



COUNTY OF SAN MATEO
Inter-Departmental Correspondence
County Counsel



DATE: May 8, 2015
BOARD MEETING DATE: May 19, 2015
SPECIAL NOTICE/HEARING: None
VOTE REQUIRED: Majority

TO: Honorable Board of Supervisors

FROM: County Counsel

SUBJECT: Resolution of Public Convenience or Necessity for Application for Alcoholic Beverage License by Hamdi Mohammed Alzghoul, for the Premises at 1216 Hillside Boulevard, Daly City, California

RECOMMENDATION:

Adopt a resolution determining that public convenience or necessity would be served by issuance of an off-sale beer and wine license to Hamdi Mohammed Alzghoul for the premises at 1216 Hillside Boulevard, Daly City, California

BACKGROUND:

State law requires that the County determine whether the public convenience or necessity would be served by the issuance of an Alcoholic Beverage License if the establishment seeking the license is in a location with an “undue concentration” of establishments selling alcoholic beverages. The California Department of Alcoholic Beverage Control (“ABC”) has determined that an undue concentration of such establishments exists in the census tract at issue in this case and has requested that the County consider whether the public convenience or necessity (“PCN”) will be served by issuance of the requested license. This application is for a site located in the Broadmoor area of the unincorporated County and staff has therefore routed the request to the Broadmoor Police Department for review and input.

DISCUSSION:

This request relates to the Alcoholic Beverage License application made by Mr. Alzghoul in connection with a proposal to conduct off-sale of beer, wine, and distilled spirits at the premises located at 1216 Hillside Boulevard, Daly City, California, which is a convenience store collocated with a gas station. The ABC has determined that the number of licenses already issued in the census tract in which this premises is located is more than the number allowed under the formula established by law. (Under this formula, four off-sale licenses would be allowed, and there are presently five.) Therefore, under state law, the Department of Alcoholic Beverage Control may not issue a license to Mr. Alzghoul without the Board of Supervisors first determining whether the public convenience or necessity would be served by issuance of the license. (Note that while

the number of licenses in the census tract establishes an undue concentration, the number of criminal offenses reported in the affected district (110) is less than the County-wide average (171 offenses per district).)

The matter was forwarded to the Broadmoor Police Department for its consideration and the Chief of Police Art Stellini has informed us that his department has no objection to the issuance of the license. Chief Stellini spoke with the applicant, conducted a site visit, and concluded the issuance of the license would not pose a safety concern to the community.

The site for the requested license includes an existing gas station and convenience store. The issuance of the requested license would increase the range of goods available for purchase to customers of the existing facility.

Based on the foregoing, the recommendation is that this Board grant the applicant's request and find that the public convenience or necessity would be served by the issuance of a license.

Responding to the request of the Department of Alcoholic Beverage Control will contribute to the Shared Vision 2025 outcome of collaborative community by providing necessary input to the Department to assist it in making a decision on the subject license.

FISCAL IMPACT:

No fiscal impact.

JOHN C. BEIERS, COUNTY COUNSEL

cc: Hamdi Alzghoul, 1216 Hillside Boulevard, Daly City, CA 94104
John Maltbie, County Manager
Steve Monowitz, Director of Planning and Community Development
Art Stellini, Chief of Police, Broadmoor Police Department