



Board Agenda Item 11

DATE: December 9, 2025

TO: Board of Supervisors

SUBMITTED BY: Paul Nerland, County Administrative Officer

SUBJECT: Determination of Public Convenience or Necessity on Application for Alcoholic Beverage License Type 20 for Davinder Kaur

RECOMMENDED ACTION(S):

Consider and take action on request for Determination of Public Convenience or Necessity in regard to application for Alcoholic Beverage License Type 20 (off-sale beer and wine) filed by Davinder Kaur, to be used at 4706 E. Shields Avenue, Fresno, CA 93726.

Davinder Kaur (the Applicant) is applying for a Type 20 license (off-sale beer and wine) to be used at 4706 E. Shields Avenue, Fresno, CA 93726, which is located within Census Tract 32.01. Four off-sale licenses are allowed in this Census Tract. There are currently three registered licenses in the Census Tract. Business and Professions Code section 23817.5 imposes a moratorium on additional off-sale beer and wine licenses in any county where the ratio of licenses exceeds one for each 2,500 inhabitants, as is the case for Fresno County. However, Business and Professions Code section 23817.7 provides that the Department of Alcoholic Beverages Control (ABC) may approve an application for a new off-sale beer and wine license despite the moratorium imposed on Fresno County if (1) the applicant premises are located in a crime reporting district below the levels listed in Business and Professions Code section 23958.4, (2) the applicant premises is located in a census tract that falls below the concentration level described in Section 23958.4, and (3) if the local governing body, your Board, determines within 90 days that public convenience or necessity would be served by the issuance of the license. This item pertains to a location in District 3.

ALTERNATIVE ACTION(S):

If your Board does not make a determination regarding public convenience or necessity in regard to this request within 90 days of notification of the completed application, ABC may still issue the license if the Applicant shows ABC that public convenience or necessity would be served by the issuance, pursuant to Section 23958.4(b)(2) of the Business and Professions Code.

FISCAL IMPACT:

There is no increase in Net County Cost associated with the recommended action. The Applicant paid a Board-approved fee of \$235 to cover the cost of mailing notices to nearby property owners.

DISCUSSION:

The Applicant filed paperwork to apply for a Type 20 license (off-sale sales of beer and wine for consumption off the premises where sold) for a convenience store named DK Food Mart located at 4706 E. Shields Avenue, Fresno, CA 93726.

On January 1, 1998, Business and Professions Code Section 23817.5 was amended to permanently establish a moratorium on the issuance of Type 20 licenses in cities and counties where the ratio of licenses exceeds one for each 2,500 inhabitants. The moratorium was updated on December 15, 2016 (revised on January 30, 2017) and will be in effect until recalculated, in accordance with Section 23817.9.

Fresno County falls under this moratorium, as its ratio of Type 20 licenses to its population exceeds the limits set out by Section 23817.5.

The Applicant's location is in Census Tract 32.01. Four off-sale licenses are allowed in this census tract. There are currently three registered licenses in Census Tract 32.01. Approval of this application will bring the number of off-sale licenses in this census tract to four registered off-sale licenses.

Business and Professions Code section 23817.7 provides that ABC may approve an application for a new off-sale beer and wine license despite the moratorium if (1) the applicant premises are located in a crime reporting district below the levels listed in Section 23958.4, (2) the applicant premises is located in a census tract that falls below the concentration level described in section 23958.4, and (3) if the local governing body of the area in which the applicant premises are located, or its designated subordinate office or body, determines that public convenience or necessity would be served by the issuance of the license.

If the local governing body, or its designated subordinate officer or body, does not make such a determination within the 90-day period, then ABC may still issue a license if the applicant shows ABC that public convenience or necessity would be served by the issuance.

County policy requires the following three criteria be considered before a determination of public convenience or necessity can be met:

1. The issuance of a license would not tend to create a law enforcement problem and increase the level of crime activity.
2. The issuance of a license would provide a needed service to the community, and that without this use there would be an inconvenience to the community.
3. The issuance of a license will have a positive impact on the local economy, including the creation of new jobs.

The Applicant's written response to the above criteria is attached. The Applicant will also be available to present their case to your Board at today's hearing.

Notices of today's hearing were sent to neighboring property owners located within 600 feet of the Applicant's premises.

A representative from the Sheriff's Department is available to provide a statement regarding any local law enforcement impacts.

ATTACHMENTS INCLUDED AND/OR ON FILE:

Census Tract 32.01 Map
Applicant's Response to PCN Criteria
ABC License Application (Form ABC-245)
Presentation
Additional Information

CAO ANALYST:

Ron Alexander