

ASSEMBLY BILL

No. 624

Introduced by Assembly Member Oropeza

February 22, 2001

An act to amend Sections 23817.7, 23985.5, and 23987 of the Business and Professions Code, relating to alcoholic beverages, and making an appropriation therefor.

LEGISLATIVE COUNSEL'S DIGEST

AB 624, as introduced, Oropeza. Alcoholic beverages: licenses.

(1) The Alcoholic Beverage Control Act prohibits the application for, and issuance of, an original retail off-sale beer and wine license for any premises if the applicant premises are located in a city, county, or city and county where the number of retail off-sale beer and wine licenses, or total number of retail off-sale beer and wine licenses and off-sale general licenses, exceeds one license for a certain number of inhabitants. Existing law also provides that, notwithstanding that prohibition, the Department of Alcoholic Beverage Control may approve an application for a retail off-sale beer and wine license in those areas if the applicant shows that public convenience or necessity would be served by the issuance, and certain other conditions are met. Existing law further provides that one condition for the issuance of the license is that the applicant premises are located in a crime reporting district that is below a certain specified threshold.

This bill would allow the department, in considering the application, to take into account an adjacent crime reporting district if the applicant premises are located within 100 feet of the boundaries of the adjacent district.

(2) Under existing law, an applicant for a retail license to sell alcoholic beverages, at a premises that is not currently licensed or for a different retail license, is required to mail a notification of the application to every resident of real property within a 500-foot radius of the premises for which the license is to be issued.

This bill would require that notification to also be mailed to every owner of real property in that area. Additionally, the bill would require the notification to be written in the common language of the community, if that language is other than English, as well as in English.

(3) Existing law requires the Department of Alcoholic Beverage Control to notify the appropriate sheriff, chief of police, district attorney, city or county planning director, and legislative body of an application for the issuance or transfer of a liquor license, and prohibits the Department of Alcoholic Beverage Control from issuing or transferring a license until at least 30 days after these notices are provided.

This bill would instead prohibit the department from issuing or transferring a license until at least 45 days after those notices are provided.

(4) This bill would appropriate \$5 million from the General Fund to the Department of Alcoholic Beverage Control to fund the enhanced enforcement activities required by this bill.

This bill would state the intent of the Legislature in enacting these provisions.

Vote: ²/₃. Appropriation: yes. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. The Legislature finds and declares all of the
- 2 following:
- 3 (a) Local jurisdictions have the primary responsibility to
- 4 protect their citizens, and the sale of alcoholic beverages in a
- 5 community often exacerbates difficulties in providing adequate
- 6 public safety protection.
- 7 (b) While the Department of Alcoholic Beverage Control
- 8 permits local jurisdictions to recommend conditions regarding an
- 9 application for an alcoholic beverage license, the timeframe for
- 10 review is insufficient to conduct an adequate investigation and



1 develop, if needed, appropriate conditions to recommend to the
2 department.

3 (c) Local jurisdictions are greatly concerned about the capacity
4 of the department to assist with law enforcement problems
5 associated with licensees, as the department has only about 200
6 officers for approximately 70,000 licensees.

7 (d) In order to improve the ability of local jurisdictions to gain
8 community input and better evaluate various options related to a
9 specific application, local jurisdictions should be given an
10 extended period of time to review license applications, notices of
11 license applications to affected residences should be enhanced,
12 and the department should be provided additional funding to
13 support law enforcement efforts.

14 SEC. 2. Section 23817.7 of the Business and Professions
15 Code is amended to read:

16 23817.7. (a) Notwithstanding Section 23817.5, the
17 department may approve an application for an off-sale beer and
18 wine license in areas covered by Section 23817.5, if the applicant
19 shows that public convenience or necessity would be served by the
20 issuance, and where all of the following conditions are found to
21 exist:

22 (1) The applicant premises are located in a crime reporting
23 district that is below that specified pursuant to paragraph (1) of
24 subdivision (a) of Section 23958.4. *In considering an application,*
25 *the department may take into account an adjacent crime reporting*
26 *district, if the applicant premises are located within 100 feet of the*
27 *boundaries of the adjacent district.*

28 (2) The applicant premises are located in an area that falls
29 below the concentration level provided in paragraph (3) of
30 subdivision (a) of Section 23958.4.

31 (3) The local governing body of the area in which the applicant
32 premises are located, or its designated subordinate officer or body,
33 determines that public convenience or necessity would be served
34 by the issuance.

35 (b) The department may impose reasonable conditions on a
36 licensee as may be needed in the interest of the public health,
37 safety, and welfare regarding signing, training for responsible
38 beverage sales and hours, and mode of sale.

39 SEC. 3. Section 23985.5 of the Business and Professions
40 Code is amended to read:



1 23985.5. Notwithstanding any other provision of this article,
 2 in any instance affecting the issuance of any retail license at a
 3 premises ~~which~~ *that* is not currently licensed or for a different
 4 retail license, the department shall require that the applicant mail
 5 notification of the application to every resident *and owner* of real
 6 property within a 500-foot radius of the premises for which the
 7 license is to be issued. *In the event that the common language of*
 8 *the community in the vicinity of the premises for which the license*
 9 *is to be issued is other than English, the notification of the*
 10 *application shall be written in the common language of the*
 11 *community as well as in English.* The applicant shall submit proof
 12 of compliance to the department prior to license approval.

13 SEC. 4. Section 23987 of the Business and Professions Code
 14 is amended to read:

15 23987. Upon the receipt by the department of an original
 16 application for any license or an application for transfer of any
 17 license, written notice thereof, consisting of a copy of the
 18 application, shall immediately be mailed by the department to the
 19 sheriff, chief of police, and district attorney of the locality in which
 20 the premises are situated, to the city or county planning director,
 21 whoever has jurisdiction, the board of supervisors of the county in
 22 which the premises are situated, if in unincorporated territory, and
 23 to the city council or other governing body of the city in which the
 24 premises are situated, if within an incorporated area.

25 No license shall be issued or transferred by the department until
 26 at least ~~30~~ 45 days after the mailing by the department of the
 27 notices required by this section. The department may extend the
 28 ~~30-day~~ 45-day period specified in the preceding sentence for a
 29 period not to exceed an additional 20 days, upon the written
 30 request of any local law enforcement agency that states proper
 31 grounds for extension. Proper grounds for extension are limited to
 32 the requesting agency or official being in the process of preparing
 33 either a protest or proposed conditions with respect to the issuance
 34 or transfer of a license.

35 SEC. 5. There is hereby appropriated from the General Fund
 36 to the Department of Alcoholic Beverage Control the sum of five
 37 million dollars (\$5,000,000) for enhanced enforcement activities
 38 required by this act.

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