



A Tradition of Stewardship
A Commitment to Service

Agenda Date: 9/24/2013
Agenda Placement: 9A
Set Time: 9:05 AM PUBLIC HEARING
Estimated Report Time: 5 Minutes

NAPA COUNTY BOARD OF SUPERVISORS Board Agenda Letter

TO: Board of Supervisors

FROM: John McDowell for Gitelman, Hillary - Director
Planning, Building and Environmental Services

REPORT BY: Terri L Abraham, PLANNER I - 299-1331

SUBJECT: Wine Scout International - Type 21 License/Certificate of Public Convenience or Necessity

RECOMMENDATION

Director of Planning, Building and Environmental Services requests approval of a Certificate of Public Convenience or Necessity for Type 21 Retail Off-Sale Alcoholic Beverage License for Wine Scout International, as required by the State Department of Alcoholic Beverage Control for property located at 177 Tower Road, Napa, California (Assessor's Parcel No. 057-110-069).

EXECUTIVE SUMMARY

The applicant is applying for a Type 21 Retail Off-Sale Beer and Wine License at 177 Tower Road, Napa (Assessor's Parcel No. 057-100-069-000). This license allows for retail sales of alcoholic beverages (wine, spirits) taken over the internet, mail order, or telephone, and directly shipped to retail customers, as well as occasional over the counter sales. 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. Close 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 fiscal impact.
Consequences if not approved:	ABC will not be able to issue the license for the applicant timely.
Additional Information:	

ENVIRONMENTAL IMPACT

General Rule. It can be seen with certainty that there is no possibility the proposed action may have a significant effect 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

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 in the Industrial Park and General Industrial area of the unincorporated areas near the airport in Napa resulting in a high concentration of wine-related businesses.

The applicant currently has a Type 21 license at 177 Tower Rd. The applicant has now purchased a Type 21, Off-Sale General license from a license broker in order to secure the license for a future project. ABC requires that their license is activated upon its transfer from the seller, so they wish to establish this Type 21 license at 177 Tower Road, and place the license currently established there into administrative "surrender" status. They will transfer the surrendered license to another location at a future date, which will be subject to review by the affected local agency when that transfer occurs.

The applicant will continue operating in the same fashion as they currently operate. They will sell their lines of fine wines and spirits over the internet, by mail order, and telephone, and ship the products directly to their California customers, as well as occasional over-the-counter sales for off-premises consumption.. This will not be an advertised activity.

The applicant has submitted the required application and fee to this office in order to process this request. This office has contacted the Sheriff's Office to determine if there were any adverse conditions or objections to

the issuance of this license. They 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

A . Wine Scout International Application

CEO Recommendation: Approve

Reviewed By: Molly Rattigan