May 30, 2014

Ms. Linda Lopez, Chair
North Fair Oaks Community Council
c/o Irving Torres
Office of San Mateo County Supervisor
Warren Slocum
400 County Center
Redwood City, CA 94063

Re: Request for North Fair Oaks Community Council Recommendation re Request for Certificate of Public Convenience or Necessity re 3201 El Camino Real, Menlo Park, CA 94027

Dear Ms. Lopez:

This office represents the San Mateo County Planning Department and, from time to time, we are asked to assist in coordinating the County’s response to requests from those seeking licenses from the State Department of Alcoholic Beverage Control for certificates of public convenience or necessity. Specifically, in cases where a business operator seeks a license to serve or sell alcohol in a census tract where a certain threshold of such licenses has already been exceeded, the operator must receive from the local governmental agency with land use regulatory jurisdiction over the area in question a certificate that the public convenience or necessity would be served by issuance of such a license.

As reflected on the attached form, AV Energy LLC seeks such a certificate from the County in connection with the proposed sale of alcoholic beverages at the Shell gas station located at 3201 El Camino Real, in the unincorporated Menlo Park area. As part of the process for consideration of such a request, the County seeks the recommendation of the North Fair Oaks Community Council. Because of the relatively short period of time in which the County has to respond to this request, I am asking that you provide me the Council’s recommendation by return mail at the above address as soon as possible after your meeting on June 26, 2014.
Thank you for your assistance and please do not hesitate to contact me with any questions or comments regarding this matter.

Very truly yours,

JOHN C. BEIERS, COUNTY COUNSEL

By:

John D. Nibbelin, Chief Deputy

cc:  John Beiers, Office of the County Counsel
     Jim Eggemeyer, Steve Monowitz, and Tiare Pena, Planning Department
     AV Energy, LLC
INFORMATION AND INSTRUCTIONS -
SECTION 23958.4 B&P

Instructions: This form is to be used for all applications for original issuance or premises to premises transfer of licenses.

- Part 1 is to be completed by an ABC employee, given to applicant with pre-application package, with copy retained in holding file or applicant’s district file.
- Part 2 is to be completed by the applicant, and returned to ABC.
- Part 3 is to be completed by the local governing body or its designated subordinate officer or body, and returned to ABC.

PART 1 - TO BE COMPLETED BY ABC

1. APPLICANT’S NAME
   - AU Energy LLC

2. PREMISES ADDRESS (Street number and name, city, state)
   - 3201 El Camino Real, Menlo Park, CA 94027

3. LICENSE TYPE
   - 20

4. TYPE OF BUSINESS
   - □ Full Service Restaurant
   - □ Deli or Specialty Restaurant
   - □ Cafe/Coffee Shop
   - □ Bed & Breakfast:
   - □ Wine only
   - □ Beer
   - □ Other - describe: Off-Sale Beer & Wine

5. COUNTY POPULATION
   - 6,257,744

6. TOTAL NUMBER OF LICENSES IN COUNTY
   - 1,525

7. RATIO OF LICENSES TO POPULATION IN COUNTY
   - On-Sale □ Off-Sale

8. CENSUS TRACT NUMBER
   - 0106.01

9. NO. OF LICENSES ALLOWED IN CENSUS TRACT
   - 4

10. NO. OF LICENSES EXISTING IN CENSUS TRACT
    - 12

11. IS THE ABOVE CENSUS TRACT OVERCONCENTRATED WITH LICENSES? (i.e., does the ratio of licenses to population in the census tract exceed the ratio of licenses to population for the entire county?)
    - □ Yes
    - □ No

12. IS LOCAL LAW ENFORCEMENT AGENCY MAINTAIN CRIME STATISTICS?
    - □ Yes (Go to Item #13)
    - □ No (Go to Item #20)

13. CRIME REPORTING DISTRICT NUMBER
    - 26

14. TOTAL NUMBER OF REPORTING DISTRICTS
    - 12

15. TOTAL NUMBER OF OFFENSES IN ALL REPORTING DISTRICTS
    - 697

16. AVERAGE NO. OF OFFENSES PER DISTRICT
    - 58.08

17. 120% OF AVERAGE NUMBER OF OFFENSES
    - 69.69

18. TOTAL NUMBER OF OFFENSES IN REPORTING DISTRICT
    - 125

19. IS THE PREMISES LOCATED IN A HIGH CRIME REPORTING DISTRICT? (i.e., has a 20% greater number of reported crimes than the average number of reported crimes as determined from all crime reporting districts within the jurisdiction of the local law enforcement agency?)
    - □ Yes
    - □ No

20. CHECK THE BOX THAT APPLIES (check only one box)
    - a. If "No" is checked in both item #11 and item #19, Section 23958.4 B&P does not apply to this application, and no additional information will be needed on this issue. Advise the applicant to bring this completed form to ABC when filing the application.
    - b. If "Yes" is checked in either item #11 or item #19, and the applicant is applying for a non-retail license, a retail bona fide public eating place license, a retail license issued for a hotel, motel or other lodging establishment as defined in Section 25533(a)(b)(c)(d)(e)(f), or a retail license issued in conjunction with a beer manufacturer’s license, or winery’s license, advise the applicant to complete Section 2 and bring the completed form to ABC when filing the application or as soon as possible thereafter.
    - c. If "Yes" is checked in either item #11 or item #19, and the applicant is applying for an off-sale beer and wine license, an off-sale general license, an on-sale beer license, an on-sale beer and wine (public premises) license, or an on-sale general (public premises) license, advise the applicant to take the form to the local governing body or its designated subordinate officer or body to have them complete Section 3. The completed form will need to be provided to ABC in order to process the application.

Governing Body/Designated Subordinate Name:

Planning Commission
Sheriff

FOR DEPARTMENT USE ONLY
PREPARED BY (Name of Department Employee)
PART 2 - TO BE COMPLETED BY THE JUDGE (If box #20b is checked)

21. Based on the information on the reverse, the Department may approve your application if you can show that public convenience or necessity would be served by the issuance of the license. Please describe below the reasons why issuance of another license is justified in

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22. APPLICANT SIGNATURE

23. DATE SIGNED

PART 3 - TO BE COMPLETED BY LOCAL OFFICIALS (If box #20c is checked)

The applicant named on the reverse is applying for a license to sell alcoholic beverages at a premises where undue concentration exists (i.e., an over-concentration of licenses and/or a higher than average crime rate as defined in Section 23958.4 of the Business and Professions Code). Sections 23958 and 23958.4 of the Business and Professions Code requires the Department to deny the application unless the local governing body of the area in which the applicant premises are located, or its designated subordinate officer or body, determines within 90 days of notification of a completed application that public convenience or necessity would be served by the issuance.

Please complete items #24 to #30 below and certify or affix an official seal, or attach a copy of the Council or Board resolution or a signed letter on official letterhead stating whether or not the issuance of the applied for license would serve as a public convenience or necessity.

24. WILL PUBLIC CONVENIENCE OR NECESSITY BE SERVED BY ISSUANCE OF THIS ALCOHOLIC BEVERAGE LICENSE?

☐ Yes ☐ No ☐ See Attached (i.e., letter, resolution, etc.)

25. ADDITIONAL COMMENTS, IF DESIRED (may include reasons for approval or denial of public convenience or necessity):

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26. CITY/COUNTY OFFICIAL NAME

27. CITY/COUNTY OFFICIAL TITLE

28. CITY/COUNTY OFFICIAL PHONE NUMBER

29. CITY/COUNTY OFFICIAL SIGNATURE

30. DATE SIGNED

ABC-245 REVERSE (rev. 01-11)