



COUNTY OF SAN MATEO

Inter-Departmental Correspondence

County Counsel

DATE: August 1, 2002

BOARD MEETING DATE: August 20, 2002

TO: Honorable Board of Supervisors

FROM: County Counsel

SUBJECT: Resolution of Public Convenience or Necessity for Application for Off-Sale Beer and Wine License, Los Primos Meat Market, 55 Fifth Ave., Redwood City

Recommendation

Adopt a resolution determining either: 1) that public convenience or necessity would be served by issuance of an off-sale beer and wine license to Sergio Ramos Guzman, Los Primos Meat Market, for the premises at 55 Fifth Ave., Suite A, Redwood City; or 2) that public convenience or necessity would not be served by issuance of such license.

Background

This matter was presented to your Board previously on June 18, 2002. However, because the applicant was not given notice of that hearing, we contacted him subsequently and he indicated that he wanted this matter to be heard again by your Board.

State law requires that the County make a finding of whether the public convenience or necessity would be served with respect to the issuance of a liquor license which would result in an "undue concentration" of liquor sales establishments or where the location is in a high crime reporting district. The State Department of Alcoholic Beverage Control has determined that an "undue concentration" of licenses exists in the census tract at issue in this case, and has requested a determination of "public convenience or necessity" by the County.

On June 14, 1996, the Board of Supervisors established a process for consideration of such requests. This process requires that the application be referred to the Sheriff and to the appropriate municipal advisory council for the area for a recommendation as to whether the request should be granted.

Discussion

This request relates to the application of Sergio Ramos Guzman, Los Primos Meat Market, for the premises at 55 Fifth Ave., Suite A, Redwood City. The applicant would be authorized to sell beer and wine under the license. The Department of Alcoholic Beverage Control has determined that the number of licenses already issued in the census tract where the property is located (13) is more than the number allowed under a formula established by law (6), and thus there is an "undue concentration" of such licenses. (The Department has concluded that the location is not within a high crime reporting district.) The Department has therefore requested that the County now determine whether public convenience or necessity would be served by the issuance of the license.

While the final determination as to whether the license will be issued rests with the Department of Alcoholic Beverage Control, the governing statute says that ABC shall deny an application for a license to sell liquor if issuance of that license would result in an "undue concentration" of licenses, unless the local governing body finds that the public convenience or necessity would be served by the issuance of the license, in which case ABC may issue the license. (Business & Professions Code §§23958 and 23958.4). Normally, this determination should be made within 90 days of the application, but ABC has indicated that they will not take action on an application until they have received notice of your Board's decision.

Based on the large number of existing licenses in the area, and community opposition to the issuance of new licenses, both the Sheriff's Office and the North Fair Oaks Municipal Advisory Council are opposed to issuance of the license and do not recommend a finding of public convenience or necessity.

We have prepared two resolutions for the Board's consideration and action. The first (Resolution 1) would grant the applicant's request. The second (Resolution 2) would deny it.

Fiscal Impact

No fiscal impact.

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Vision Alignment

This resolution furthers the County's commitment that government decisions are based on careful consideration of future impact, rather than temporary relief or immediate gain.


fw THOMAS F. CASEY III, COUNTY COUNSEL

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cc: John Maltbie, County Manager
Terry Burnes, Planning Administrator
Don Horsley, Sheriff
Tom Maloney, Sheriff's Office
Lily Toy, Planning Division
Dale Miller, NFO Council
Sergio Ramos Guzman (Applicant)