

RESOLUTION NO. .

BOARD OF SUPERVISORS, COUNTY OF SAN MATEO, STATE OF CALIFORNIA

* * * * *

**RESOLUTION DETERMINING THAT THE PUBLIC CONVENIENCE OR NECESSITY
WOULD BE SERVED BY THE ISSUANCE OF AN OFF-SALE BEER AND WINE
LICENSE TO AU ENERGY LLC, FOR THE PREMISES LOCATED AT 3201 EL
CAMINO REAL, ATHERTON**

RESOLVED, by the Board of Supervisors of the County of San Mateo, State of California, that

WHEREAS, California Business and Professions Code section 23958.4 provides that, upon the request of an applicant for a license to sell alcohol, when the granting of the license would result in the “undue concentration” of such establishments, the County must make a determination as to whether the public convenience or necessity would be served by the granting of such license; and

WHEREAS, the County has received such a request from AU Energy LLC for the premises at 3201 El Camino Real, Atherton; and

WHEREAS, the California Department of Alcoholic Beverage Control has concluded that there is an undue concentration of licenses already issued in the census tract where the property is located; and

WHEREAS, the North Fair Oaks Community Council considered a request from AU Energy LLC for an off-sale beer, wine, and liquor license (a “Type 21” license) at its regular public meeting on May 23, 2024 and the Council was not able to garner majority support for or against approval of AU Energy LLC’s application; and

WHEREAS, AU Energy LLC subsequently withdrew its application for a Type 21 license and submitted an application to allow the sale of beer and wine only (a “Type 20” license); and

WHEREAS, the North Fair Oaks Community Council was informed that the application had been modified to only allow the sale of beer and wine at its meeting on August 22, 2024; and

WHEREAS, the issuance of the requested license would increase the range of goods available for purchase to customers of the existing gas station and convenience store; and

WHEREAS, the County has reviewed the request, considered the totality of circumstances (including the current number of licensed vendors in the subject census tract, and the consideration of the North Fair Oaks Community Council and Sheriff's Office), and determined to grant it.

NOW, THEREFORE, IT IS HEREBY DETERMINED AND ORDERED that the public convenience or necessity would be served by the granting of an off-sale beer and wine liquor license to AU Energy LLC for the premises at 3201 El Camino Real, Atherton.

BE IT FURTHER RESOLVED that a certified copy of this resolution will be forwarded to the Department of Alcoholic Beverage Control.

* * * * *