



**COUNTY OF SAN MATEO**  
**INTERDEPARTMENTAL CORRESPONDENCE**

**County Counsel**

**DATE:** August 14, 2002  
**BOARD MEETING DATE:** September 10, 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, Alma Canadas, dba Gazos Creek Beacon, 5720 Cabrillo Hwy., Pescadero

**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 Alma Canadas, dba Gazos Creek Beacon, for the premises at 5720 Cabrillo Hwy., Pescadero; or 2) that public convenience or necessity would not be served by issuance of such license.

**Background**

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 Alma Canadas, dba Gazos Creek Beacon, for the premises at 5720 Cabrillo Hwy., Pescadero (a gas station). The owner is Keet Nerhan. The applicant has petitioned for a Conditional License, with the conditions being that: 1) no alcoholic beverages be sold to any person while that person is in a motor vehicle; and 2) alcoholic beverages for sale at the premises shall be displayed and available for convenient inspection and purchase within the premises by the general public.

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 is more than the number allowed under a formula established by law (3 allowed, 5 existing), 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.

Though there is an "undue concentration" of existing licenses, the Sheriff's Office takes a neutral position on this application because of the rural nature of the area and the proposed conditions.

The Pescadero Municipal Advisory Council considered this matter at its August 8, 2002 meeting, and voted in favor of granting the application. (Attachment "A").

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.

**Visioning Alignment**

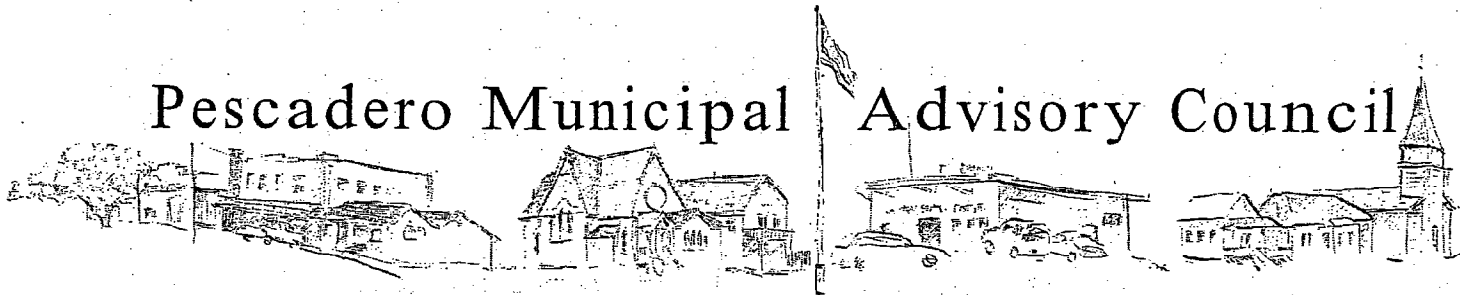
This resolution furthers the County's commitment that government decisions be based on careful consideration of future impact, rather than temporary relief or immediate gain.

  
THOMAS F. CASEY III, COUNTY COUNSEL

TFC:MS/ag

cc: Alma Canadas (applicant)  
John Maltbie, County Manager  
Terry Burnes, Planning Administrator  
Don Horsley, Sheriff  
Tom Maloney, Sheriff's Office  
Lily Toy, Planning Division  
Pescadero Municipal Advisory Council

# Pescadero Municipal Advisory Council



Post Office Box 249 Pescadero, California 94060 pmac@southcoast.net

To: Miruni Soosaipillai, Deputy  
County Counsel's Office  
County of San Mateo  
Hall of Justice and Records 6<sup>th</sup> floor  
400 County Center  
Redwood City, CA 94063 - 1662

From: The Pescadero Municipal Advisory Council

Date: August 15, 2002

Dear Miruni Soosaipillai,

At the last PMAC meeting on August 8<sup>th</sup>, 2002, a majority of the Council voted to ask your department to grant an application for an off-sale alcoholic beverage license by Alma Canadas, dba Gazos Creek Beacon gas station at 5720 Cabrillo Hwy in Pescadero.

We do appreciate being consulted on this matter.

Sincerely,

A handwritten signature in cursive script that reads "Maeva Neale". The signature is written in black ink and is positioned above a horizontal line.

Maeva Neale, Chair