

**CITY OF REDDING, CALIFORNIA
COUNCIL POLICY**

SUBJECT	RESOLUTION NUMBER	POLICY NUMBER	EFFECTIVE DATE	PAGE
DETERMINATION OF PUBLIC CONVENIENCE OR NECESSITY FOR ALCOHOLIC BEVERAGE CONTROL LICENSING	2012-009	602	02/07/12	1

BACKGROUND

On January 1, 1995, a state law went into effect limiting the number of alcoholic-beverage licenses allowed within a census tract based on population. Under this law, when a census tract reaches its allotted number of licenses, 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. Certain types of alcoholic-beverage licenses are not subject to this determination. These licenses include nonretail 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 local government has determined that such an issuance would serve a public convenience or necessity.

PURPOSE

State law does not provide any criteria or process 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 Redding has therefore developed this policy to govern the issuance of "public convenience or necessity" determination.

POLICY

The following shall be the policy of the City of Redding with regard to review and processing of a request for a determination of public convenience or necessity associated with application for a state Alcoholic Beverage Control license.

APPLICATION

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

1. Type of license requested.
2. Name, home address(s), and home telephone number(s) of applicant(s) or applicant's representative.
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. A diagram of the premises with 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 shall include the shelving-unit height and length.

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7. Name and address of any other alcohol-licensed business owned/operated by applicant, or in which applicant has had a financial interest, at any time in the past ten (10) years.
8. Any information requested by the Redding Police Chief to perform an applicant's background check as deemed necessary.
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 cannot be submitted until after all necessary zoning approvals have been given by the City.

REVIEW OF APPLICATION

The Development Services 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 application, 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 Development Services 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 Development Services Director and Police Chief, or their designees, shall consider the following factors:

1. Whether the proposed use will be detrimental to the health, safety, and welfare of the neighborhood or community as a whole.
2. Whether the use would enhance the economic viability of the area in which it is proposed to be located.
3. The extent to which the proposed license would be compatible with existing uses in the area.
4. The type of alcohol-licensed premises within a 500-foot 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.

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5. 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.
6. Whether there is a history of alcohol-related crime problems in the area proposed for a license and the extent to which the business may increase the demand for Police Department services.
7. Whether the proposed license would enhance recreational or entertainment opportunities in the area.
8. 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.

APPEAL TO THE PLANNING COMMISSION AND CITY COUNCIL

Any decision made by the Development Services Director and Police Chief in either approving or denying a letter of public convenience or necessity can be appealed to the Planning Commission.

The request for an appeal of the decision of the Development Services Director and Police Chief shall be made in writing and delivered to the Development Services Department within ten (10) calendar days of the date of mailing the decision. The hearing before the Planning Commission shall be within forty-five (45) days of the receipt of the appeal by the Development Services Director and Police Chief.

The decision of the Planning Commission can be appealed to the City Council within ten (10) calendar days of the date of the Planning Commission decision by written appeal submitted to the City Clerk. The City Council hearing shall be within forty-five (45) days of the receipt of the appeal by the City Clerk.