

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

442 B



FROM: TLMA - Planning Department

SUBMITTAL DATE:
July 16, 2004


SUBJECT: Alcoholic Beverage Control License
Determination of Public Convenience and Necessity (PNC-41)

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 license to allow the sale of alcoholic beverages for off-site consumption only, at the intersection of Highway 371 and Highway 79, Riverside County Assessor's Parcels #583-180-015, 015, 583-343-035, 583-347-039, 583-340-010 in the Third Supervisorial District, may be issued. Furthermore, that the State Department of Alcoholic Beverage Control be directed to place a restriction of the license limiting it to off-site consumption only.

BACKGROUND: Following the civil unrest in the East Los Angeles area, the State Legislature enacted Government Code 23958.4. 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 premises are located. 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 Control Board has determined that an "undue concentration" exists for the Census Tract in which the applicant's establishment is located. A "public convenience and necessity" determination is required for the Lakeside Cafe at the intersection of Highway 371 and Highway 79. The State Department of Alcoholic Beverage control is requiring the 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 license (OFF SALE GENERAL). This type of license authorizes the sale of beer, wine, and distilled spirits for


Robert C. Johnson
Planning Director

RCJ:ar

REVIEWED BY EXECUTIVE OFFICE
[Signature]
DATE 7/22/04
Departmental Concurrence

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

Prev. Agn. Ref. | District: Third | Agenda Number:

**ATTACHMENTS FILED
WITH THE CLERK OF THE BOARD**

3.76

The Honorable Board of Supervisors
RE: Alcoholic Beverage Control License

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consumption off the premises where sold. The applicant was authorized by the Riverside County Planning Department to construct and operate a Grocery store on the property pursuant to Conditional Use Permit No. 01748R2 which was approved by the Board of Supervisors on March 25, 1997.

FINDINGS:

1. The issuance of a new ABC license on the property will not require additional Planning Department approvals.
2. The State Department of Alcoholic Beverage Control is requesting a determination of "public necessity and convenience" for the new license.