

Provisions for “Undue Concentration”

According to Section 23958.4, if an undue concentration of establishments selling or serving alcoholic beverages is found, the Alcoholic Beverage Control (ABC) is required to deny a license. Undue concentration applies to all types of alcohol licenses, i.e., both for on-site consumption of alcohol (“on-sale”) and off site sales for consumption off premises (“off-sale”) and includes all alcoholic beverages, not just beer and wine.

Under this provision, “undue concentration” occurs when:

- (1) The applicant premises are located in a crime reporting district that has a 20 percent 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.
- (2) As to “on-sale” retail license applications, the ratio of on-sale retail licenses to population in the census tract or census division in which the applicant premises are located exceeds the ratio of on-sale retail licenses to population in the county in which the applicant premises are located.
- (3) As to “off-sale” retail license applications, the ratio of off-sale retail licenses to population in the census tract or census division in which the applicant’s premises are located exceeds the ratio of off-sale retail licenses to population in the county in which the applicant premises are located.