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Z. Lie		-

APPLICATION NO.:	PCN	2008-02
	7 11111	

FINAL ACTION & DATE:

## **City of Calistoga**

**Planning & Building Department Public Convenience and Necessity** RECENTED Heverage License Supplemental Form

	SEP 2 3 A A A	Calistoga CA 94515 707.942.2827 telephone 707.942.2831 fax
Applicant's Full Name:	Y OF CALISTOGA	Birthdate:
Maribel	Alvarez	09/17/1966
First Middle	Last	Month/Day/Year
California Drivers License #:	7-DL# C4825391	Year of Expiration: <u>09</u>
Physical Description: 5-01 Height	170 BRN Weight Hair C	
Are you a U.S. Citizen Yes 🗷 No	If no, describe:	
	of all members of the firm	or firm, please list the residence address, m or partnership, and/or all officers and ssary):
	~	Oak Drive, Middletown, C+9546,
805 A&B Washingto	en street Calisto	gai
Au.s. Litizen.	,	
Describe the exact nature of the pro	pposed business and how yo	ou intend to operate:
Retail Convenien	ice Market w	ith off-Sale beer & wine
Licence, Family	Operated oper	n seven day aweek
8:00 A·m - 9:00	p·m.	
Describe your previous experience		
		'' in Calistoga 17 years
and worked those for	Seven Lenis ther	T hought Mitchell's

Grocery four years later I started a new business in Middletown "La Corona Market" since then I've been running both business All with off sale beer & Wine Likence.

City of Calistoga
Alocoholic Beverage License
PCN Supplemental Application

PCN Supplemental Application	
Have you ever been convicted of a felony, or the violation of a narcotic law, or of any penal law involving moral turpitude?: Yes ☐ No ☒ If Yes, provide details:	İ
	_
AFFIDAVIT – READ VERY CAREFULLY	
All answers and statements in this application are true and complete to the best of my knowledge and belief. I understand that untruthfulness or misleading answers are cause for rejection of this application.	
I hereby authorize any and all individuals, firms or corporations to furnish the City of Calistoga with information they may have concerning me, whether or not on record. I hereby release any and all individuals, firms or corporations from any liability for any damages whatsoever in furnishing said information.	
Signature Marchel Ward Date 9-22.08	

## RESOULTION 98- 113

RESOLUTION OF THE CITY OF CALISTOGA CITY COUNCIL
- ESTABLISHING-GUIDELINES TO BE UTILIZED IN MAKING
DETERMINATIONS OF PUBLIC CONVENIENCE OR NECESSITY
PURSUANT TO THE REQUIREMENTS OF THE BUSINESS AND
PROFESSIONS CODE SECTION 23958.4

6--

WHEREAS, pursuant to Business and Professions Code Section 23958.4 (b)(2), the Department of Alcoholic Beverage Control (ABC) may grant certain types of alcoholic beverage licenses as set forth in said section; and

WHEREAS, this section prevents the ABC from issuing new licenses within an area identified as experiencing an undue concentration of licensed facilities unless the City Council (as the local governing body of the area in which the applicant's proposed premises is located) determines that the public convenience or necessity would be served by the issuance of said license; and

WHEREAS, the City Council may delegate the duties of determining whether or not public convenience or necessity are met to a subordinate agency, zoning, planning, or law enforcement official; and

WHEREAS, the City Council and the Planning Commission have indicated that they wish to establish specific criteria and procedures to be followed in fulfilling the requirements of this law; and

WHEREAS, the Planning Commission considered the proposed criteria and procedures during a duly noticed public hearing on June 24, 1998 at which time they recommended adoption of said criteria and procedures; and

WHEREAS, the City Council considered the Planning Commission's recommendation at a public meeting on July 21, 1998.

NOW, THEREFORE, BE IT RESOLVED that the City Council finds that it is necessary to establish guidelines to be utilized in making determinations of public convenience or necessity pursuant to the Business and Professions Code.

BE IT FURTHER RESOLVED that the City Council finds that this action is exempt from the requirements of the California Environmental Quality Act pursuant to the General Rule (Section 15061) and establishes the following guidelines to be utilized in making determinations of public convenience or necessity:

- 1 Determinations of public convenience or necessity required by Section 23958.4 of the
- 2 Business and Professions Code shall be made by the City Council following a noticed
- 3 public hearing.

- 5 Determinations of public convenience or necessity shall be made with the following
- 6 guidelines taken into consideration:

1. Input and recommendation from the Police Department should be obtained. This input should cover the activity area for a period determined by the Chief of Police to be adequate to show history, or lack thereof, of problems within the neighborhood which potentially could be affected by an additional license. The Police Chief should also offer a projection regarding the increased burden, if any, for Police services which might be created by the issuance of an additional license.

2. Evidence and/or arguments provided by the applicant addressing the public convenience or necessity that would be served by the additional license.

18 3. The nature of the proposed use.

4. The extent to which alcohol sales are related to the function of the proposed use and the possibility of the use operating in a viable fashion without alcohol sales.

5. The proximity of the proposed licensed premises to sensitive land uses such as but not limited to residences, schools, churches, parks, etc. and the effect that existing (and proposed) licensed premises (may) have on such sensitive land uses.

6. The compatibility or suitability of the proposed use with the use and/or character of the surrounding area.

7. The effect that the proposed use may have on the welfare of the area residents.

8. The public convenience or necessity which would be served to the community (both immediate and the broader Calistoga area) by the issuance of an additional license.

**BE IT FURTHER RESOLVED** that based upon substantial evidence presented to this Council during the referenced meeting, including written and oral staff reports and public testimony, and subject to the provisions of the staff recommendation as modified, the City Council:

PASSED, APPROVED, AND ADOPTED by the City Council of the City of Calistoga at a regular meeting held this 21<sup>st</sup> day of July, 1998 by the following vote: AYES: Mayor Callegari and Councilmember Byrne.
NOES: Councilmember Dohring. ABSTAIN/ARSENT: Councilmember Dunsford. ABSENT: Councilmember Cinocco. 9 10 11 Mario Callegari Mayor 12 13 14 ATTEST: 15 16 17 18 19 Patt Osborne, City Clerk 20 21 22 23 Jem/c/resol/CCundue