

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

502B



FROM: TLMA - Planning Department

SUBMITTAL DATE:
May 27, 2005

SUBJECT: Alcoholic Beverage Control License
Determination of Public Convenience and Necessity (PNC-46)

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, beer and wine only, for off-site consumption only, at the northerly side of the Interstate 10 Freeway/ Avenue 20 and easterly of Indian Avenue, Riverside County Assessor's Parcel Number: 660-370-023 in the Fifth 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 new ownership of the Shell Service Station at the northerly side of the Interstate 10 Freeway/Avenue 20 and easterly of Indian Avenue. 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 20 license

Robert C. Johnson
Planning Director

RCJ:kz

Departmental Concurrence

REVIEWED BY EXECUTIVE OFFICE

Sum P. Saifut
DATE 8/11/05

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

Prev. Agn. Ref.

District: Fifth

Agenda Number:

3.90

The Honorable Board of Supervisors
RE: Alcoholic Beverage Control License

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(OFF SALE BEER & WINE). This type of license authorizes the sale of beer and wine for consumption off the premises where sold. The applicant was authorized by the Riverside County Planning Department to extend the life of a conditional use permit for an existing convenience store with accessory storage area, gasoline sales, and alcohol sales for off-premise consumption on the property pursuant to Conditional Use Permit No. 3084, Revised Permit No. 2, which was approved by the Board of Supervisors on November 20, 2001.

FINDINGS:

1. The issuance of a new ABC license on the property will not require additional Planning Department approvals because an approved Revised Conditional Use Permit (CUP3084R2) was granted on November 20, 2001 and conditioned to only sell beer and wine for off premises consumption with appropriate operating hours. (Condition 10.Planning. 6 through 15)
2. The Sheriff's Department response, from Captain Craig Kilday, on this application for Public Convenience and Necessity responded by advising the applicant to have a County approved interior and exterior lighting and internal/external surveillance cameras and recording equipment at the subject site.
3. A radius map buffering 1,000 feet from the subject site was prepared by Riverside County Geographic Information Systems and concluded that no elementary school, secondary school district or any public entity operating a public park or playground is within 1,000 feet of the site.
4. The State Department of Alcoholic Beverage Control is requesting a determination of "public necessity and convenience" for the new license.