

SUBMITTAL TO THE BOARD OF SUPERVISORS  
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA

3053



FROM: TLMA - Planning Department

SUBMITTAL DATE:  
February 20, 2004

SUBJECT: Alcoholic Beverage Control License  
Determination of Public Convenience and Necessity (PNC-38)

CONTROVERSIAL ISSUES: None

RECOMMENDED MOTION: That the Board of Supervisors, based on the findings below, make a determination of Public Convenience and Necessity so that a new Type 21 general off-sale liquor license for full service supermarket to allow the sale of alcoholic beverages for off-site consumption only at 5740 Mission Avenue, Riverside, CA., 92509 (APN 181-020-004) in the Second Supervisorial District may be issued.

BACKGROUND: Following the civil unrest in the East Los Angeles area Government Code 23958.4 was enacted by the State Legislature. This section allows the State of California Department of Alcoholic Beverage Control (ABC) to deny an application for an ABC License if there is an "undue concentration of licenses". An "undue concentration" exists if it is deemed to be in a census tract where the ratio of on-sale or off-sale retail ABC licenses to population exceeds the ratio of on-sale or off-sale retail ABC licenses to population in the county in which the applicant's premises are allocated. A license may still be issued, however, if the local agency determines that the public use and necessity would be served by issuance of the license. The statute provides no definition or standard for determining "public necessity & convenience".

The Alcoholic Beverage Control Board has determined that an "undue concentration" exists for Census Tract 402.03 in the Jurupa West Village/Rubidoux area. The ABC has determined that a Public Convenience & Necessity" determination is required for the Supermarket located at 5740 Mission Avenue. The State Department of Alcoholic Beverage Control is requiring the

REVIEWED BY EXECUTIVE OFFICE

RCJ:ml

*James S. Smith*  
DATE: 2/23/04

*Robert C. Johnson*  
Robert C. Johnson  
Planning Director

Departmental Concurrence

- Dep't Recomm.:  Policy
- Per Exec. Ofc.:  Policy
- Consent
- Consent

Prev. Agn. Ref.

District: Second

Agenda Number:

applicant to obtain a determination of "Public Convenience and Necessity" from the county prior to granting the license pursuant to Government Code Section 23958.4.

The applicant has applied with the State Department of Alcoholic Beverage Control for a Type 21 General Off-sale Liquor License for a Full Service Supermarket. This type of license authorizes the sale of liquor for consumption off the premises where the liquor is sold. The applicant was authorized to construct tenant improvement by Mission Plaza Property LTD c/o Kodask, Inc. (owner) and operate a full service supermarket on the property. The original use for the subject property was a Glendale Federal Savings facility in existing shopping center approved by the Planning Department through Plot Plan 5548. The tenant will be converting a portion of the subject property with a revised plot plan subject to planning approval. Approval will also be subject to Section 18.48 and Section 18.12. On December 3, 2003, Plot Plan No. 01015, Revised No. 1 was submitted.

**FINDINGS:**

1. The issuance of a new ABC license for Type 21 General Off-Sale Liquor License for full service supermarket shall require Planning Department approval of a plot plan.
2. Per the attached radius map, One (1) school (West Riverside Elementary School and the Jurupa Unified School District Training and Support Center located at 3972 Riverview Drive), four (4) churches (New Hope World Fire Ministries located at 5754 Tilton Avenue, Church of God in Christ located at 5595 Molino Way Riverside Christian Center located at 5654 Mission Blvd., Praise Chapel located at 3838 Pontiac), one (1) library (The Louis Rubidoux Library located at 5763 Tilton Avenue) exist within a quarter mile of the subject premises.
4. Riverside County Sheriff's Department has not responded to any service calls involving the applicant's property over the past year because the property has been vacant.
3. The State Department of Alcohol Beverage Control is requesting a determination of "public necessity and convenience" for the new license because this license will exceed the allowed number of ABC licenses in Census Tract No. 402.03.
5. Planning Department approval of Plot Plan No. 01015, Revised No. 1, submitted on December 3, 2003, will be required.