



## PUBLIC CONVENIENCE OR NECESSITY DETERMINATION

### Planning Division

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### When is a PCN Required?

The State Department of Alcoholic Beverage Control (ABC) will advise an applicant whether a PCN determination must be obtained from the local agency in order for ABC to issue a license to sell alcohol at the subject location. A PCN determination may be required if the subject census tract contains more licenses than the State has allocated (based on population density). PCN determinations typically apply to requests for off-sale retail licenses, but may also apply to certain on-sale retail establishments. A PCN determination may not be required for transfer of a license from one location to another within the same census tract. The local PCN review process has been established by City Council Resolution 10299. To obtain a PCN determination the applicant must submit a written request along with a copy of their ABC license application, statement as to how the public convenience or necessity would be served, general application form and fee.

### How is a PCN Determination Made?

The Community Development Director or his/her designee shall make a determination, unless the project includes a related entitlement that requires review by higher designated hearing body. In general, a decision would be made within 90 days of a complete application submittal. The determination shall include a recommendation by the Police Department. Notice shall be mailed to property owners, owner and neighborhood associations, and residents within 300 feet of the site. The following criteria are used to determine whether public convenience or necessity will be served by issuance of an on-sale retail or off-sale retail alcohol license:

- *Whether issuance involves transfer of a license for an existing business*
- *Total number of off-sale or on-sale retail licenses in the census tract.*
- *Whether the business will serve a segment of the City's population not presently served.*
- *Whether the business will be within a 1,000-foot radius of incompatible facilities.*
- *Whether the location will be in a crime data area covered by Police Department statistics which has a twenty percent (20%) greater number of reported crimes than the average number of "reported crime"<sup>1</sup> for all crime data areas in the City, over the previous year.*
- *Whether issuance of the license involves an existing business located at a site that has had three or more "reported crimes" within the previous one year period.*
- *Whether issuance of the license will promote the goals and policies of the City's General Plan or similar policies formally adopted by the City Council.*
- *Whether any information supplied by the applicant, or other competent evidence shows that public convenience or necessity will be served by issuance of the license.*

### Appeal of Decision

A decision to approve or deny a PCN can be appealed within 5 work days by the applicant or a non-applicant, as set forth in SRMC Chapter 14.28. If appealed, the project will be scheduled for review and action by the next highest hearing body (i.e., Administrative and Zoning Administrator decisions may be appealed to the Planning Commission, which in turn may be appealed to the City Council). (Rev 12.2013)

<sup>1</sup> reported offenses of criminal homicide, forcible rape, robbery, aggravated assault, burglary, larceny theft, and motor vehicle theft, combined with all arrests for other misdemeanor or felony crimes, except for traffic citations