our historic downtown and Mariposa as a whole.
- accommodating our various civic-minded organizations with a unique place in which they can hold meetings and host functions.
- providing a couple celebrating their anniversary (or anyone celebrating any special event for that matter) with an intimate environment in which to host their party.
- providing an atmosphere where ladies feel comfortable enjoying a cappuccino or a good bottle of wine with their friends.
- supporting our local wineries by making wine tasting a part of our operation.

Our planned hours of operation are Sunday through Wednesday 10 a.m. to 10 p.m. Thursday, Friday and Saturday 10 a.m. to 1 a.m.

Based on all the above we are requesting the Board of Supervisors grant a letter of Public Convenience and Necessity. To that end, please forward our request to the Board of Supervisors. And, please do not hesitate to let us know if you have any questions or if you need any further information.

Respectfully,


Isabelle Garcia


Joanne Brown

cc: State of California Department of Alcoholic Beverage Control