

DEPARTMENT OF ALCOHOLIC BEVERAGE CONTROL

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Sacramento, CA 95834
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January 31, 2023

Nevada County Board of Supervisors
950 Maidu Ave.
Nevada City, CA 95959

RE: Public Convenience or Necessity
23958.4 CA Business & Professions Code
Designation of Subordinate Officer or Body

To Whom It May Concern:

Pursuant to Section 23958 of the California Business and Professions Code (BPC), the Department of Alcoholic Beverage Control (ABC) shall deny an application for a license if issuance would result in or add to an undue concentration of licenses. Section 23958.4 BPC defines what constitutes an “undue concentration” of ABC licenses.

Section 23958.4 further states, with respect to certain license types, e.g., off-sale (types 20,21), public premises (types 42,48), and certain club-type licenses (types 50,51,57), the Department may issue said licenses if the local governing body, or its designated subordinate officer or body, determines that issuance of the license would serve a public convenience or necessity (PCN).

In accordance with the above, the Department of Alcoholic Beverage Control (ABC) is requesting that the local governing body for each jurisdiction complete the applicable section below. With this information the Department will be able to assist our customers with the Public Convenience or Necessity (PCN) process, including but not limited to, which entity to contact for a PCN determination. Please complete one of the below sections and return to the Department of Alcoholic Beverage Control (ABC) so our records may be updated with current information.

- The City Council or Board of Supervisors of the City/County of _____ will make determinations of Public Convenience or Necessity (PCN) for persons/premises applying for an ABC license.
- The City Council or Board of Supervisors of the City/County of _____ has designated the following subordinate officer or body to make determinations of

Public Convenience or Necessity (PCN) for persons/premises applying for an ABC license.

- The City/County of _____ has declined to make determinations of Public Convenience or Necessity (PCN) for persons/premises applying for an ABC license. Under this circumstance, determinations for Public Convenience or Necessity (PCN) will revert to the Department of Alcoholic Beverage Control (ABC).

Pursuant to Section 23958.4 BPC, if the local governing body, or its designated subordinate officer or body, does not make a determination of Public Convenience or Necessity (PCN) within a period of 90 days, then the authority to make the determination will revert to the Department of Alcoholic Beverage Control (ABC).

Please contact us if you have any questions or concerns.

Sincerely,



Jennifer Weston
Licensing Manager

Enclosure: 23958 & 23958.4 B.P.