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Please respond to: (650) 363-4757

July 1, 2010

Via U.S. Mail

Midcoast Community Council
Attn: Deborah Lardie
P.O. Box 248
Moss Beach, CA 94038-0248

*Re: Request for Certificate of Public Need or Necessity re 9500 Cabrillo Highway,
Moss Beach, CA*

Dear Ms. Lardie:

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 Beverage Control for certificates of public convenience and 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 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, Mr. Keet Nerhan seeks such a certificate from the County of San Mateo in connection with the proposed sale of beer, wine and spirits at his premises at 9500 Cabrillo Highway. (It is my understanding that the premises is presently licensed for the sale of beer and wine, but not spirits.) As part of the process for consideration of such a request, the County seeks the recommendation of the Midcoast 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 with your recommendation by return mail to the above address within the next thirty days (on or before July 30, 2010) so that I can timely convey your views to the Board of Supervisors.

Midcoast Community Council

July 1, 2010

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Thank you for your assistance and please do not hesitate to contact me with any questions or comments regarding this matter.

Very truly yours,

MICHAEL P. MURPHY, COUNTY COUNSEL

By: 

John D. Nibbelin, Deputy

MPM:JDN/jdn

cc: Michael P. Murphy and Brian Wong, Office of the San Mateo County Counsel

Jim Eggemeyer and Tiare Pena, Planning Department

Lieutenant Ken Jones, Sheriff's Office

Department of Alcoholic Beverage Control
INFORMATION AND INSTRUCTIONS -
SECTION 23958.4 B&P

State of California
ARNOLD SCHWARZENEGGER, Governor

- 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

Nertan, Keet

2. PREMISES ADDRESS (Street number and name, city, zip code)

9500 Cabrillo Hwy, Moss Beach, CA 94038

3. LICENSE TYPE

21

4. TYPE OF BUSINESS

- | | | | |
|---|--|--|--|
| <input type="checkbox"/> Full Service Restaurant | <input type="checkbox"/> Hofbrau/Cafeteria | <input type="checkbox"/> Cocktail Lounge | <input type="checkbox"/> Private Club |
| <input type="checkbox"/> Deli or Specialty Restaurant | <input type="checkbox"/> Comedy Club | <input type="checkbox"/> Night Club | <input type="checkbox"/> Veterans Club |
| <input type="checkbox"/> Cafe/Coffee Shop | <input type="checkbox"/> Brew Pub | <input type="checkbox"/> Tavern: Beer | <input type="checkbox"/> Fraternal Club |
| <input type="checkbox"/> Bed & Breakfast: | <input type="checkbox"/> Theater | <input type="checkbox"/> Tavern: Beer & Wine | <input type="checkbox"/> Wine Tasting Room |
| <input type="checkbox"/> Wine only | <input type="checkbox"/> All | | |
| <input type="checkbox"/> Supermarket | <input type="checkbox"/> Membership Store | <input type="checkbox"/> Service Station | <input type="checkbox"/> Swap Meet/Flea Market |
| <input checked="" type="checkbox"/> Liquor Store (4) | <input type="checkbox"/> Department Store | <input type="checkbox"/> Convenience Market | <input type="checkbox"/> Drive-in Dairy |
| <input type="checkbox"/> Drug/Variety Store | <input type="checkbox"/> Florist/Gift Shop | <input type="checkbox"/> Convenience Market w/Gasoline | |
| <input type="checkbox"/> Other - describe: | | | |

5. COUNTY POPULATION

5777

6. TOTAL NUMBER OF LICENSES IN COUNTY

On-Sale Off-Sale

7. RATIO OF LICENSES TO POPULATION IN COUNTY

On-Sale Off-Sale

8. CENSUS TRACT NUMBER

0136

9. NO. OF LICENSES ALLOWED IN CENSUS TRACT

4 On-Sale Off-Sale

10. NO. OF LICENSES EXISTING IN CENSUS TRACT

6 On-Sale Off-Sale

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, the number of existing licenses exceeds the number allowed
- No, the number of existing licenses is lower than the number allowed

3x PUB

12. DOES LAW ENFORCEMENT AGENCY MAINTAIN CRIME STATISTICS?

- Yes (Go to item #13)
- No (Go to item #20)

unicorporated in Mateo County

14. CRIME REPORTING DISTRICT NUMBER

14. TOTAL NUMBER OF REPORTING DISTRICTS

15. TOTAL NUMBER OF OFFENSES IN ALL REPORTING DISTRICTS

16. AVERAGE NO. OF OFFENSES PER DISTRICT

17. 120% OF AVERAGE NUMBER OF OFFENSES

18. TOTAL NUMBER OF OFFENSES IN REPORTING DISTRICT

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, the total number of offenses in the reporting district equals or exceeds the total number in item #17
- No, the total number of offenses in the reporting district is lower than the total number in item #17

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 25503.16(b) B&P, or a retail license issued in conjunction with a beer manufacturer's license, or winegrower'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 beer and wine (public premises) license, advise the applicant to take this 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: County Council

JAN 05 2009

FOR DEPARTMENT USE ONLY

PREPARED BY (Name of Department Employee)

Dept of Alcoholic Beverage Control
San Francisco