Legislation Text

File #: 19-0335, **Version:** 1

DATE: May 7, 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 20 for Poonia Family Enterprises, 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 Poonia Family Enterprises, LLC at 50 S McCall Ave., Sanger, CA, 93657-9744.

The applicant is applying for a Type 20 license (off-sale beer and wine) to be used at 50 S McCall Ave., Sanger, CA, 93657. Business and Professions Code Sections 23817.7 requires a determination of public convenience or necessity by the local governing body if the census tract or County has an undue concentration of alcoholic beverage licenses.

This item pertains to a location in District 5.

ALTERNATIVE ACTION(S):

Your Board must take action on this request for the Type 20 license to be approved by the Department of Alcoholic Beverage Control, per Section 23817.7 of the Business and Professions Code. If the County determines that public convenience or necessity would not be served by the issuance of the Type 20 license, then the Department of Alcoholic Beverage Control would deny the issuance of the license.

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:

Poonia Family Enterprises, LLC filed associated paperwork to apply for a Type 20 off-sale beer and wine license (sales for consumption off the premises). The new facility, which is currently under development, will be a gas station and market that also sells food and merchandise.

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 approximately five years 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 59.05. The Department of Alcoholic Beverage Control allows for six (6) off-sale licenses within this census tract. Currently, there is only one active license in this census tract. Approval of the recommended action will increase the total number of active licenses to two.

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 59.05 Map
Applicant Letter
ABC License Application (Form ABC-245)
PowerPoint Presentation

CAO ANALYST:

Jordan Scott