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PUBLIC CONVENIENCE AND NECESSITY

Additional Information for Applicants

The State Department of Alcoholic Beverage Control (ABC) will refer applications for certain types of alcoholic beverage licenses to the County for a public convenience or necessity (PCN) determination. The PCN request allows the County to determine whether issuance of a license would result in a public convenience or necessity to the local community. The referral will be made to the Community Development Agency in cases where the ABC finds that there is an undue concentration of similar licenses in the area for which an application for a new license or a license transfer has been made. According to Section 23958.4 of the California Business and Professions Code, an undue concentration exists when the premise for which a license is proposed is located in an area where any of the following conditions exists: (1) the crime reporting district for the area has a 20 percent greater number of reported crimes than the average number of reported crimes for the entire jurisdiction of the local law enforcement agency; or (2) the ratio of licenses in the census tract to the census tract population exceeds the ratio of licenses in the County to the total population of the County.

The County's authority to make PCN determinations is limited to specific types of off-sale licenses (where alcoholic beverages in sealed containers are sold for off-site consumption), such as grocery stores, liquor stores, and take-out-only restaurants, and on-sale licenses (where alcoholic beverages are sold for consumption on the premises), such as bars. The license categories include: (1) Type 20 (off-sale beer and wine); (2) Type 21 (off-sale general); and (3) all on-sale retail licenses EXCEPT Type 43 (on-sale beer and wine for train), Type 44 (on-sale beer and wine for fishing party boat), Type 45 (on-sale beer and wine for boat), Type 46 (on-sale beer and wine for airplane), Type 53 (on-sale general for train and sleeping car); Type 54 (on-sale general for boat), Type 55 (on-sale general for airplane), Type 56 (on-sale general for vessels of more than 1,000 tons burden); and Type 62 (on-sale general bona fide public eating place intermittent dockside license for vessels of more than 15,000 tons of displacement). PCN determinations for applications for all other types of licenses are made by the license applicant. These include applications for a non-retail license, a retail on-sale bona fide eating place license (such as a restaurant), a retail license issued for a hotel, motel, bed and breakfast, or other lodging establishment, and a retail license issued in conjunction with a beer manufacturer's license or a winegrower's license.