



Police Department

August 6, 2020

Kerry Bigelow
City Clerk, City of Chula Vista
276 Fourth Avenue
Chula Vista, CA 91910

RE: Public Convenience and Necessity Hearing – Findings

The H Street Market, located at 645 H Street, is seeking permission to sell beer and wine for off-site consumption. The store has asked the Chula Vista Police Department to find that issuing a license would serve Public Convenience or Necessity (PCN) and to sign off on a PCN form required by the California Department of Alcoholic Beverage Control (ABC). This form is necessary for the business to obtain an ABC license, pursuant to California Business and Professions Code Section 23958.4(b)(2).

The Department has found that issuing an ABC license to the H Street Market will not serve Public Convenience or Necessity. The Department bases this finding on the following, pursuant to Chula Vista Municipal Code Chapter 5.09, Alcoholic Beverage Licenses, and Section 23958.4 of the California Business and Professions Code:

1. Another Alcoholic Beverage Control (ABC) license would cause the area to become over-concentrated. According to the ABC, the census tract in which the business is located allows for two licenses permitted in that area, and two currently exist.
2. Opinions from the public expressed during the public comment period and at the public hearing were mostly opposed to the issuance of the license. The Police Department received 11 phone calls from concerned citizens opposing the license, and one citizen supporting the license. In addition, three residents attended the hearing, and all were opposed to the license. Members of the public expressed the following concerns:
 - a. Over concentration of the alcohol licenses already in the area (two within the census tract and six within a 1-block radius);
 - b. Members of the homeless population would have easier access to alcohol, and could result in an increase in victimization, crime or disorder related to homelessness;
 - c. The license could increase the surrounding homeless population, in an area that is already congested with a homeless population;
 - d. An increase in alcohol related crimes; and
 - e. A decreased quality of life in the area.
3. According to Police Department data, the Police Department received 1801 General Disturbance calls within a .25 mile radius of 645 H Street between 6/1/19 – 5/31/20. Of those 1801 calls for service, 199 were directly related to alcohol (drunk in public and drunk driver) and 217 were transient related. These numbers represent the highest calls for service when compared to other similar areas throughout the City.

Based on the public concern, the over concentration of licenses and the high crime reported in the area, I do not believe H Street Market will serve Public Convenience or Necessity. The burden of proof is on the applicant to show their business serves a public convenience or necessity to the surrounding community. The applicant has not demonstrated that PCN would be served by the existence of the ABC license.

Therefore, the Department will not sign off on the Public Convenience or Necessity form (ABC-245) and the applicant will be notified.

If you have further questions, you may contact Sergeant Michael Varga at (619) 691-5059.

Sincerely,

A handwritten signature in cursive script that reads "Roxana Kennedy". The signature is written in black ink and is positioned to the right of the typed name.

Roxana Kennedy
Chief of Police