



Fresno County Board of Supervisors

ADMINISTRATIVE POLICY

NUMBER 46

Review of Applications Referred by California Department of Alcoholic Beverage Control

Effective Date: May 2, 2006

Revision Date: November 5, 2019

POLICY STATEMENT

It is the policy of the Board of Supervisors to thoroughly review and consider the impacts on the County community when processing alcoholic beverage license applications referred to Fresno County by the California Department of Alcoholic Beverages Control (CDABC). License applications referred to Fresno County by CDABC pursuant to Sections 23817.7 and 23958.4 of the California Business and Professions Code (B&PC), whereby CDABC requires a determination of public convenience or necessity by the Board of Supervisors as a condition of license approval, will be scheduled as regular agenda items for approval consideration by the Board. In a public hearing, the Board will consider whether to make a determination of public convenience or necessity on this type of regular agenda item.

In cases where a request for a hearing has been filed, a determination of public convenience or necessity will be made if the applicant can demonstrate, in writing, the following:

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

The primary intent of this policy is to establish a process that provides applicants an opportunity both in writing and in verbal presentation, in a public hearing, to demonstrate whether a determination of public convenience or necessity can be made in connection with the issuance of a license, and to provide the public an opportunity to have input in the final determination.

For license applications not subject to this review process, including those referred under B&PC Sections 23800 (adding conditions during license transfer), 23803 (removing or modifying license conditions), and 23987 (comments on initial or transfer license applications), this policy does not prohibit any County department from providing comments directly to CDABC on how those applications conform with other County land use, health and safety requirements. These license applications, as appropriate, shall also be distributed by the Clerk of the Board to the respective Supervisor in whose district the applicant's business resides.

MANAGEMENT RESPONSIBILITY

When an application is filed under B&PC Sections 23817.7 and 23958.4, the Clerk of the Board shall notify neighboring property owners that a request for a determination of public convenience or necessity for an ABC application has been scheduled as a regular item for approval consideration by the Board of Supervisors. The notice shall include information about the time, date, and location of the Board's meeting and about the process to provide public testimony or comment at the public hearing or in writing if so desired.