

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

303B



FROM: TLMA - Planning Department

SUBMITTAL DATE: March 22, 2007

SUBJECT:


Alcoholic Beverage Control License
Determination of Public Convenience and Necessity (PNC-54)

CONTROVERSIAL ISSUES: NONE

RECOMMENDED MOTION: That the Board of Supervisors, based on the findings below, will make a determination of Public Convenience and Necessity so that a new Type 20 off-sale beer and wine license for a Gas and Convenience Store may be issued. The Type 20 license would allow the sale of beer and wine for off-site consumption at 23905 Catt Road, Wildomar, CA 91301 (APN 380-240-023) in the First Supervisorial District. The site currently holds a Type 21 off-sale general license.

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 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 Census Tract 0432.25 in the Rancho California area. The ABC has determined that a "Public Convenience and Necessity" determination is required for the Gas and Convenience Store located at 23905 Catt Road. The State Department of Alcoholic


Ron Goldman, Planning Director

RG:sa

REVIEWED BY EXECUTIVE OFFICE

DATE 4/16/07

Department Recommendation: Policy Consent
Per Executive Office: Review Consent

Prev. Agn. Ref.

Dist.

AGENDA NO.

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

3.35

The Honorable Board of Supervisors

RE:

March 22, 2007

Page 2 of 3

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 Off-sale Beer and Wine License for a Gas Station and Convenience Store. This type of license authorizes the sale of beer and wine for consumption off the premises where the alcohol is sold. The applicant is the new owner of the existing Gas and Convenience Store. The previous owners held a Type 21, General Off-Sale Liquor License and has Planning Department approval under CUP03285.

The Honorable Board of Supervisors

RE:

March 22, 2007

Page 3 of 3

FINDINGS

1. The issuance of a new ABC license for Type 20 Beer and Wine License will not require any further action from the Riverside County Planning Department because this is a down grade from an existing ABC license and the facility has Planning Department approval under CUP03285 dated May 23, 2000.
2. Per the attached radius map, no schools or other public facilities exist within a quarter mile of the subject premises.
3. Attached is a copy of the Temecula Police Department's letter of response indicating no objection to the license down grade. No comment from the Riverside County Sheriff.
4. 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. 432.25.