



County of San Mateo

Inter-Departmental Correspondence

Department: COUNTY ATTORNEY

File #: 24-493

Board Meeting Date: 6/25/2024

Special Notice / Hearing: None
Vote Required: Majority

To: Honorable Board of Supervisors

From: John D. Nibbelin, County Attorney

Subject: Public Convenience or Necessity Determination for Application for Alcoholic Beverage License by AU Energy LLC

RECOMMENDATION:

Adopt a resolution determining that the public convenience or necessity would not be served by the issuance of an off-sale beer, wine, and liquor license to AU Energy LLC, for the premises located at 3201 El Camino Real, Atherton.

BACKGROUND:

This request relates to the alcoholic beverage license application submitted by AU Energy LLC in connection with a proposal to conduct off-sale of beer, wine, and liquor at the premises located at 3201 El Camino Real in the unincorporated North Fair Oaks area, adjacent to Atherton. The location currently operates as an existing convenience store ("Loop Neighborhood Market") collocated with an existing gas station.

State law requires that the County make a finding of 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.

The Board has established a process for consideration of such requests that requires that they be referred to the Sheriff and to the affected community advisory council for a recommendation regarding whether the requested PCN determination should be granted. The established process was followed here.

DISCUSSION:

AU Energy LLC's application request was forwarded to the North Fair Oaks Community Council (the affected community advisory council) for its consideration and a recommendation to the Board. The

Council considered the matter at its regular public meeting on May 23, 2024, where, after hearing presentations by the County Attorney's Office and a representative of AU Energy LLC, a motion to recommend approval of the request failed to garner support from a majority of the Council members present at the meeting.

The application request was also forwarded to the Sheriff's Office for its consideration and the Sheriff's Office has indicated that it does not have a position on the application.

Based on the foregoing, staff recommends that the Board deny AU Energy LLC's request and find that the public convenience or necessity would not be served by the issuance of an off-sale beer, wine, and liquor license for the premises located at 3201 El Camino Real, Atherton.

FISCAL IMPACT:

There is no fiscal impact associated with this item.

ATTACHMENTS:

AU Energy LLC PCN application

Loop Neighborhood Market Project Description