

## RESOLUTION NO. 080611

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

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**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**

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**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.

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*Regularly passed and adopted this 10<sup>th</sup> day of September, 2024*

*AYES and in favor of said resolution:*

*Supervisors:* \_\_\_\_\_ *DAVE PINE*  
\_\_\_\_\_ *NOELIA CORZO*  
\_\_\_\_\_ *RAY MUELLER*  
\_\_\_\_\_ *WARREN SLOCUM*  
\_\_\_\_\_ *DAVID J. CANEPA*

*NOES and against said resolution:*

*Supervisors:* \_\_\_\_\_ *NONE*



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*President, Board of Supervisors  
County of San Mateo  
State of California*

***Certificate of Delivery***

*I certify that a copy of the original resolution filed in the Office of the Clerk of the Board of Supervisors of San Mateo County has been delivered to the President of the Board of Supervisors.*



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*Assistant Clerk of the Board of Supervisors*