



Board Agenda Item 10

DATE: September 13, 2016

TO: Board of Supervisors

SUBMITTED BY: Jean M. Rousseau, County Administrative Officer

SUBJECT: Determination of Public Convenience or Necessity on Application for Alcoholic Beverage License Type 20 for Lake Life Services, LLC

RECOMMENDED ACTION(S):

Consider and take action on request for determination of public convenience or necessity on application for Alcoholic Beverage License Type 20 filed by Lake Life Services, LLC dba Shaver Lake Store at the Point located on 44189 Highway 168, Shaver Lake, CA 93664.

The applicant is applying for a Type 20 license (off-sale beer and wine) to be used at 44189 Highway 168, Shaver Lake, CA 93664. Business and Professions Code Sections 23958 and 23958.4 require a public convenience or necessity to be determined by the local governing body if the census tract or County has an undue concentration of alcoholic beverage licenses.

ALTERNATIVE ACTION(S):

There is no alternative action. Your Board must take action on this request per Sections 23958 and 23958.4 of the Business and Professions Code.

FISCAL IMPACT:

There is no increase in Net County Cost associated with the recommended action. A Board approved fee of \$235 to cover the cost of mailing notices to property owners was paid by the applicant.

DISCUSSION:

Lake Life Services, LLC dba Shaver Lake Store at the Point is located at 44189 Highway 168, Shaver Lake, CA 93664. LiquorLicense.com represents this store and filed associated paperwork to apply for an off-sale beer and wine license (Type 20 - sales for consumption off of the premises). As described within the attached letter from the applicant, Lake Life Services, LLC dba Shaver Lake Store at the Point is a convenience store that offers various goods including groceries, sporting goods, novelties, and a rental office for cottages. The store aims to serve the residents and tourists of the Shaver Lake area, Bear Creek, and Huntington.

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 May 9, 2011. Fresno County is on this moratorium, which is in effect until it is recalculated in approximately five years in accordance with Section 23817.9. Additionally, the applicant's location is in Census Tract 64.02. The Department of Alcoholic Beverage Control has determined that an undue concentration of off-sale alcoholic beverage licenses exists in this census tract. Two off-sale licenses are allowed in this census tract. There are currently 12 active licenses.

Sections 23958 and 23958.4 of the Business and Professions Code requires the Department of Alcoholic Beverage Control to deny the application unless the local governing body of the area in which the applicant premises are located, or its designated subordinate office or body, determines within 90 days of notification of a completed application 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 his case to your Board at today's hearing.

Notices of today's hearing were sent to neighboring property owners 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.

OTHER REVIEWING AGENCIES:

The Sheriff's Department and the Department of Public Works and Planning have reviewed this application.

ATTACHMENTS INCLUDED AND/OR ON FILE:

Census Tract 64.02 Map
Applicant Letter
ABC License Application (Form ABC-245)
PowerPoint Presentation

CAO ANALYST:

Ronald Alexander