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Agenda Date: 8/11/2015  
Agenda Placement: 9E  
Set Time: 11:00 AM PUBLIC HEARING  
Estimated Report Time: 5 minutes

## NAPA COUNTY BOARD OF SUPERVISORS Board Agenda Letter

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**TO:** Board of Supervisors  
**FROM:** John McDowell for David Morrison - Director  
Planning, Building and Environmental Services  
**REPORT BY:** Terri L Abraham, PLANNER I - 299-1331  
**SUBJECT:** Public Convenience or Necessity to Retail Alcohol Beverage Type 21

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### **RECOMMENDATION**

Director of Planning, Building and Environmental Services requests approval of a Certificate of Public Convenience or Necessity for Type 21 Off Sale General License for Redolent Mercantile, as required by the State Department of Alcoholic Beverage Control for property located at 3111 St. Helena Hwy N #5, St. Helena, California (Assessor's Parcel No. 022-070-025).

### **EXECUTIVE SUMMARY**

The applicant is applying for a Type 21 Off Sale General License at 3111 St. Helena Hwy N #5, St. Helena, California (Assessor's Parcel No. 022-070-025). This license would allow Redolent Mercantile to offer its customers the opportunity to buy bottled alcohol for off-premise consumption. 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).

### **PROCEDURAL REQUIREMENTS**

1. Open Public Hearing
2. Staff Reports
3. Public Comment
4. Closed Public Hearing
5. Motion, second, discussion and vote on the item

**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 impact.
Consequences if not approved:	ABC will not be able to issue the license for the applicant in a timely manner.
Additional Information:	

**ENVIRONMENTAL IMPACT**

General Rule. It can be seen with certainty that there is no possibility the proposed action may have a significant affect on the environment and therefore CEQA is not applicable [See Guidelines For the Implementation of the California Environmental Quality Act, 14 CCR 15061(b)(3)].

**BACKGROUND AND DISCUSSION**

Cairdean Café, LLC dba Redolent Mercantile is currently applying for a Type 21 Retail Off-Sale General License to authorize the sale of beer, wine and distilled spirits for consumption off the premises where sold, for property located at 3111 St. Helena Hwy N #5, St. Helena, California.

A Type 21 License allows the sale of beer, wine and distilled spirits for off-premises consumption. The property has a Certificate of Legal Non Conformity (CLN), #CLN-91-544, which was approved on September 21, 1992. The CLN consists of 23,076 square feet of retail shopping space, which includes building #5, presently known as "Redolent Mercantile." The previous business within this location, which closed several years ago, included the sale of beer, wine and distilled spirits, so this will not be a change in land use.

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 whenever there exists a high concentration of this type of license in the given census tract. This census tract encompasses a large area north of St. Helena. The census tract in which the applicant's business is located is in an area of Napa Valley containing a high concentration of these types of licenses due to the large variety of wine-related operations, so the department views this as an appropriate location for the requested license.

The applicant has submitted the required application and fee to the Planning, Building and Environmental Services Department in order to process the request for issuance of a Certificate of Public Convenience or Necessity by the Board of Supervisors. This use is allowed by Use Permit, and the Sheriff's Department has been contacted regarding the application and they have no objection.

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**

- A . Application Materials
- B . Comments

CEO Recommendation: Approve

Reviewed By: Liz Habkirk