

SECTION 23958.4 B & P Code

**PUBLIC CONVENIENCE OR NECESSITY**

You have filed an application to sell alcoholic beverages in a Census Tract which contains more licenses per population than the County average.

The Department cannot issue more licenses in this Census Tract unless a letter is submitted to the Department. If you have applied for a type 41 or type 47 license, you will need to prepare the letter with a clear explanation of your proposed type business, and reasons why your proposed premises will satisfy public convenience or necessity. If you have applied for a type 20, 21, 40, 42, 48 or 60 license the letter will have to be provided by the City or County officials specified by the law.

If public convenience and necessity can be established, the Department may impose conditions on the license to insure that the business will be operated in an acceptable manner as contained in your statement.

If you fail to establish public convenience or necessity, the Department will have no choice but to recommend denial of your application.

If you have questions concerning this requirement, you should contact the Investigator assigned to your application at Ph# (805) 543-7183.

Your proposed premise is located in an area where there is an over concentration of alcoholic beverage licenses. Therefore, pursuant to the above mentioned section, grounds exist for the denial of your application for an alcoholic beverage license.

The Department will require a letter stating how Public Convenience or Necessity would be served by issuance of the applied for license. The letter should address the following:

1. How your premises will provide products and/or services different and unique to area, that existing businesses in the area do not provide.
2. How issuance of the license and/or premises operation WOULD NOT contribute to or aggravate police problems.

Included in this could be:

- a) Your knowledge of the area, previous experience in business or the previous operation of a licensed premise.
  - b) Precautions/Guidelines you can follow to ensure that your premises/business will be operated properly.
  - c) If you have had previous experience in a business with an alcoholic beverage license, what measures you will take to learn and enforce ABC rules.
3. Requests by customers for the service/sales of alcoholic beverages and the need to keep up with competitors DOES NOT JUSTIFY CONVENIENCE OR NECESSITY.

INFORMATION AND INSTRUCTIONS -

SECTION 23958.4 B&P

- Instructions This form is to be used for all applications for original issuance or premises to premises transfer of licenses.
- Part 1 is to be completed by an ABC employee, given to applicant with pre-application package, with copy retained in holding file or applicant's district file.
  - Part 2 is to be completed by the applicant, and returned to ABC.
  - Part 3 is to be completed by the local governing body or its designated subordinate officer or body, and returned to ABC.

PART 1 - TO BE COMPLETED BY ABC

1. APPLICANT'S NAME

SHELTER RANCHO/ALAMO, LLC

2. PREMISES ADDRESS (Street number and name, city, zip code)

425 BELL ST LOS ALAMOS, CA 93440

3. LICENSE TYPE

42

4. TYPE OF BUSINESS

- |   |  |   |  |
|---|--|---|--|
| <input type="checkbox"/> Full Service Restaurant      | <input type="checkbox"/> Hofbrau/Cafeteria | <input type="checkbox"/> Cocktail Lounge                | <input type="checkbox"/> Private Club          |
| <input type="checkbox"/> Deli or Specialty Restaurant | <input type="checkbox"/> Comedy Club       | <input type="checkbox"/> Night Club                     | <input type="checkbox"/> Veterans Club         |
| <input type="checkbox"/> Cafe/Coffee Shop             | <input type="checkbox"/> Brew Pub          | <input type="checkbox"/> Tavern: Beer                   | <input type="checkbox"/> Fraternal Club        |
| <input type="checkbox"/> Bed & Breakfast:             | <input type="checkbox"/> Theater           | <input checked="" type="checkbox"/> Tavern: Beer & Wine | <input type="checkbox"/> Wine Tasting Room     |
| <input type="checkbox"/> Wine only                    | <input type="checkbox"/> All               |   |  |
| <input type="checkbox"/> Supermarket                  | <input type="checkbox"/> Membership Store  | <input type="checkbox"/> Service Station                | <input type="checkbox"/> Swap Meet/Flea Market |
| <input type="checkbox"/> Liquor Store                 | <input type="checkbox"/> Department Store  | <input type="checkbox"/> Convenience Market             | <input type="checkbox"/> Drive-in Dairy        |
| <input type="checkbox"/> Drug/Variety Store           | <input type="checkbox"/> Florist/Gift Shop | <input type="checkbox"/> Convenience Market w/Gasoline  |  |
| <input type="checkbox"/> Other - describe:            |  |   |  |

