



Agenda Date: 3/18/2008
Agenda Placement: 9D
Set Time: 10:00 AM PUBLIC HEARING
Estimated Report Time: 5 Minutes

NAPA COUNTY BOARD OF SUPERVISORS Board Agenda Letter

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

RECOMMENDATION

County Executive Officer requests approval of a Certificate of Public Convenience or Necessity for Type 20 Retail Off-Sale Alcoholic Beverage License for Roney Concessionaire, LLC, as required by the State Department of Alcoholic Beverage Control for property located at 7856 St. Helena Highway, Oakville, California.

EXECUTIVE SUMMARY

The applicant is applying for a Type 20 Retail Off-Sale Beer and Wine License at 7856 St. Helena Highway in Oakville. This beer and wine concession is located within the Oakville Grocery. 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 license. 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 Certificate of Public Convenience or Necessity (in the form of a Board Minute Order).

The wine and beer concession within the Oakville Grocery currently has a Type 20 Retail Off-Sale license which will either be canceled by the original owner or surrendered for use at a later date at a location other than the Oakville Grocery.

PROCEDURAL REQUIREMENTS:

1. Chair announces agenda item.
2. Chair declares the Public Hearing open.
3. Staff reports on the item.
4. Questions by the Board
5. Chair invites public comment.
6. Chair declares the Public Hearing closed.
7. Chair invites a motion on the item.

8. Member makes a motion on the item.
9. Another member seconds the motion on the item.
10. Board discussion and debate.
11. Chair calls for the Vote on the motion on the item.
12. Chair announces the result of the Vote.

FISCAL IMPACT

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 approved, the Board's determination of public convenience or necessity is required by the Alcoholic Beverage Control (ABC).
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 license for the applicant timely.
Additional Information:	

ENVIRONMENTAL IMPACT

There is no Environmental Impact for this item.

BACKGROUND AND DISCUSSION

There is currently a Type 20 Retail Off-Sale beer and wine license issued for 7856 St. Helena Highway, Oakville, California, which property is also known as the Oakville Grocery. The wine and beer license concession has been sold to Roney Concessionaire, LLC, but due to Department of Alcoholic Beverage Control (ABC) requirements, the existing Type 20 license cannot be transferred to Roney Concessionaire. The applicant has purchased a Type 20 license from a different company at another location which was available for sale. The Roney beer and wine concession will continue to operate within the Oakville Grocery as a separate operation from the store.

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 license whenever there exists a high concentration of this type of license in the given census tract. The area in question is located in an area containing a higher concentration of this type of license due to a variety of wine-related businesses located in the area.

The applicant has submitted the required application and fee to this office in order to process the request for issuance of a Certificate of Public Convenience or Necessity by the Board of Supervisors. 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 issuance of this license. Both have indicated they have no

objections.

Upon approval by the Board, a Certificate 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