

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

203B



FROM: TLMA - Planning Department

SUBMITTAL DATE:  
August 7, 2006

SUBJECT: Alcoholic Beverage Control License  
Determination of Public Convenience and Necessity (PNC-51)

**CONTROVERSIAL ISSUES:** The Riverside County Board of Supervisor's made a Determination of Public Necessity and Convenience (PNC-47) on November 29, 2005 for a Stater Brothers grocery store located within the subject property approved under CUP 3385, which was for a retail commercial shopping center.

**RECOMMENDED MOTION:** That the Board of Supervisors, based on the findings below, make a determination of Public Convenience and Necessity so that another new license to allow the concurrent sale of motor vehicle fuels and beer and wine for off-premises consumption, at the northeast intersection of Benton Road and Winchester Road, Riverside County Assessor's Parcel Number: 963-060-027, in the Third Supervisorial District, may be issued for the "Shell" convenience store and motor vehicle fuel station. Furthermore, that the State Department of Alcoholic Beverage Control be directed to place a restriction of the license limiting it to beer and wine only for off-premises consumption.

**BACKGROUND:** In accordance with Government Code 23958.4 the State of California Department of Alcoholic Beverage Control (ABC) may 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 statue provides no definition or standard for determining "public necessity & convenience." The Alcoholic Control Board has determined that an "undue concentration" exists for the Census

Robert C. Johnson  
Planning Director

RCJ:ar/sn

REVIEWED BY EXECUTIVE OFFICE

DATE 8/10/06 AMJ

Departmental Concurrence

Policy

Policy

Consent

Consent

Dep't Recomm.:

Per Exec. Ofc.:

Prev. Agn. Ref.

District: Third

Agenda Number:

3 113

Tract in which the applicant's establishment is located. A "public convenience and necessity" determination is required for the new ownership of the Shell Convenience Store and motor vehicle fuel station at the northeast intersection of Benton Road and Winchester Road, Riverside County Assessor's Parcel Number: 963-060-027, in the Third Supervisorial District. The State Department of Alcoholic Beverage Control is requiring the applicant to obtain a determination of "Public Convenience and Necessity" from the County of Riverside prior to granting the license pursuant to Government Code Section 23958.4.8

**FINDINGS:**

1. The issuance of a new ABC license on the property will not require additional Planning Department approvals because an approved Conditional Use Permit (CUP03385) was granted on June 8, 2004 for the development of a service station with convenience market and car wash. (10.EVERY.11)
2. Conditional Use Permit No. 3385 was approved for the concurrent sale of motor vehicle fuel and beer and wine.
3. The Planning Department has concluded that the project is not located within 1,000 feet of an 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.
5. Currently eight alcohol and beverage control (ABC) licenses are allowed in Census Tract 0432.03; however eleven licenses have been issued. Approval of Public Convenience and Necessity No. 51 would increase the number of existing ABC licenses from eleven to twelve.
6. The following additional development standards, in addition to conditions required under CUP 3385, shall apply to the concurrent sale of motor vehicle fuels and beer and wine for off-premises consumption:
  - a) Only beer and wine may be sold.
  - b) The owner of the Shell Service Station with a convenience market and car wash located at the northeast corner of Benton Road and Winchester Road and the management at that location shall educate the public regarding driving under the influence of intoxicating beverages, minimum age for purchase and consumption of alcoholic beverages, driving with open containers and the penalty associated with violation of these laws. In addition, the owner and management shall provide health warnings about the consumption of alcoholic beverages. This educational requirement may be met by posting prominent signs, decals or brochures at points of purchase. In addition, the owner and management shall provide adequate training for all employees at the location as to these matters.
  - c) No displays of beer, wine or other alcoholic beverages shall be located within five feet of any building entrance or checkout counter.

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d) Cold beer or wine shall be sold from, or displayed in, the main, permanently affixed electrical coolers only.

e) No beer, wine or other alcoholic beverages advertising shall be located on gasoline islands; and no lighted advertising for beer, wine, or other alcoholic beverages shall be located on the exterior of buildings or within window areas.

f) Employees selling beer and wine between the hours of 10:00 p.m. and 2:00 a.m. shall be at least 21 years of age.

g) No sale of alcoholic beverages shall be made from a drive-in window.