5. COUNTY POPULATION

6. TOTAL NUMBER OF LICENSES IN COUNTY

7. RATIO OF LICENSES TO POPULATION IN COUNTY

On-Sale Off-Sale On-Sale Off-Sale

8. CENSUS TRACT NUMBER

19.01

9. NO. OF LICENSES ALLOWED IN CENSUS TRACT

15

10. NO. OF LICENSES EXISTING IN CENSUS TRACT

X On-Sale Off-Sale 38 X On-Sale Off-Sale

11. IS THE ABOVE CENSUS TRACT OVERCONCENTRATED WITH LICENSES? (i.e., does the ratio of licenses to population in the census tract exceed the ratio of licenses to population for the entire county?)  
 Yes, the number of existing licenses exceeds the number allowed

No, the number of existing licenses is lower than the number allowed

12. DOES LAW ENFORCEMENT AGENCY MAINTAIN CRIME STATISTICS?

Yes (Go to Item #13)  No (Go to Item #20)

13. CRIME REPORTING DISTRICT NUMBER

14. TOTAL NUMBER OF REPORTING DISTRICTS

15. TOTAL NUMBER OF OFFENSES IN ALL REPORTING DISTRICTS

16. AVERAGE NO. OF OFFENSES PER DISTRICT

17. 120% OF AVERAGE NUMBER OF OFFENSES

18. TOTAL NUMBER OF OFFENSES IN REPORTING DISTRICT

19. IS THE PREMISES LOCATED IN A HIGH CRIME REPORTING DISTRICT? (i.e., has a 20% greater number of reported crimes than the average number of reported crimes as determined from all crime reporting districts within the jurisdiction of the local law enforcement agency)

Yes, the total number of offenses in the reporting district equals or exceeds the total number in item #17

No, the total number of offenses in the reporting district is lower than the total number in item #17

20. CHECK THE BOX THAT APPLIES (check only one box)

a. If "No" is checked in both item #11 and item #19, Section 23958.4 B&P does not apply to this application, and no additional information will be needed on this issue. Advise the applicant to bring this completed form to ABC when filing the application.

b. If "Yes" is checked in either item #11 or item #19, and the applicant is applying for a non-retail license, a retail bona fide public eating place license, a retail license issued for a hotel, motel or other lodging establishment as defined in Section 25503.16(b) B&P, or a retail license issued in conjunction with a beer manufacturer's license, or winegrower's license, advise the applicant to complete Section 2 and bring the completed form to ABC when filing the application or as soon as possible thereafter.

c. If "Yes" is checked in either item #11 or item #19, and the applicant is applying for an off-sale beer and wine license, an off-sale general license, an on-sale beer license, an on-sale beer and wine (public premises) license, or an on-sale general (public premises) license, advise the applicant to take this form to the local governing body, or its designated subordinate officer or body to have them complete Section 3. The completed form will need to be provided to ABC in order to process the application.

Governing Body/Designated Subordinate Name: COUNTY ADMINISTRATOR- BOARD OF SUPERVISORS

FOR DEPARTMENT USE ONLY

PREPARED BY (Name of Department Employee)

CINDY STUPPY

---

**PART 2 - TO BE COMPLETED BY THE APPLICANT (If box #20b is checked)**

21. Based on the information on the reverse, the Department may approve your application if you can show that public convenience or necessity would be served by the issuance of the license. Please describe below the reasons why issuance of another license is justified in this area. You may attach a separate sheet or additional documentation, if desired. Do *not* proceed to Part 3.

22. APPLICANT SIGNATURE

23. DATE SIGNED

---

**PART 3 - TO BE COMPLETED BY LOCAL OFFICIALS (If box #20c is checked)**

The applicant named on the reverse is applying for a license to sell alcoholic beverages at a premises where undue concentration exists (i.e., an over-concentration of licenses and/or a higher than average crime rate as defined in Section 23958.4 of the Business and Professions Code). Sections 23958 and 23958.4 of the Business and Professions Code requires the Department to deny the application unless the local governing body of the area in which the applicant premises are located, or its designated subordinate officer or body, determines within 90 days of notification of a completed application that public convenience or necessity would be served by the issuance. Please complete items #24 to #30 below and certify or affix an official seal, or attach a copy of the Council or Board resolution or a signed letter on official letterhead stating whether or not the issuance of the applied for license would serve as a public convenience or necessity.

24. WILL PUBLIC CONVENIENCE OR NECESSITY BE SERVED BY ISSUANCE OF THIS ALCOHOLIC BEVERAGE LICENSE?

Yes

No

See Attached (i.e., letter, resolution, etc.)

25. ADDITIONAL COMMENTS, IF DESIRED (may include reasons for approval or denial of public convenience or necessity):

26. CITY/COUNTY OFFICIAL NAME

27. CITY/COUNTY OFFICIAL TITLE

28. CITY/COUNTY OFFICIAL PHONE NUMBER

29. CITY/COUNTY OFFICIAL SIGNATURE

30. DATE SIGNED