



Agenda Date: 10/9/2007
Agenda Placement: 8B
Set Time: 9:30 AM PUBLIC HEARING
Estimated Report Time: 5 Minutes

NAPA COUNTY BOARD OF SUPERVISORS Board Agenda Letter

TO: Board of Supervisors
FROM: Britt Ferguson for Watt, Nancy - County Executive Officer
County Executive Office
REPORT BY: Patti DeWeese, Staff Services Analyst, 253-4197
SUBJECT: Type 20 License/Letter of Public Convenience or Necessity

RECOMMENDATION

County Executive Officer requests authorization for the issuance of a Letter of Public Convenience or Necessity allowing the transfer of a Type 20 Retail Off-Sale Alcoholic Beverage License from 1895 Cabernet Lane, St. Helena, California to 110 Camino Oruga, Napa, California, for Livingston Moffett Wines, LLC.

EXECUTIVE SUMMARY

The applicant is requesting a transfer of the existing Type 20 retail off-sale beer and wine license at 1895 Cabernet Lane in St. Helena to 110 Camino Oruga in Napa. The Department of Alcoholic Beverage Control (ABC), pursuant to Business and Professions Code Section 23958.4, requires the local governing body to make a determination of public convenience or necessity prior to their issuance of the transfer.

ABC has determined that there is a high concentration of this type of license in the census tract for the requested location, thus requiring the Board's Letter of Public Convenience or Necessity (in the form of a Board Minute Order).

FISCAL IMPACT

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| Is there a Fiscal Impact? | Yes |
| Is it currently budgeted? | No |
| What is the revenue source? | A fee is paid by the applicant to process the requested determination of public convenience or necessity. |
| Is it Mandatory or Discretionary? | Discretionary |
| Discretionary Justification: | If the license is to be transferred, the Board's determination of public convenience or necessity is required by the Alcoholic Beverage Control (ABC) to |

complete the license transfer.

Is the general fund affected? Yes

Future fiscal impact: There is no future fiscal impact.

Consequences if not approved: ABC will not be able to issue the transfer of the license for the applicant timely.

Additional Information:

ENVIRONMENTAL IMPACT

There is no Environmental Impact for this item.

BACKGROUND AND DISCUSSION

The current Type 20 retail off-sale beer and wine license at 1895 Cabernet Lane, St. Helena has been transferred from John and Diane Livingston (a partnership) to Livingston Moffett Wines, LLC. Livingston Moffett Wines wishes to transfer the license to 110 Camino Oruga in the unincorporated area of Napa County because the property at 1895 Cabernet Lane has been sold. They have submitted the required application and fee to this office in order to process the request for issuance of a Letter of Public Convenience or Necessity.

Livingston Moffett Wines, LLC wishes to maintain their existing Type 20 license, which was originally issued to the Livingstons in 1986, for possible use at a later time. The 110 Camino Oruga location will now be used for their winemaking operation, however they have no plans to actively use the Type 20 license at this time at this location. This transfer will simply allow the license to be kept active.

The Department of Alcoholic Beverage Control (ABC), pursuant to Business and Professions Code Section 23958.4, requires the local governing body to make a determination of public convenience or necessity prior to their issuance of the transfer whenever there exists a high concentration of this type of license in the given census tract. The area in question is located adjacent to North Kelly Road and across the highway from the Airport industrial area; these areas contain a higher concentration of this type of license because of a variety of wine-related businesses located in the area.

This office has contacted the Conservation, Development and Planning Department as well as the Sheriff's Office to determine if there were any adverse conditions or objections to the transfer of this license. Both have indicated they have no objections.

Upon approval by the Board, a Letter of Public Convenience or Necessity, in the form of a Board Minute Order, will be forwarded to ABC to complete the approval process.

SUPPORTING DOCUMENTS

None

CEO Recommendation: Approve

Reviewed By: Maiko Klieman