

Memo

To: Community Development Department

From: Stephanie Frady, Director of Community Development *SIF*
Chief Michael Kent, Director of Public Safety *MK*

Date: August 27, 2025

Re: **Policy Regarding Non-Issuance of Public Convenience or Necessity Determinations for Type 21 ABC Licenses to Convenience Stores**

Purpose

To confirm the City of Irvine's policy, as directed by the Public Safety Department and Zoning Administrator regarding the consideration of Public Convenience or Necessity (PCN) determinations for Type 21 alcoholic beverage licenses for convenience stores (as that term is defined in the Irvine Zoning Ordinance) within the City, effective August 27, 2025.

Background

The number of alcoholic beverage licenses allowed by the State Department of Alcoholic Beverage Control (ABC) is based on the population within a census tract. Where there is an over concentration of alcoholic beverage licenses, or an area is particularly high-crime as determined by the ABC, applicants for some types of alcoholic beverage licenses (including Type 21 – Off-Sale General) must obtain a PCN determination from the locality where the business will be located.

Chapter 2-24 of the Zoning Ordinance governs the issuance of PCN determinations by the Zoning Administrator, which are subject to the following findings:

- A. The Public Safety Department reviewed the project and concludes that it is not anticipated that sales of alcoholic beverages will result in an excessive number of calls for police service.
- B. The use of an alcoholic beverage license at the proposed location will not adversely affect the public health and safety.
- C. The sale of alcoholic beverages in conjunction with this use at this location is appropriate given that the use is consistent with the permitted sale of alcoholic beverages at similar locations within the City and/or adjacent jurisdictions. If the sale of alcoholic beverages is for a land use that does not exist within the City or adjacent jurisdictions, the proposed land use will be compatible with existing and future uses to the extent those uses are known.

- D. The alcoholic beverage control license will allow for the convenient sale and purchase of alcoholic beverages for on- and/or off-site consumption to customers.

The City of Irvine Public Safety Department has taken the position that an over-concentration of Type 21 licenses in convenience stores is detrimental to the public health and safety, and results in potentially excessive calls for police service. This decision reflects a proactive approach to mitigating issues associated with alcohol availability in convenience stores and aligns with the City's broader efforts to support responsible alcohol sales and public safety.

Policy Directive

Effective August 27, 2025, this Memorandum establishes the Public Safety Department's position that an over-concentration of Type 21 licenses in convenience stores is detrimental to the public health and safety and results in potentially excessive calls for police service.

This policy does not affect the following:

- Type 21 license renewals for existing convenience stores with valid and active licenses prior to July 1, 2025;
- Type 20 (Off-Sale Beer & Wine) licenses; and
- Grocery stores, supermarkets, or other retail formats that do not meet the criteria of a convenience store.

The Zoning Administrator shall continue to review all PCN applications, including for Type 21 alcoholic beverage licenses consistent with Chapter 2-24 of the Zoning Ordinance, with consideration of the contents of this Memorandum. Applicants for PCN applications shall have all the notice and hearing rights provided by Chapter 2-24 of the Zoning Ordinance, and the decision-making body shall grant or deny the application based on evidence available and presented at the hearing.

Implementation

The Planning, Business License, and/or Public Safety review teams are responsible to ensure that any incoming PCN application for a Type 21 alcoholic beverage license at a convenience store is flagged and coordinated with the Public Safety Department for appropriate response and documentation during the review process. Staff shall inform applicants of this policy at the earliest stage of inquiry to prevent misallocation of time and resources. Applicants shall still be permitted to proceed through the application process, as no final PCN determination may be made except pursuant to Chapter 2-24 of the Zoning Ordinance. All decisions on PCN applications may be appealed as provided in the Zoning Ordinance.

Questions:

For clarification or further information, please contact the Planning Counter at planning@cityofirvine.org or at 949-724-6308.

cc: Irvine Public Safety Department
City Attorney's Office
City Manager's Office
Community Development Department, Business License Division
Community Development Department, Planning Division