



City of Woodland
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PUBLIC CONVENIENCE OR NECESSITY

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Approved by the Woodland City Council on March 4, 1997

DETERMINATION OF PUBLIC CONVENIENCE OR NECESSITY

Background

On January 1, 1995, a state law went into effect limiting the number of liquor licenses allowed within a census tract based on population. Under this law, certain areas of Woodland are deemed to be "over concentrated" in terms of the ratio of liquor licenses to total population. In areas deemed "over concentrated", the state office of Alcoholic Beverage Control (ABC) will not issue a new license unless the local government first determines that the issuance of the license would serve a public convenience or necessity.

Figure 1 shows the census tracts in Woodland that are deemed "over concentrated" under the state law. The types of liquor licenses not requiring the City of Woodland to make such a public convenience or necessity determination are the following: non-retail licenses, retail on-sale at bonafide eating place licenses, and licenses issued to hotels, beer manufacturers and wine growers. For all other types of licenses, the ABC will not issue a license unless the City of Woodland has already determined that such an issuance would serve a public convenience or necessity.

State law did not provide any criteria that the local government should use in deciding whether or not the issuance of a particular license would serve a public convenience or necessity. The City of Woodland has therefore developed these guidelines to govern the issuance of "public convenience or necessity" statements.

Application

An applicant requesting a letter of public convenience or necessity shall provide written information to the Community Development Director as follows:

- (1) Type of license requested;
- (2) Name, home address(s), birth date, Social Security number, and home telephone number(s) of applicant(s), except in the case of a corporate applicant, in which case the name, home address, and Social Security number and home telephone number of all corporate officers shall be supplied as well as the company's employee identification number;
- (3) Name, address, and telephone number of proposed business;
- (4) Days and hours of operation;
- (5) Number of employees per shift and number of shifts;

- (6) Name and address of any other alcohol-licensed businesses owned/operated by applicant, or in which applicant has had a financial interest, at any time in the past ten (10) years;
- (7) Date(s), location(s), and disposition of any criminal offense, whether infraction, misdemeanor, or felony, for which the applicant has been convicted or pled no contest at any time in the past; and
- (8) A diagram of the premises with precise measurements and sufficient detail to determine the percentage of square footage devoted to the sale of alcohol. The diagram measurements shall be in feet and inches and shall include the shelving unit height and length.
- (9) A statement explaining why the applicant feels the granting of this license would serve a public convenience or necessity.

Any application for a letter of public convenience or necessity can not be submitted until after all necessary zoning approvals have been given by the City.

Review of Application

The Community Development Director and the Police Chief, or their designees, shall review all applications for public convenience or necessity and may request additional information pertinent to the applicant, the proposed license, or the location. All applications shall be either approved or denied within 30 days, unless additional information is requested of the applicant, in which case the application shall be either approved or denied within 30 days of receiving any additional information. In no case shall the City's total review time exceed 90 days.

In the event that either the Community Development Director or Police Chief feels that a public hearing on the matter should be held to receive public input, the application shall be forwarded to the Planning Commission for determination.

Review Criteria

In reviewing all applications for public convenience or necessity, the Community Development Director and Police Chief, or their designees, shall consider the following factors:

- (1) The type of proposed use by the licensee;
- (2) Whether the proposed use will be detrimental to the health, safety and welfare of the community;
- (3) Whether the use would enhance the economic viability of the area in which it is proposed to be located;

- (4) The extent to which the proposed license would be compatible with existing uses in the area.
- (5) The number of licenses within a one-mile radius of the proposed licensed location;
- (6) The type of alcohol-licensed premises within a one-mile radius of the proposed licensed location and the extent to which the proposed license would cause a further overconcentration of that particular type of premises in the area;
- (7) The background of the proposed licensee and the history, including the nature and extent of problems on any premises where he or she has operated an alcohol licensed business in the past;
- (8) How close the proposed establishment will be to a residential neighborhood, place of worship, or school;
- (9) Whether there is a history of police or crime-related problems in the area proposed for a license;
- (10) Whether the proposed license would enhance recreational or entertainment opportunities in the area;
- (11) Whether the proposed licensee will agree, in writing, to comply with any or all of the conditions imposed on the license.

Conditions

The City has the right to impose any condition(s) which it feels is needed to guarantee that the establishment will serve a public convenience or necessity. Conditions that could be imposed include, but are not limited to, the following:

- (1) Sales of beer and malt beverages shall be in quantities of not less than a six pack;
- (2) Sales of wine shall be in containers of at least 750 ml;
- (3) Wine coolers shall not be sold in quantities of less than factory packs of four;
- (4) Distilled spirits shall be sold in containers of at least 200 ml;
- (5) No wine shall be sold with an alcohol content greater than fifteen percent (15%) by volume;