



Board Agenda Item 4

DATE: February 26, 2019

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 48 for Nicole R. Beadles

RECOMMENDED ACTION(S):

Consider and take action on request for determination of public convenience or necessity on application for Alcoholic Beverage License Type 48, filed by Nicole R. Beadles, and located at 7029 S. Elm Avenue, Fresno, CA 93706.

The applicant is applying for a Type 48 license (on-sale general for public premises), to be used at 7029 S. Elm Avenue, Fresno, CA 93706. Business and Professions Code Sections 23958 and 23958.4 provide that despite an undue concentration of alcoholic beverage licenses, the Department of Alcoholic Beverage Control may still issue a license to the applicant if the local governing body determines within 90 days of a completed application that public convenience or necessity would be served by the issuance of the license.

ALTERNATIVE ACTION(S):

Your Board may take no action on this matter within the 90-day period. If the County does not make a determination within the 90-day period, then the Department of Alcoholic Beverage Control may issue a license if the applicant shows the Department that public convenience or necessity would be served by the issuance. In making its determination, the Department shall not attribute any weight to the failure of the County to make a determination regarding public convenience or necessity within the 90-day period.

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 property owners.

DISCUSSION:

Nicole R. Beadles filed associated paperwork to apply for a Type 48 on-sale general (beer, wine and distilled spirits) for public premises license to be located at 7029 S. Elm Avenue, Fresno, CA 93706. This license would take the place of the applicant's existing Type 42 (on-sale beer and wine) license, which was approved by this Board in August of 2017.

The applicant's location is in Census Tract 18. The Department of Alcoholic Beverage Control has determined that an undue concentration of off-sale alcoholic beverage licenses exists in this census tract. Four on-sale licenses are allowed in this census tract. There are currently five active licenses, including the applicant's existing Type 42 license.

Sections 23958 and 23958.4 of the Business and Professions Code provide that despite an undue concentration of alcoholic beverage licenses, the Department of Alcoholic Beverage Control may still issue a license to the applicant if the local governing body determines within 90 days of a completed application that public convenience or necessity would be served by the issuance of the license.

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

- 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 her 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 18 Map
ABC License Application (Form ABC-245)
Letter from the Applicant
PowerPoint Presentation

CAO ANALYST:

Jordan Scott