

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

213B



FROM: TLMA - Planning Department

SUBMITTAL DATE:
October 17, 2006

SUBJECT: Alcoholic Beverage Control License
Determination of Public Convenience and Necessity (PNC-52)

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-premises consumption only, at the northeast intersection of Washington Street and Varner Road, Riverside County Assessor's Parcel Numbers: 748-390-024 and 748-390-025, in the Fourth Supervisorial District, may be issued for a Stater Brothers Grocery Store.

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 statute provides no definition or standard for determining "public necessity & convenience."

The Alcoholic Beverage Control Board (ABC) has determined that an "undue concentration" exists for the Census Tract 0452.06 in the Bermuda Dunes Zoning District. The ABC has determined that a "Public Convenience & Necessity" determination is required for a Stater Brothers Grocery Store located at 78206 Varner Road. The ABC is requiring the applicant to obtain a "Public Convenience and Necessity" from the County prior to granting the license to

Mark F. Balys for
Robert C. Johnson
Planning Director

RCJ:ar/sn

REVIEWED BY EXECUTIVE OFFICE

Departmental Concurrence

DATE 10/30/06

Policy

Consent

Dept's Recomm.:
Per Exec. Ofc.:

Prev. Agn. Ref.

District: Fourth

Agenda Number:

3.35

500P OCT 30 PM 5:15

Government Code Section 23958.4.

The application has applied with the ABC for a Type 21 General Off-Sale Liquor License for a Grocery Store. This type of license authorizes the sale of liquor for consumption off the premises where the liquor is sold. The applicant is the one of the new owners of the commercial pad, which the Planning Department approved under Plot Plan 18791 Revised Permit No. 1 (PP18791R1) on May 12, 2006.

FINDINGS:

1. The issuance of a new ABC license on the property will not require additional Planning Department approvals because an approved revised plot plan (PP18971R1) was granted on May 12, 2006 for the development of a shopping center with approximately 96,600 square feet of building area, and the planned grocery store was included in this approval and was envisioned to contain approximately 43, 887 square feet of building area.
2. The issuance of an ABC license for Type 21 General Off-Sale Liquor License will require no further action from the Riverside County Planning Department.
3. Per the attached radius map, 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 Riverside County Sheriff's Department commented in writing on the letter dated 10/3/06; the Sheriff's Department did respond to the original plot plan (PP18791) dated September 25, 2003 which addressed concerns to the pre-construction and construction phases.
5. The State Department of Alcoholic Beverage Control is requesting a determination of "public necessity and convenience" for the new license.
6. Currently eleven alcohol and beverage control (ABC) licenses are allowed in Census Tract 0452.06. Approval of Public Convenience and Necessity No. 52 would increase the number of existing ABC licenses from eleven to twelve.

COUNTY OF RIVERSIDE
TRANSPORTATION AND LAND MANAGEMENT AGENCY
Planning Department
 Robert C. Johnson Planning Director

**APPLICATION FOR DETERMINATION OF PUBLIC
 NECESSITY & CONVENIENCE**

In accordance with the Business and Professions Code, Section 23958.4, the State of California Department of Alcoholic Beverage Control (ABC) has been granted the authority to deny an application for an ABC License if there is "undue concentration of licenses." An "undue concentration" exists if the site for the license 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 (Riverside County Board of Supervisors) determines that the public use and necessity would be served by issuance of the license.

PNC#52

INCOMPLETE APPLICATIONS WILL NOT BE ACCEPTED

CASE NUMBER: HR01609 DATE SUBMITTED: 7/6/06

APPLICATION INFORMATION

Applicant's Name: STATER BROS. MARKETS

Mailing Address: P.O. Box 150
COLTON CALIFORNIA 92324
City State ZIP

Daytime Phone No: (909) 783-5005 Fax No: (909) 424-5364

Engineer/Representative's Name: MICHAEL R. ANTON, AIA E-Mail: Michael.Antone@staterbros.com

Mailing Address: P.O. Box 150
COLTON CALIFORNIA 92324
City State ZIP

Daytime Phone No: (909) 783-5005 Fax No: (909) 783-5005

Property Owner's Name: W&V MARKETPLACE, LLC (BY RINKER COMPANY, MGR. E-Mail: _____

Mailing Address: 949 So. COAST DRIVE, SUITE 500
COSTA MESA CALIFORNIA 92626
City State ZIP

Daytime Phone No: (714) 979-8300 Fax No: (714) 979-3327

If the property is owned by more than one person, attach a separate page that reference the application case number and lists the names, mailing addresses, and phone numbers of all persons having an interest in the real property or properties involved in this application.

APPLICATION FOR DETERMINATION OF PUBLIC NECESSITY & CONVENIENCE

PROJECT INFORMATION

Proposal (Describe Project/Ordinance No. 348 Reference No.):

NEW GROCERY SUPERMARKET FACILITY WITH TAKE-OUT ONLY FULL SERVICE DELI/BAKERY,
IN-STORE PHARMACY, FULL SERVICE FRESH MEATS AND SEAFOOD.

Related cases or underlying case: PP18791R1

PROPERTY INFORMATION

Assessor's Parcel Number(s): 748-390-024 and 748-390-025

Section: PARTION SW 1/4 SEC 6 Township: 55 Range: 7E

Approximate Gross Acreage: 9.90 ACRES (SITE); SBM BUILDING ≈ 1.03 ACRES (44,784 sq. ft.)

General location (street address, cross streets, etc.): North of VARNER ROAD, South of DEERBROOK CIRCLE, East of WASHINGTON STREET, West of MANDRGATE ROAD

Thomas Brothers map, edition year, page number, and coordinates: 2000 EDITION OF SAN BERNARDINO/RIVERSIDE COUNTIES, RIVERSIDE Co., PG 899, F-2

The Planning Department will primarily direct communications regarding this application to the person identified above as the Applicant. The Applicant may be the property owner, representative, or other assigned agent.

AUTHORIZATION FOR CONCURRENT FEE TRANSFER

The signature below authorizes the Planning Department and TLMA to expedite the refund and billing process by transferring monies among concurrent applications to cover processing costs as necessary. Fees collected in excess of the actual cost of providing specific services will be refunded. If additional funds are needed to complete the processing of your application, you will be billed, and processing of the application will cease until the outstanding balance is paid and sufficient funds are available to continue the processing of the application. The applicant understands the deposit fee process as described above, and that there will be NO refund of fees which have been expended as part of the application review or other related activities or services, even if the application is withdrawn or the application is ultimately denied.

All signatures must be originals ("wet-signed"). Photocopies of signatures are not acceptable.

MICHAEL R. ANTÓN
PRINTED NAME OF APPLICANT

[Signature]
SIGNATURE OF APPLICANT

AUTHORITY FOR THIS APPLICATION IS HEREBY GIVEN:

APPLICATION FOR DETERMINATION OF PUBLIC NECESSITY & CONVENIENCE

I certify that I am/we are the record owner(s) or authorized agent and that the information filed is true and correct to the best of my knowledge. (Authorized agent must submit a letter from the owner(s) indicating authority to sign in the owner's behalf. All signatures must be original ["wet-signed"]. Photocopies of signatures are unacceptable). Use additional sheets as necessary.

All signatures must be originals ("wet-signed"). Photocopies of signatures are not acceptable.

W+V MARKET PLACE, LLC
BY RINKER COMPANY, MANAGER
PRINTED NAME OF PROPERTY OWNER(S)

Donald Humber, V.P.
SIGNATURE OF PROPERTY OWNER(S)

PRINTED NAME OF PROPERTY OWNER(S)

SIGNATURE OF PROPERTY OWNER(S)

If the subject property is owned by persons who have not signed as owners above, attach a separate sheet that references the application case number and lists the printed names and signatures of all persons having an interest in the property.

- THE DETERMINATION OF PUBLIC NECESSITY & CONVENIENCE FILING PACKAGE MUST CONSIST OF THE FOLLOWING:
1. One completed and signed application form.
 2. One copy of the current legal description for each property involved. Preferably a copy of a grant deed of each property involved, if available.
 3. Applicable deposit-based fees.

From: Mark Barfknecht
To: Benitez, Brenda
Date: 10/3/2006 4:49:47 PM
Subject: Public Necessity and Convenience No. 52

The Riverside Sheriff's Department has no additional conditions to add before this project is approved.

Lt. Mark Barfknecht
Riverside Sheriff, Indio Station
760-863-8276
Fax 760-863-8955

760-863-8277 EXHIBIT NO. E-2
PP CASE NO. 18791

